

Guerra & Public Safety Under Fire After Resident Hospitalized in an Arrest

Attorney Alleges a Savage Beating; Demonstration Planned Next Saturday

by Dick Lutz

A 20-year-old Islander who was hospitalized with a punctured lung after an arrest, during which Public Safety officers allegedly beat him and inflicted that and other injuries, has hired a lawyer and is suing the Roosevelt Island Operating Corporation (RIOC).

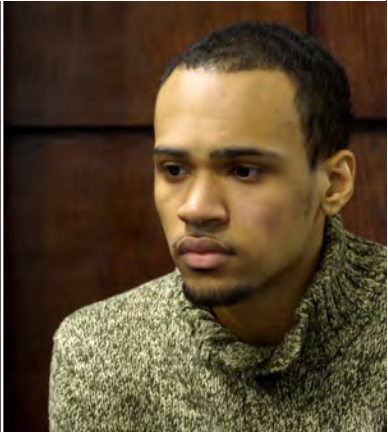
The January 13 incident has led to calls for Public Safety Director Keith Guerra to be fired for creating a culture of overly aggressive enforcement and intimidation, especially with Island youth. (Story, this page, and related stories, pages 10 and 11.)

The case has been referred to the New York State Inspector General for investigation, according to RIOC Board member and Operations Committee Chair Michael Shinozaki.

As described by Michael S. Lamonsoff, the lawyer hired by Roosevelt Landings resident Anthony Jones and his mother, Monica Vega, “My client, while lawfully visiting a friend at his apartment building, was rushed by a Public Safety security officer [separately identified as Special Peace Officer Ralph Torrens] ... He was handcuffed by them [Torrens was allegedly assisted by Special Peace Officer Frensheria Michael], he was maced, he was beaten, he was kicked, he was punched, he was slammed to the ground, and subdued while in handcuffs. They took him to the detention center on Roosevelt Island, where his

Attorney Michael S. Lamonsoff (at podium) as he held a press conference last week to announce filing a suit against RIOC and Public Safety in the arrest, injury, and detention of Island resident Anthony Jones (seated). Lamonsoff also represents Jones’ mother, Monica Vega (standing).

Below, Public Safety Director Keith Guerra as he spoke to a community meeting two years ago, and Jones, listening as his mother spoke at last week’s press conference.



physical condition began to deteriorate. He was coughing up blood... and obviously hemorrhaging from his lungs... He came very close to dying in the hospital.”

Lamonsoff’s January 30 press conference drew local media, and the story was reported on local newscasts and in the *Daily News*.

Trespassing was originally given as the cause for the Jones arrest, with resisting arrest added, though Lamonsoff said Jones complied with all the officers’ commands after initially running away, then reportedly deciding to stop running because he felt he had done nothing wrong. The Manhattan District

Attorney’s office refused to prosecute the case, and the charges were dropped.

According to Lamonsoff and Jones’ mother, Monica Vega, Jones



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was held at Mt. Sinai Hospital in Manhattan (after a transfer, and after being misdiagnosed at Mt. Sinai, Queens, as having pneumonia) under 24/7 PSD guard, cuffed to his bed, for seven days.

“They wouldn’t let me see him for four days,” Vega said in a tearful rendering of the incident at the press conference. She described looking at her son, “covered in blood,” from the door of his hospital room, then demanding that he be bathed and his sheets changed. “He had an odor,” she said.

In last week’s press conference, Jones’ attorney turned from Jones’ specific case to a general allegation about Public Safety: “What happened to Anthony Jones on Roosevelt Island is not an isolated incident. This has been going on for years. The Roosevelt Island security force has very similar

responsibilities and duties, and can take similar actions as the NYPD... However [in the case of Roosevelt Island], there is no accountability for their actions and excesses and abuses. NYPD has the Internal Affairs Bureau, the Citizens Community Review Board (CCRB), [but] Roosevelt Island doesn’t have any of that. In fact, in order to make a complaint against the security officers, you have to go to the security officers themselves and make a complaint against them, which is an extremely intimidating action for those who have been abused by the security officers.

“What’s happening on Roosevelt Island is very simple: The police are not being policed.”

Lamonsoff continued, “In many actions that happened over the years, it appears that they are

See **Public Safety**, page 6

RIRA Common Council Endorses Demonstration, Asks Guerra’s Removal

by Alex Marshall

Representatives from every residential building on Roosevelt Island have endorsed a public demonstration next Saturday at noon in Good Shepherd Plaza, as well as a call for removal of Public Safety Director Keith Guerra and his deputy, René Bryan, along with other PSD officers. “The rot starts at the top,” said Ike Nahem, one of many residents who also attended the meeting.

The Roosevelt Island Residents Association (RIRA) Common Council meeting, held Wednesday night, heard emotional testimony alleging a pattern of violent behavior on the part of Public Safety officers. Erin Feely-Nahem, Chair of RIRA’s Public Safety Committee, told members that years of complaints to PSD, Chief Guerra, and the Roosevelt Island Operating Corporation (RIOC) have produced no results, and have only reinforced what she characterized as a culture of overreaction to minor infractions such as trespassing, followed by denial of the overreaction. Feely-Nahem read letters to Governor Andrew Cuomo and State Senator José Serrano, demanding that RIOC be ordered to fire the PSD top command and other officers accused of violent behavior.

The Council endorsed the letters unanimously.

See **RIRA**, page 7

Briefly...

Dr. Salvatore Ferrera resigned as Executive Director of The Child School/Legacy High School on Wednesday, after the school failed a Department of Education audit. He has also resigned from his seat on the Board of Directors of the Roosevelt Island Operating Corporation. Ferrera was appointed to the RIOC Board in June 2011, replacing Jonathan Kalkin, who had been nominated to the seat in a community-wide election. The governor put Ferrera on the RIOC Board at the request of State Senator Marty Golden of Brooklyn, whose wife has worked at the school. Golden’s child has attended the school, as well. Chief Financial Officer Curtis Newman will assume Ferrera’s duties. In the past week, a significant number of budget-related layoffs have also occurred at the school.

Cornell Plan Moves to City Planning Commission; Residents Press a Demand for Barging Over Trucking

by David Stone

In a hearing held by the City Planning Commission (CPC) on Wednesday (February 6), Cornell Tech’s plans to build a new campus entered the fourth phase in the City-mandated land use approval process known as ULURP. CPC’s review is critical because it’s the first during which proposals can actually be rejected, effectively putting an end to the project. Previous reviews by Community Board 8 (CB8) and the Manhattan Borough President were important, but only advisory.

While outright disapproval is not likely here or at any future point, approval with modifications is a real possibility, based on comments from commission members at the hearing and concerns raised earlier in the ULURP process.

Issues considered during the session covered ground already well trodden. A well-prepared Roosevelt Island Community Coalition (RICC) fielded an organized line of resistance to elements of the Cornell plan. New issues were not raised, but those already existing were hewn into sharper, more detailed talking points.

Freshly emboldened by agreements struck as the ULURP worked its way through CB8 and Borough President Scott Stringer’s office, the coalition is committed to preventing the concerns and interests of local residents and businesses from being overwhelmed by the enthusiasm generated over this high-profile project.

Acknowledging the benefits of Cornell’s project in job creation for the City, RICC’s leadership said in an internal working document, “We are more urgently interested in the survival of our community.”

While CB8 and Stringer recommended approval of Cornell’s application, both did so with specific conditions. Most were related to objections detailed by RICC. A major concern successfully raised by the coalition is the ramifications of a heavy dependence on trucking during construction. This covers multiple issues: transport of hazardous waste, Main Street congestion, safety, health, quality of life, and the impact on Island infrastructure, particularly the vulnerable helix that carries all traffic to and from the Roosevelt

See **Cornell**, page 12



Members of the Roosevelt Island Community Coalition, which has been representing three dozen Island organizations in discussions with Cornell, testified Wednesday as the City Planning Commission undertook consideration of the university’s plan to build a tech campus on the City property now occupied by Goldwater Hospital.

Mircea Nicolescu

The Editorial Page

No Rush to Judgment

It’s important, in the current case involving the Public Safety Department, not to rush to judgment – to realize that PSD and its personnel deserve the presumption of innocence that we expect the justice system to provide to those whom they arrest.

Yet, it is also important to understand that, once PSD takes someone into custody, PSD is responsible for that person and his physical well-being. And the damages to Anthony Jones are a matter of medical record, including broken ribs and a punctured lung. But let’s not rush to judgment.

It’s a shame that “procedure” calls for RIOC and PSD to go silent at the first sign of “pending litigation.” It means that this newspaper’s accounts of the Jones arrest, the beating, the bogus charges that were dropped, the treatment of his mother, the attempts at intimidation, and the wasteful 24/7 guard during a week-long hospitalization-in-handcuffs... it means that’s all unavoidably one-sided. The plaintiff’s attorney gets a blank slate, unopposed, to accuse and condemn with the practiced vocabulary of the outraged defender of the people whose promotional literature boasts of multi-million-dollar awards. It looks bad for RIOC and PSD. But let’s not rush to judgment.

Perhaps it’s good that this case brings out youth, parents, and adults who feel they’ve been mistreated by Public Safety officers, but have held back in their public utterances because they fear further consequences at the hands of PSD – an extended rap sheet that could maim their futures for the kind of offenses for which today’s adults, when children, were grounded for a day or two. But let’s not rush to judgment.

Guessing based on the initial trickle of complaints heard at meetings the past two weeks

(see two of the stories, page 11), there may be much more to be heard at the rally planned for next Saturday – more residents who, using Lynne Shinozaki’s “reasonable person” test (see page 10), think they’ve been the victims of overdone enforcement that has been inadequately managed or given excessive license. But let’s not rush to judgment.

And it’s understandable that an older, overweight Public Safety officer can become very angry when a fleet-footed youngster runs from him and he must give chase, knowing that he’s being taunted and perhaps even worried that the kid might be armed. There must be a great temptation to judge and punish on the spot. Fortunately, they are trained to control temper. And let’s not rush to judgment.

Instead, let’s ask all the obvious questions. Is a Public Safety Department that asks for officers to be armed with tasers the right fit for Roosevelt Island? How much did we spend for pepper spray in 2012, and was every use really justified? Is there a better way to provide the safety and security an isolated Island needs?

Let’s not rush to judgment. Let’s leave that to the CCRB – the Civilian Complaint Review Board that reviews alleged offenses by... Oh, wait. We don’t have one of those. What we do have is the lack of a firm hand at the top of RIOC – missing since Steve Shane was fired almost three years ago – and missing because the current head of RIOC is merely an acting president, making PSD Chief Keith Guerra the de facto ranking administrator here, unrestrained and unanswerable.

Unanswerable, except now, potentially, in a court of law.

But let’s not rush to judgment.

DL

Letters

To the Editor:

The latest incident of a young man being sent to the hospital by the Public Safety Department with a broken rib and a punctured lung presumably for trespassing tells us that we have to stop PSD before there is an even more tragic outcome for one of our residents.

I am personally aware of five cases of unwarranted abusive behavior towards residents by PSD in the last three years – some during traffic stops, some for sports field issues, some for simply being a teenager – all of them involving what can only be described as justifiable or benign behavior on the part of a resident.

In my 36 years as a resident, I have never experienced nor heard of the kind and frequency of abuse from PSD that we are hearing about now. My two sons grew up on Roosevelt Island. My daughter-in-law and one of my sons now live here with their two teen-age sons. All these years, I have felt extremely comfortable living on Roosevelt Island. Lately, however, I have begun to feel differently about everyday life here on the Island. There is a growing sense that PSD still does not know how to integrate itself into a community such as ours. Residents have begun to feel intimidated by its presence rather than comforted.

Two years ago, PSD held a meeting in the Church during which Chief Guerra told the audience what his force has the right to do to us, rather than what Island residents have a right to expect of it. Something is very wrong here. The latest outrageous and frightening incident points to something deeper than the incidents by themselves. It points to the need for a hard look at PSD’s role on Roosevelt Island and the way in which it carries out its duties.

PSD’s abusive behavior hurts all of us. It’s time for new leadership at PSD.

David Enock

To the Editor:

Thanks. I just received my copy of *The Roosevelt Island Survival Kit*.

For someone who is not familiar with Roosevelt Island, should they glance at the back panel, what might they think of our little Island when they see all the emergency numbers that we seem to be in need of? Are we an Island of people who need to anonymously call to report crimes or child abuse? Do we hear domestic violence coming from our neighbor’s apartment? Is there a lot of drug and gang activity afoot? Which should I call first, the suicide hotline, or the poison control number? Are our youth truly in crisis? And which is more frightening – the Terrorist Hotline or RIOC?

I am sure I must be naïve, but I like to think that Roosevelt Island is a nicer place, with a new park at our southern tip and a brand new ice cream parlor right in the middle of Main Street.

It doesn’t get any more wholesome than this.

Neal Weissman

To the Editor:

In June 2008, I wrote to *The WIRE* about what Public Safety officer Hernandez said to me regarding my child, then 13. “If we would’ve caught him, he would’ve gotten hurt for running from us.”

Now, five years later, Sgt. Hernandez has delivered on that promise. But not on my son. My regular prayers – that my boys would come home each night without having been harrassed by Public Safety – were answered. But not those of another parent. A young man, running from the PSD officers that Chief Keith Guerra has taught kids to fear, asked himself, *Why am I running? I did nothing wrong*. He stopped. For this, he was beaten (by two other officers) to within an inch of his life, hospitalized with broken teeth and ribs, and a punctured lung. The charges? Bogus charges of trespassing, which were dropped.

That is a pattern. Since my complaint about Sgt. Hernandez five years ago, my boys have been harrassed constantly by PSD officers, walking up and asking for ID, then arresting them for “trespassing” or “disorderly conduct,” and, if they protest, “resisting arrest.” Such arrests would involve a “perp walk” along Main Street so that neighbors would automatically assume they had done something wrong. But, out of all the times my boys were put through the system, they were never charged with a crime.

But punishment for these fraudulent actions by Public Safety comes, anyway. My oldest son applied twice for a RIOC summer job, to clean the parks and paint poles. Despite having experience, he was not hired because of the issues with PSD.

Although his officers are the ones on the streets harassing and arresting residents for doing normal things like standing around talking to friends, climbing trees, and riding skateboards, it’s Chief Guerra who’s responsible for their training and their attitude. It’s Chief Guerra’s choice to lie, defend, and cover up the actions of his officers. Well, Mr. Guerra, mark the date [of the Anthony Jones incident] on your calendar: January 13, 2013. I will no longer be quiet, and other voices will join mine. Now, we will not shut up until you are gone, along with your brand of “law enforcement,” better described as brutal bullying.

I ask all the residents of Roosevelt Island to stand up for justice for the Jones family and all our families. Let’s work on getting our Island back to the once peaceful place it was.

If you would like to file a complaint against a Public Safety officer, please call the Inspector General at 800-367-4447.

Makeva Francis

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Krystyn Donnelley and students of Legacy High School;
Andrey Ganeev and students from the PS/IS 217 Beacon Program

Letters Policy

The WIRE welcomes letters of local interest to the community, and to/from officials. Requests for a Name Withheld signature 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. Submit letters by email text (or as an attached MS-Word or WordPerfect file) to MainStreetWiRE@usa.net or on a disk left at the lobby desk at 531 Main Street, addressed to The WIRE. If you email, expect a confirming response and, if you receive none, resend and call 212-826-9056 to alert us. Alternatives: Typed copy left at 531 Main Street; allow extra time for typesetting. Clearly handwritten letters will be considered, if brief. We are not able to take telephone dictation of letters. All letters are subject to acceptance and editing for length and clarity. Recommended maximum length, 350 words; longer letters will be considered if their content, in the judgment of the editors, merits the required space.



COMING UP

— This Weekend —

No direct F train from Manhattan to Roosevelt Island this weekend, **Fri Feb 8** 9:45pm through **Mon Feb 11** 5am.
Death by Chocolate and more, **Sat Feb 9** 10am-3pm, Church of the Good Shepherd.
Island Shakespeare production of *Measure for Measure* closes this weekend with performances **Sat-Sun Feb 9-10** 8pm, Good Shepherd Center. Tickets **866-811-4111** or online at tinyurl.com/m4mRI. \$15 adults, \$10 students.

— The Next Two Weeks —

Registration for SAT Prep Course, weekdays, PS/IS 217.
Story Songs with Bob-a-Loo and his flute and drums (ages 5-12), **Mon Feb 11** 4pm, Library.
RI Business Networking Group meets, **Tue Feb 12** 7:30am, Riverwalk Bar & Grill. Info: **917-445-7876** or djeffries2@nyc.rr.com.
Lecture by Kathleen Hulser, *The Uppity Women of Downtown New York*, **Tue Feb 12** 6:30pm, Library.
Valentine's Day Craft, making picture frames (children ages 4-up), **Thu Feb 14** 4pm, Library. Materials provided. Space limited, first-come first-served.
Rally and Demonstration about Public Safety, **Sat Feb 16**, 12noon-2pm, Good Shepherd Plaza. Sponsored by the Residents Association.
Korean Lunar New Year Celebration, **Sat Feb 16** 5pm, Senior Center. Food, entertainment; all welcome. \$10 (RISA members \$5). RSVP to **212-759-4520**, leaving name & phone number.
Book discussion: Cloud Atlas by David Mitchel, **Thu Feb 21** 6:30pm, Library.

The Main Street WIRE— next issue **Sat Feb 23**. **Advertising deadlines:** Display ads, **Wed Feb 13**; decision date for circulars/inserts, **Tue Feb 19**; 5,500 copies due **Thu Feb 21**. **Future issues:** Mar 9, 23; Apr 6, 20; May 4, 18; Jun 1, 15, 29; one July issue, date to be announced; Aug 31; Sep 14, 28; Oct 12, 26; Nov 9, 23; Dec 14.
News phone, 212-826-9056; urgent matters, 917-617-0449. Email press releases or feature-story suggestions to MainStreetWIRE@usa.net. **Advertising** (display & classified): **917-587-3278**.

Roosevelt Island Day Nursery Open House, **Sun Feb 24** 10am-12noon, 4 River Rd. and 405 Main St. (Ad, page 9.) Additional open houses **Tue Feb 26** and **Thu Feb 28**; see **Future Weeks** listings.

— Continuing —

Islander Regina Rose Malone exhibits works of art with Charlene Foster in *The Cutting Edge*, **Tue-Sat** 10am-5pm, **Sun** 12-5pm, Racine Art Museum, Racine, Wisconsin. Through February 17.
Zumba, **Sat** 10-11am, Sportspark.
Wheelchair Basketball, **Sat** 10am-1pm, Sportspark.
Afrocentricity, Black History Month Fine Art Exhibit, Gallery RIVAA, 527 Main St. Gallery hours **Sat & Sun** 11am-5pm, **Tue & Thu** 1-5pm, **Wed & Fri** 6-9pm. Through Feb 24.
Art Classes taught by members of the Roosevelt Island Visual Art Association (RIVAA), **Sat** 11am-2pm, Sportspark. Free.
Swimming at Sportspark, **Sat-Sun** 12-3pm, **Mon-Fri** 6-10am, **Mon Wed Thu Fri** 7:30-10:30pm. **Adults** (18-up) **Sat-Sun** 4-7pm, **Tue** 7:30-10:30pm. Adults \$5, ages 4-17 \$3, free for seniors 60+ and infants 3 and under. Schedule of classes and activities at nyc10044.com/z/0j.
Open-Rec Basketball, **Sat** 2-5pm, Sportspark. All ages; free.
Baby Story Time, stories for ages 0-18 months, **Mon** 10:30am, Library. Registration required; first come, first served.
Lunch at the Senior Center, **Mon-Fri** noon, 546 Main St. \$1.50. Menus outside the social worker's office.
RIOC's Community Office Hours, **Mon** 3-5pm, 591 Main St.
Martial Arts for 6-8 yrs old, **Mon & Wed** 6:30-7:30pm, PS/IS 217.
Zumba, **Mon** 6:30-7:30pm, Sportspark.
Adult Salsa, **Mon** 7-8pm, PS/IS 217.
Martial Arts for 9-15 yrs old, **Mon & Wed** 7:30-8:30pm, PS/IS 217.
Toastmasters, 2nd and 4th **Mon** 7:30pm. Info: **212-751-9577**.
Adult Basketball, **Mon-Thu** 8-10pm, PS/IS 217.
Islander Essie D. Owens exhibits artwork with the Lake Worth Art League, Lake Worth FL, **Tue-Sat** 10am-4pm. Through Mar 14.
Living Library After-School Program, **Tue-Thu** 3-6pm, PS/IS 217 Beacon. Open to all. Info: **347-724-5529**.
Games (kids 5-12), **Tue** 4pm, Library.
Quickstart Tennis for ages 4-10 at the Roosevelt Island Racquet Club has added **Sun** classes, 10:30-11:30am and 11:30am-12:30pm. Classes continue **Tue & Thu** 4-5pm & 5-6pm. Registration open. Info: **212-935-4049** #5. (Ad, page 5.)
Ping Pong: Open Play, **Tue & Fri** 6-9pm, Sportspark. **Class**, **Wed** 6-9pm, Sportspark. All ages; free.
Sci-Fi Discussion Group, first **Tue** of each month 6:30pm, Library.
Adult Yoga, **Tue** 7-8pm, PS/IS 217.
114th Precinct Community Meeting, **4th Tue**, 7pm, Riccardo's By the Bridge, 2101 24th Av., Astoria.
Toddler Story Time (ages 18-36 months), **Wed** 11am, Library. Registration required.
Constituent Service Hours for State Senator Jose Serrano and/or staff first **Wed** of each month 4-7pm, RIOC offices, 591 Main St.
Four Freedoms Park open **Thu-Sun** 9am-5pm. (Schedule to be expanded in the future.)
Island Kids Baby & Parents Group, **Thu** 10-11am, 536 Main St (in the courtyard behind 540 Main St). Free; drop-ins welcome. Through

See **ComingUp**, page 4

Alleged PSD Beating

The events of this past week have highlighted community concerns about the interaction of the Roosevelt Island Public Safety Department and the community. A report that a young man, Anthony Jones, was chased, maced, and beaten by a Public Safety officer set off a firestorm of activity. RIOC has asked the New York State Inspector General to look into the incident. My heart goes out to Anthony and his family. I hope we get answers fast. At a recent RIOC Operations Committee meeting, more than 25 residents showed up to vent about incidents in which they felt Public Safety officers were excessively aggressive or unreasonable when dealing with them or their children. The RIRA Public Safety Committee is working on multiple responses to the Jones incident. The committee sees it as the straw that is breaking our back. The longer-range issue is a perception by many in the community that Public Safety has a consistent pattern of aggressive and intimidating behavior when interacting with Island residents.

Facebook Page and More

A committee member set up a Facebook page, "Roosevelt Island Citizens Blotter." The page encourages people to tell their experiences with Public Safety — both good and bad stories accepted. If there is a pervasive problem, more people need to come forward, to document the numbers being affected. The committee also composed letters to Governor Andrew Cuomo and State Senator Jose Serrano, a resolution protesting Public Safety's relationship to the community, and a motion to sponsor a demonstration. All were approved unanimously at the Common Council meeting on Wednesday night, after many community members spoke out about distressing encounters with Public Safety. [Story, page 1.]

Demonstration

The demonstration is scheduled for next Saturday, February 16, in Good Shepherd Plaza. Watch for flyers and posters.

In addition, a petition is being developed.

Civilian Complaints

RIRA has been addressing the way that Public Safety works with our community for at least four years. When I was RIRA Vice President, Erin Feely-Nahem, chair of the RIRA Public Safety Committee, and I discussed issues of aggressive policing with Public Safety Director Keith Guerra. We felt frustrated that the attitudes and behaviors didn't change. RIRA held a ballot referendum in the 2008 election requesting that a civilian review board be set up to monitor Public Safety operations. I explored the possibility of setting one up on Roosevelt Island, but we determined that it

The RIRA Column



Ellen Polivy, President
Roosevelt Island Residents Association
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was not feasible for cost and administrative reasons. In 2010, our State Assemblymember, Micah Kellner, sponsored a bill to create a New York State Civilian Complaint Review Board, but it didn't come up for a vote. He co-sponsored a similar bill this year; Bill A00956 creates a New York State Civilian Complaint Review Board and extends it to peace officers. If you would like to read the entire bill, email RIRAPresident@gmail.com and ask for a copy. Then write your State Assemblymember to support him.

Are our Public Safety officers trained to exercise restraint when provoked, and to exercise caution without overreaction, given the possibility that a person might be armed? When young people get arrest records, it affects job prospects and their future. Is that what we want for our children? Roosevelt Island is a community where people feel safe. But if this is a safe community, why do we have a Public Safety department that is alienating community members?

Rules for Living Here?

Is it against the law for a group of young people to congregate? Where can they stand? Can they be in Blackwell Park after dark? Meditation Steps? Lighthouse Park? Who sets the rules? Can we change the rules? Roosevelt Islanders think of the entire Island as their home. And these places are our living rooms. If there are rules, they should be posted and widely distributed. We should be able to change them if possible.

I recently learned about the Trespass Affidavit Program (TAP), which fast-tracks arrests in any building that signs up for it. Sponsored by the New York District Attorney's Office, TAP gives building management a way to provide an extra measure of safety from drug dealers and gangs intimidating tenants. It exists in Island House, Westview, Manhattan Park, and Roosevelt Landings. It affects how Public Safety is required to operate in those buildings. To find out more about the program, I decided to ask some doorkeepers in those buildings. None of the three I spoke with had even heard about the program. Apparently, landlords sign up for it, but don't bother to tell their tenants or to post the required signs.

Why is it such a well-kept secret if there are rules that people are expected to follow? At Wednesday night's Common Council meeting, I invited Linda See **RIRA Column**, page 14

The WIRE publishes The RIOC Column, The RIRA Column, and The Cornell Column as a service to RIOC, RIRA, Cornell, and the community, and does not control or censor them.

I encourage you to review the January edition of RIOC's newsletter, *Island News*, available at rioc.ny.gov/pdf/IslandNewsJan13.pdf. It includes a profile of RIOC's Transportation General Manager Cy Opperman, a look at the eventful first few months of Four Freedoms Park, and updates on RIOC's latest construction and maintenance projects.

Tram Thrives in 2012

Last year marked the second full year since our Tramway modernization project was completed. For the second consecutive year, a record number of people rode the state-of-the-art Tram. The total ridership for 2012 was 2,358,818, nearly a quarter of a million more riders than in 2011 and an average of more than 6,400 riders per day.

The Tram is not only an iconic symbol on the New York City skyline, it is an inspiration for leaders from around the world looking to bring similar innovative technology to their communities. Just this past week, we proudly hosted a visitor from the Haitian Embassy who was interested in exploring the Tram.

As you likely know, earlier this week a Tram worker from Leitner-Poma of America injured his leg while performing routine inspection and maintenance. We are happy to report that we understand the injuries sustained were relatively minor. We would like to thank all of those involved for handling the situation in commendable fashion. We note that the inspection work was part of the diligent efforts of Leitner-POMA and RIOC to ensure that the Tram is always running safely and smoothly. Regular inspections and maintenance work are conducted on every inch of the system, including the wires, cars, and the connections

The RIOC Column

at the towers.

Hearing on Cornell Campus

The New York City Planning Commission and the Office of the Deputy Mayor for Economic Development held a public hearing this past Wednesday, addressing the Draft Environmental Impact Statement for the future Cornell Tech campus. RIOC representatives attended the meeting to remain cognizant of the community's perspectives on the various aspects of the project. Unfortunately, we cannot report on the hearing here due to the deadline for this column.

Movies

RIOC's Summer Outdoor Movie Series is one of the most anticipated traditions on Roosevelt Island. This summer will mark the Series' fifth year, and we're giving Roosevelt Island residents the opportunity to submit suggestions for movies. I encourage you to send an email to SMS2013.Main591@rioc.ny.gov with your favorite movie from each of the following genre categories: action/adventure, comedy, family/kids, fantasy, science fiction, and drama. Alternatively, you can post your selections to the RIOC Facebook page at www.facebook.com/RIOCNy. The deadline for submissions is Friday, March 1. Thank you to everyone who has already shared your favorite flicks!



Don Lewis, Acting President
Roosevelt Island Operating Corporation
email: Donald.Lewis@rioc.ny.gov

ComingUp

, from page 3
Apr 18. Info: islandkids.org / eva.bosbach@amu.cz.

Knitting & Crocheting Circle, **Thu** 11:30am, Library. Adults.

Argentine Tango Class, **Thu** 6:30-7:30pm, Sportspark. \$3 per class. Info: **917-767-6714**.

Adult Salsa, **Thu** 7-8pm, PS/IS 217.

Zumba, **Thu** 8:30-9:30pm, Sportspark.

Read Aloud, **Fri** 3:30pm, Library. Ages 3-6. Families.

Refereed Basketball League, **Fri**, Sportspark. To register, call **212-832-4540** ext 321 or email OMaragh@rioc.com.

Extended Sportspark hours for Islanders 16-25, **Fri-Sat** 9pm-midnight.

— Future Weeks —

RI Day Nursery Open House, **Tue Feb 26** 9-10am, 4 River Rd. (Ad, page 9.)

RI Business Networking Group meets, **Tue Feb 26** 7pm, location to be announced. Info: **917-445-7876** or djeffries2@nyc.rr.com.

Town Meeting about **FDR Four Freedoms Park,** **Wed Feb 27** 6:30pm, Good Shepherd Center (Ad, page 8.)

RI Women’s Health Organization meets, **Wed Feb 27** 6:30pm, 12th floor, Senior Center, 546 Main St.

RIOC Board Meeting, **Thu Feb 28,** 5:30pm, Manhattan Park Community Center, 8 River Rd. Register to comment in public portion at start of meeting by calling **212-832-4540**.

RI Day Nursery Open House, **Thu Feb 28** 6:30-7:30pm, 405 Main St. (Ad, page 9.)

Creative Aging Workshop: Painting & Collage, for seniors at the Senior Center, **Fridays** Mar 1-Apr 26, 2-3:30pm, taught by professional artist/teacher. Inquire & register at the library. Limited openings.

Islander Bonnie Goodman appears in *Even Stephen*, an evening of cabaret dedicated to the songs of Stephen Schwartz and Stephen Sondheim, **Fri Mar 1,** 7pm, Don’t Tell Mama, 343 W. 46th St. **212-757-0788** (call after 4pm). \$15 cover, 2-drink minimum.

First Sunday Jazz Salon, **Sun Mar 3** 5-7pm, Gallery RIVAA. \$5 donation; refreshments. (Full schedule in ad, page 14.)

Roosevelt Island Day Nursery Registration for Southtown residents, **Tue Mar 5-Mon Mar 18** (Ad, page 9.)

Roosevelt Island Residents Association Common Council meets, **Wed Mar 6** 8pm, Good Shepherd Center. Public session at beginning for brief resident/guest comments/announcements.

RI Business Networking Group meets, **Tue Mar 12** 7:30am, Riverwalk Bar & Grill. Info: **917-445-7876** or djeffries2@nyc.rr.com.

Roosevelt Island Day Nursery Registration starts for all Island buildings, **Tue Mar 19.** (Ad, page 9.)

Book discussion: *Year of Wonders* by Geraldine Brooks, **Thu Mar 21** 6:30pm, Library.

RI Women’s Health Organization meets, **Wed Mar 27** 6:30pm, 12th floor, Senior Center, 546 Main St.

RI Business Networking Group meets, **Wed Mar 27** 7pm, location to be announced.

Roosevelt Island Residents Association Common Council meets, **Wed Apr 3** 8pm, Good Shepherd Center. Public session at beginning for brief resident/guest comments/announcements.

RIOC Board Meeting, **Thu Apr 4,** 5:30pm, Manhattan Park

Vivian S. Sessions

Vivian Sessions, who lived on Roosevelt Island in the 1990s, died January 13.

She is survived by a son, Roger Sessions, of Texas, and a daughter, Hilary Siemer, of Los Gatos, California, as well as grandchildren Emily Sessions of New York, Damien Siemer of Los Angeles, Michael Sessions of Texas, and Sierra Siemer of New York. At the time of her death, she was a resident of The Meadows in Los Gatos.

Born in Ossining, New York, December 15, 1920, Vivian was the daughter of immigrants, Israel Siemon from Germany and Eva Rabinowitz of Russia. She was named after her recently deceased grandfather. A child of the Depression, she realized that her way out of poverty was through education and hard work. She paid her way through the University of Michigan, where she earned a B.A. in Letters and Law and an M.A. in History.

She was active in both the Socialist and Labor movements of the ’40s. During World War II, she worked grinding metal parts for planes. She was a unifying force at the United Auto Workers Union. During her marriage, she was not content to be only a Cornell University faculty wife, so she owned a gift shop in Ithaca that focused on contemporary design.

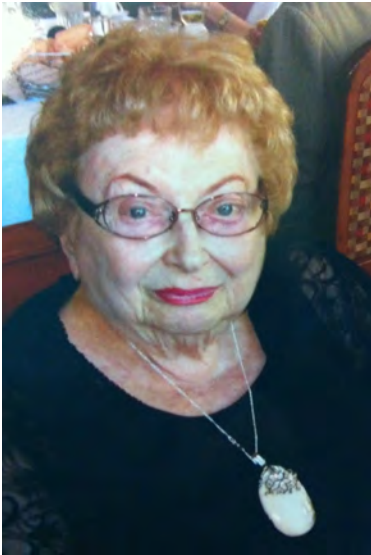
Vivian returned to graduate school during the 1950s as a single mother, and received her second Master’s degree in library science from Columbia University. She became a professor and major innovator in library science. She pioneered the use of computerized cataloging by libraries, and was recognized with the Lifetime Achievement Award in 1989 from the Special Libraries Association. In 1976, Vivian moved to Montreal to direct the Graduate School of Library Science at McGill University.

In New York, her weekends with her children were spent visiting museums, picnicking, bike riding, attending concerts and Shakespeare in the Park, and exploring the Cloisters. Winter outings included skating and sledding in Central Park. Both her children attended a private progressive school in Greenwich Village.

Vivian traveled, including her children in a first trip to Greece while she attended a library conference. Ultimately, she taught library science at the Universities of Beijing and Shanghai for a semester each. She also visited South America, England, Israel, Malaysia, Thailand, India, Nepal, China, Japan, Singapore, Australia, and most of Europe. As a result of traveling, she adopted photography as a hobby and art form. She joined the Roosevelt Island Photographic Society and won *Print of the Year* with her first submission. She also maintained a life-long interest in politics.

Vivian suffered a bout of pneumonia around New Year’s.

There’s more at viviansessions.com.



Winter outings included skating and sledding in Central Park. Both her children attended a private progressive school in Greenwich Village.

Community Center, 8 River Rd. Register to comment in public portion at start of meeting by calling **212-832-4540**.

First Sunday Jazz Salon, **Sun Apr 7** 5-7pm, Gallery RIVAA. \$5 donation; refreshments.

RI Business Networking Group meets, **Tue Apr 9** 7:30am, Riverwalk Bar & Grill. Info: **917-445-7876** or djeffries2@nyc.rr.com.

Book discussion: *Shadow of the Wind* by Carlos Ruiz Zafon, **Thu Apr 18** 6:30pm, Library.

RI Business Networking Group meets, **Tue Apr 23** 7pm, location to be announced. Info: **917-445-7876** or djeffries2@nyc.rr.com.

RI Women’s Health Organization meets, **Wed Apr 24** 6:30pm, 12th floor, Senior Center, 546 Main St.

Roosevelt Island Residents Association Common Council meets, **Wed May 1** 8pm, Good Shepherd Center. Public session at beginning for brief resident/guest comments/announcements.

First Sunday Jazz Salon, **Sun May 5** 5-7pm, Gallery RIVAA. \$5 donation; refreshments.

RI Business Networking Group meets, **Tue May 7** 7:30am, Riverwalk Bar & Grill. Info: **917-445-7876** or djeffries2@nyc.rr.com.

RIOC Board Meeting, **Thu May 9,** 5:30pm, Manhattan Park Community Center, 8 River Rd. Register to comment in public portion at start of meeting by calling **212-832-4540**.

Book discussion: *Let the Great World Spin* by Colum McCann, **Thu May 16** 6:30pm, Library.

RI Business Networking Group meets, **Tue May 21** 7pm, location to be announced. Info: **917-445-7876** or djeffries2@nyc.rr.com.

RI Women’s Health Organization meets, **Wed May 22** 6:30pm, 12th floor, Senior Center, 546 Main St.

First Sunday Jazz Salon, **Sun Jun 2** 5-7pm, Gallery RIVAA. \$5 donation; refreshments.

Roosevelt Island Residents Association Common Council meets, **Wed Jun 5** 8pm, Good Shepherd Center. Public session at beginning for brief resident/guest comments/announcements.

RI Business Networking Group meets, **Tue Jun 11** 7:30am, Riverwalk Bar & Grill. Info: **917-445-7876** or djeffries2@nyc.rr.com.

Book discussion: *The Quality of Mercy* by Barry Unsworth, **Thu Jun 20** 6:30pm, Library.

RI Business Networking Group meets, **Tue Jun 25** 7pm, location to be announced. Info: **917-445-7876** or djeffries2@nyc.rr.com.

RI Women’s Health Organization meets, **Wed Jun 26** 6:30pm, 12th floor, Senior Center, 546 Main St.

RIOC Board Meeting, **Thu Jun 27,** 5:30pm, Manhattan Park Community Center, 8 River Rd. Register to comment in public portion at start of meeting by calling **212-832-4540**.

First Sunday Jazz Salon, **Sun Jul 7** 5-7pm, Gallery RIVAA. \$5 donation; refreshments.

First Sunday Jazz Salon, **Sun Aug 4** 5-7pm, Gallery RIVAA. \$5 donation; refreshments.

First Sunday Jazz Salon, **Sun Sep 1** 5-7pm, Gallery RIVAA. \$5 donation; refreshments.

Roosevelt Island Residents Association Common Council meets, **Wed Sep 4** 8pm, Good Shepherd Center. Public session at beginning for brief resident/guest comments/

Attorney General Calls For Changes in Plan for Rivercross Privatization

by Dick Lutz

The New York State Attorney General’s office has tied a Gordian knot around the Rivercross privatization plan.

In a “Deficiency Letter” (DL) – a normal step in the evolution of a “red herring” into a “black book” plan to be voted on by shareholders – the Real Estate Finance Bureau of the Division of Economic Justice of Attorney General Eric T. Schneiderman’s office is requiring additional “disclosures” and rewordings that will certainly alter some of the substance of the Rivercross plan.

The most serious development is the rejection of the plan’s assumption that all the present shareholders under Mitchell-Lama must become shareholders of the privatized co-operative. The DL indicates that shareholders must have the opportunity, under a non-eviction plan, to remain in the building as, in effect, renters – an option potentially appealing to those who are concerned about potential economic risks in being an owner. The cooperative would presumably have to buy the apartments in order to rent them back to those who choose to remain as renters. Depending on the way value is determined (at Mitchell-Lama prices, at fair-market value, or something between those values), that could be an economic benefit or a serious economic hurdle for the plan. (The DL calls for the plan to disclose “the proposed payment of fair market value of shares to non-participants.”) It’s also unclear how rental charges would be decided.

Another problem arises because the proposed plan provides for some exemptions from transfer fees – giving or bequeathing an apartment to a son, daughter, spouse, or parent – while the plan relies on transfer fees, proposed to be 45% of sale profits, as the primary source of income to cover the increased taxes and ground rent after privatization. The DL instructs, “State whether the policy on exempt transfers will impact the proposed Transfer Fee income,” then adds, “and whether Sponsor included such factors in coming up with the propped estimated Transfer Fees for the first year of operation.” Further, the DL says, “To make sure that shareholders understand the possible impact on maintenance charges if the projected Transfer Fees are not achieved, provide a separate [financial exhibit] that does not include Transfer Fees as operating income.” The DL asks “what other sources of funds the Sponsor will rely on to pay the [taxes] in the event the proposed Transfer Fee [income is] not achieved.”

Other knotty problems include:

announcements.

RI Business Networking Group meets, **Tue Sep 10** 7:30am, Riverwalk Bar & Grill. Info: **917-445-7876** or djeffries2@nyc.rr.com.

RIOC Board Meeting, **Thu Sep 12,** 5:30pm, Manhattan Park Community Center, 8 River Rd. Register to comment in public portion at start of meeting by calling **212-832-4540**.

RI Business Networking Group meets, **Tue Sep 24** 7pm, location to be announced. Info: **917-445-7876** or djeffries2@nyc.rr.com.

Roosevelt Island Residents Association Common Council meets, **Wed Oct 2** 8pm, Good Shepherd Center. Public session at start.

• The “declining asset” nature of the ground lease, which runs to 2068 – the date when the State of New York’s lease ends on the State of Roosevelt Island (which is City property). While those planning privatization might hope and expect that the City will renew Rivercross’s ground tenancy, banks considering mortgage loans to new apartment buyers want something more than “hope and expect” as collateral for the kind of loans involved in buying market-rate apartments.

• Share allocations. The building’s board has maintained that the original share allocations – how many shares are held by each apartment’s owner (and therefore how much maintenance is paid) – are valid, but the Attorney General is asking for solid evidence of appraised values. Under Internal Revenue Service regulations, the share allocations must bear a “reasonable relationship” to apartment value. If it’s found that they do not, there are potentially serious tax consequences. Says the DL, “Allegations [from existing shareholders] include that the initial share allocation was incorrect, and if protested, the cooperative may lose its status as a qualified cooperative for the purposes of [tax regulations].”

• The Rivercross plan has been described as a “reconstitution,” but the DL seems to insist that it must be a “dissolution and reconstitution,” the factor that gives rise to “dissenters’ rights” – that is, to remain as renters. There may also be tax consequences if “dissolution” is required, though the building is prepared for that possibility with a \$10 million component of its balloon mortgage.

The Rivercross Board of Directors (sponsor of the plan) has 30 days – with a possible extension – to respond to the DL. Assuming that the Attorney General’s Gordian knot can be sliced through, an extension appears likely, if only to flesh out requirements mentioned in the DL.

There are also less weighty concerns in the DL:

• A requirement to provide greater transparency in a change of voting from one vote per apartment to voting by shares. (Larger apartments have more shares.)

• A requirement that the red herring explain more clearly that the building’s balloon mortgage, which will have to be refinanced in eight years, may encounter an interest-rate or loan-availability problem when that time comes.

• A seeming rejection of the appraisal of the building, which incorporates and relies on an appraisal done by a different appraiser – the one used by a bank when the balloon mortgage was obtained. The DL says that the Attorney General “has required actual appraisals. Incorporation by reference is not acceptable.”

But it is probably the non-eviction, non-participation aspect of the plan that presents the greatest challenge. Two-thirds of the apartments (voting by apartment, not shares, until the plan is passed) must vote for the plan, but it is not yet clear whether non-participants, who want to stay on as renters, will be able to vote for the plan, though not participating.

[Full disclosure: The writer is a 30-year Rivercross resident who favors privatization, though with significant changes to the existing plan.]



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Public Safety, from page 1
imposing martial law over many residents, and violating constitutional rights. They are committing beatings, they are arresting falsely, they are imposing curfews pell-mell against the residents, they are violating Miranda rights and constitutional rights that we all take for granted. There is no accountability.

“The Island is run by nine directors who are politically appointed, and not elected, which, of course, can lead to even more abuse. My office this week alone has filed three notices of claims for separate, distinct incidents, similar to what happened to Mr. Jones.”

Lamonsoff, who had conferred earlier with former Residents Association president (and current Common Council representative from Island House) Frank Farance, who has become a nemesis for Guerra, went on to say, “The citizens of Roosevelt Island demand immediate change.”

Throughout the press conference, Jones sat in a chair, head mostly down, silent. Lamonsoff said he was not well enough to speak to the press. “His health precludes it.”

But Jones’ mother spoke at length. “Public Safety [officers] are abusing their power of authority on Roosevelt Island against these children,” she said. “My son has never been in trouble. He’s been a good kid. He’s never had any altercations with Public Safety. This was the first time, and they almost killed him. He lost eight pounds in the hospital. They wouldn’t let me see him for four days.

“They know me. They have come to my house. They called me the next day, and told me my son was in the hospital because he was arrested. I asked them, *Why didn’t [you] call me?* and they said, *Well, you’re lucky we called you, anyway. This is a courtesy call.* And I said, *Oh, so if my son had died, this would have been a courtesy call, also?*”

Vega described a conversation in which, she alleges, Guerra attempted to intimidate her by saying, *Oh, is this how you want to play it? Have you talked to Frank Farance?* (Farance had posted comments on a local blog.) She quoted Guerra as saying, “May this be a lesson to Anthony, because we can make arrests like police officers.”

Vega continued, “I want them out of my community, away from my children, away from other children,” Vega said. “My son almost died at their hands for nothing at all. They have to go. They have to go. This has been happening too long. There are committees, and committees, and meetings... This is not working. They have to go... Public Safety is like a gang. They beat these kids and they terrorize them. They’re giving them a record... They’re rearranging their faces and their lives... I want justice for all of them and my son, because instead of standing here right now, I could be planning a funeral for my son.”

Offered the chance to speak to the reporters at Lamonsoff’s press conference, Frank Farance pointed out that in October, the RIRA Common Council voted 21-1 to ask RIOC to investigate another incident of alleged excessive force (*The WIRE*, October 6, 2012, online at tinyurl.com/wire100612) involving Red Bus driver Neal Stueber, who said he was tackled from behind by four officers when he went to the PSD office to present an insurance card to another officer, who had stopped his daughter when she allegedly committed a traffic offense while driving on Main Street. “In the resolution, we noted the ongoing pattern of behavior with Public Safety – this use of excessive force in dealing with subjects.” Farance



Anthony Jones’ mother, Monica Vega, spoke tearfully at last week’s press conference, conducted at the office of the lawyer representing them.



Lamonsoff’s press conference brought out the Manhattan media.

added, “Back in 2008, in response to Public Safety behavior, the residents voted, in a referendum, 1038-67, for a review board, but RIOC has done nothing.”

Farance added, “There is a lack of oversight. Parents have told me they worry more about Public Safety than they do about gangs. Public Safety can get you beaten up. Public Safety can get you a criminal record.”

By coincidence, there was a meeting of the RIOC Board’s Operations Committee at 5:30 p.m., just hours after the Lamonsoff press conference ended. That session is the subject of a separate story in this issue of *The WIRE* (page 10). At that meeting, Operations Chair Michael Shinozaki refused comment on the Jones case, saying the matter had been referred to the State Inspector General.

RIOC, PSD, and Guerra are not commenting because litigation is pending, making it likely that the “other side” in this case will not be known for some time, or may never be known if an out-of-court settlement is reached in the Jones suit.

Photographs supplied by Jones’ attorney, taken while he was hospitalized, show bruises (right) and appear to support several statements that he was handcuffed to his hospital bed and guarded 24/7 by a rotation of Public Safety officers.



RIRA, from page 1

The Common Council action was sparked by a recent case in which Anthony Jones spent a week in a Manhattan hospital, handcuffed to his bed, after what his attorney alleges was “a brutal beating” by PSD officers. Charges against Jones were dropped when the Manhattan District Attorney refused to prosecute. (Separate story, page 1.)

In other incidents described at the Common Council meeting:

- Teenagers setting out for a New Year’s Eve celebration instead found themselves handcuffed in PSD cruisers;
- Young ball-players were screamed at and pushed roughly off Capobianco Field, while an officer threatened and manhandled a father taking pictures;
- The father of a young woman was “jumped” by four PSD officers when he presented car-insurance documents at the Public Safety Office, and was then accused of making up his story about his injuries;
- Another young woman found herself in handcuffs and her brother maced after a routine traffic stop;
- A mother complained that her son and other kids were attacked by PSD officers while merely walking past the Public Safety Office (story, page 11).
- Another mother said her sons had been arrested 20 times since 2008 for “trespass” but never charged. She also told of an “invasion” of M&D Deli by PSD officers seeking her son, and the arrest of Deli personnel who questioned their actions.
- Yet another mother told of an arrest for fare-beating after she



NYPD Officer Dino Sitaras, whose normal beat is Roosevelt Island, received a plaque from the Common Council of the Roosevelt Island Residents Association at Wednesday night’s meeting. It was presented by the Chair of RIRA’s Public Safety Committee, Erin Feely-Nahem. Sitaras’s commanding officer, Deputy Inspector Stephen Cirabisi of the 114th Precinct, Queens, spoke to the gathering.

told her kids to duck under the turnstile at the Tram because the turnstile was not working. She said she had to ask a neighbor to look after them and her youngest, who was in a stroller at the time of her arrest.

Such allegations are behind the

“repeated instances of excessive force” and the “pattern of misconduct” by PSD extending over years mentioned in the letters to State officials. Many of the stories have two common features besides the accusation of overreaction: young people and the offense of trespass.

Linda Jones-Janneh, community coordinator at the Manhattan District Attorney’s Office, regularly attends RIRA meetings, and explained “trespass” in residential buildings. Managing agents request “vertical patrols” in their buildings, asking that law enforcement challenge people who have no right to be there – everyone but tenants and their visitors. The aim is to interdict illegal activities, and the officers have discretion over how they handle apparent trespassers, up to and including arrest if they think it warranted.

From the stories told at the meeting, it appears that many of the Roosevelt Island problems arise in such cases. Without places to go, or while waiting for friends, teens may hang out in building staircases and lobbies. Feely-Nahem said, in asking the Common Council’s endorsement of the letters to the governor and State senator, “That does not make them criminals.” She said that arrest was not necessary, that kids can be asked to “move on.” She added that such “hanging out” does not justify the arrests, let alone the excessive force alleged to be common among Public Safety officers.

RIRA President Ellen Polivy said that the Residents Association will sponsor a forum on the whole question.

The fact that young people have little on the Island to occupy their time was part of an earlier discussion at the RIRA meeting with Deputy Inspector Stephen Cirabisi of the 114th Precinct and NYPD Officer Dino Sitaras. (It must have seemed ironic to many at the meeting that Cirabisi started his presentation by citing improved figures on Roosevelt Island for the seven categories of major crime. While crime in the 114th and New York City generally was up by 3%, there were only 27 incidents on Roosevelt Island, seven fewer than in 2011.)

Officer Sitaras spends most of his afternoons on the Island, a fact much appreciated by the Residents Association, which presented him with a plaque citing him for outstanding service here. One of his roles is to acquaint Island kids with the roles of the NYPD and PSD, and introduce them to the programs run by NYPD such as the Explorers, which encourages young people to pursue a law enforcement career, providing a uniform and introducing them to police work at their local precinct.

Feely-Nahem also raised the question of accountability, saying that in 2008, residents voted 1038-67 for a resolution asking for a review board along the lines of the Civilian Complaint Review Board (CCRB) that covers all of New York City except Roosevelt Island. The 114th Precinct will respond to 911 emergency calls from the Island, Cirabisi said, but not to calls alleging improper activity by Public Safety, because Roosevelt Island is under New York State jurisdiction.

Cirabisi was asked if, under some program, NYPD officers could serve on Roosevelt Island in place of the current Public Safety structure. He said he would look into the matter, but was not encouraging. He pointed out that off-duty cops who serve as bank guards are generally on stationary rather than mobile assignments.

Tony Morenzi, representing Assemblymember Micah Kellner, said that Kellner has twice proposed a State-wide CCRB, but it is a complicated matter since it must cover all peace officers in the State. Morenzi said that Kellner’s bill is still in the legislative mill in Albany.

Feely-Nahem asked that residents with stories about unfavorable interactions with Public Safety send her information about them, at erin315@gmail.com. She also told the Common Council meeting that a “Roosevelt Island Citizens Blotter” has been established on Facebook.

RIRA-Endorsed Letter to the Governor

Dear Governor Cuomo:

As members of the Roosevelt Island Residents Association’s (RIRA) Public Safety Committee, it is our responsibility to explore reports and patterns of law enforcement misconduct when brought to our attention by residents of our community. We consider this the most important aspect of the Committee’s mission.

There is widespread awareness by Island residents of inappropriate, aggressive and unacceptable behavior on the part of various officers under the command of the Director of Public Safety Keith Guerra and his predecessors. These repeated occurrences represent a pattern and a culture of abuse and incompetence that is completely intolerable and even illegal. These accounts have accelerated to a point where parents are afraid when their children are outside, because they fear the consequences of their interaction with Public Safety. Teenagers, dentists, pacifists, journalists, and parents at a little league game have witnessed this aggressive behavior. What is yet to be witnessed is a reprimand to the Officers in question, or the acknowledgement by Director Guerra that misconduct has occurred.

Our patience has worn thin. Our meetings with Director Guerra, and our letters to the Roosevelt Island Operating Corporation (RIOC) requesting specific incidences be investigated and that RIRA be kept apprised of the progress, have failed to result in any concrete changes. Although provided an audience with Director Guerra, on occasion, no changes have occurred in his philosophy of “zero tolerance” or “maximum enforcement” of the laws, regarding grounds for arrests, or in the excessive force used by his Peace Officers. This lack of change confirms our belief that resident concerns are not falling on deaf ears but that the director of Public Safety is fully aware of these events and maliciously encourages these activities. The brutality and excessive force, documented by many residents over the years, continues, despite our protests.

In the most recent incident a twenty- year- old man, Anthony Jones, was hospitalized for a week with injuries sustained during his arrest. Treated like a criminal, handcuffed to the bed for five days, he was released, emotionally and physically damaged, with no criminal charges filed against him. This incident reinforces the many other complaints we receive from residents concerning the way they are treated by Public Safety Officers on Roosevelt Island. Reviews of arrests made by Public Safety Officers show that they are for quality-of-life issues, minor infractions, often resulting in a summons or at most a misdemeanor. In the majority of cases, during the questioning or arrest process, individuals are treated harshly: intimidated, bullied, humiliated, and subjected to excessive force.

We believe that only a public airing of grievances and increased community control can overcome the isolation and intimidation individuals feel in pursuing accountability and a change in law officer’s behavior. Only an independent Civilian Complaint Review Board for Roosevelt Island and New York State Police, as proposed by Assembly Member Micah Kellner, (A10618) in April 2010 and re-filed on January 9th 2013 (A00956) will provide us with an assurance in the future that any investigation into Public Safety misconduct will be properly and impartially handled. Only drastic reform in the current Public Safety Department leadership, will permit concrete changes to begin within this department.

Under New York State Executive Law Article 4-A, the Public Safety Department and its employees are a part of Roosevelt Island Operating Corporation which is a State entity. As our Governor, you have control over RIOC and can initiate the changes that we are requesting.

On behalf of Anthony Jones and the residents of Roosevelt Island, we are writing to request that you take actions to assist our community. We ask the following: that you order the appropriate authority to fully investigate the Anthony Jones’ incident (January 13, 2013), as well as previous incidents relating to the conduct of the Roosevelt Island Operating Corporation Public Safety Department; that you support Assembly Member Micah Kellner’s bill A00956, submitted for regular session 2013-2014; and that you mandate the termination of RIOC Public Safety Department Director Keith Guerra, Deputy Director Rene Bryan, his Captain, and Sergeant Yee, and any other Officers who are found, following a complete investigation, to have acted with excessive force, or to be part of the abusive culture, supported and endorsed by the current leadership of the RIOC Public Safety Department.

Respectfully yours,
Erin Feely-Nahem
Chair, RIRA Public Safety Committee

RIRA Common Council’s Resolution on Public Safety

- **Whereas**, the residents of RI feel that PSD uses excessive force;
- **Whereas**, the residents disagree with the “maximum enforcement” and “zero tolerance” policies used under Director Guerra and his leadership;
- **Whereas**, the residents feel that a hostile, abusive, and intimidating atmosphere is created by the Public Safety Department, as directed by its leadership;
- **Whereas**, the RIRA Public Safety Committee has expressed these concerns and made suggestions for reform for many years;
- **Whereas**, there has been virtually no improvement in Public Safety’s behavior or its relationship to the community;
- **Whereas**, Director Guerra does not objectively review or investigate the complaints made against his officers;
- **Whereas**, the situation has been worsening significantly in the past year;
- **Therefore**, RIRA requests RIOC terminate the services of Director Guerra, Deputy Director Bryan, Lieutenant Yee, and other top PSD leadership as RIOC may deem necessary.

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With the Word Out About Anthony Jones...

Shortly after the January 30 meeting of the RIOC Board’s Operations Committee convened, it became clear that a venue larger than the conference room at 591 Main Street would be needed to accommodate the residents who wanted to attend. The session was moved, and some 30 people filled almost all the available chairs well before committee chair Michael Shinozaki declared the meeting over. The head count was surprising, given that the meeting had received little publicity, and given a two-hour wait while the committee considered the Public Safety matter in a closed executive session.

But the word got out, and residents were there to talk about the Public Safety Department (PSD). They weren’t to be deterred. Despite Shinozaki’s announcement at the beginning of the open portion of the meeting that the matter was being referred to the New York State Inspector General, residents insisted on an airing of grievances about PSD. (It was not clear whether the referral was for one matter or for PSD in general.)

There followed a charged session, often calm but notably chaotic at times. On *The WIRE*’s recording, not all participants can be identified, and there are passages where multiple voices obscure one another. In one particular case, two mothers spent well over five minutes shouting at each other the length of the room, neither hearing the other. Shinozaki tried restoring order at least three times, and his fellow RIOC Board member Fay Christian stood up to demand calm, but the mothers soldiered on, ignoring the calls for order as well as each other’s words.

Emotions ran high. Some of the comments and stories:

• **Patti Fallone:** The culture of Public Safety has become a commonplace “bullying...” Public Safety’s purpose is not to intimidate or harass the residents of Roosevelt Island. Their job is to make our quality of life better, and I don’t see why



I should feel that I have to protect my kids from Public Safety when my kids are not troubled kids. Playing outside in a park on public space is not inherently criminal activity. There has to be some discretion. Kids ride skateboards, or they’re in Motorgate doing things they’re not supposed to do, or they’re in a park, or they climb a tree. No matter what they’re doing, the attitude is harassing... I grew up on this Island and I’ve seen it go through phases where Public Safety gets out of hand and then they have

to be reeled in again. This is one of those times when I think they’re getting out of hand. Something has to be done. This isn’t a police state... We should not walk around intimidated by the powers that be at Public Safety.

• **Gina Enock:** They hung a hammock. Just three of them, looking at the stars, behind Blackwell. They didn’t know it wasn’t allowed, [that] they’re injuring the tree. [The Public Safety officers] wanted them to get down from the hammock and the boys said, *Why?* The officer said, *Well, we can’t answer your question.* [The boys asked,] *But why?* So they said, *Well, we can’t answer, we have to call your parents.* So my husband went there and he didn’t say anything. He was afraid to say anything. So they took down the hammock. I later wanted to know why she wouldn’t answer them, and what’s up with the hammock. So, she, the officer, said that they are not allowed to answer any questions from juveniles. *That’s what the juvenile officer is for,* [she said]. *And your son was rude when, because he was questioning* [the officer]. So this is just 13-year-old kids in their backyard having a good time. But when they were told, *This is our Island, not your Island,* that’s when I was, like, *OK...*” I rest my case.

• **Adib Mansour:** Every time my son goes out, instead of telling him to be safe, I tell him, *Be careful of Public Safety.* Every single time. My daughter was arrested because she was taking pictures. There was a big hole in the fence. She went in with her friends... All of a sudden, she’s in the car,



RIOC Board Members Fay Christian, Margie Smith, Michael Shinozaki (chairing an Operations Committee meeting), David Kraut, and Howard Polivy listened to residents air their complaints about the Public Safety Department. (At the far end of the table, RIOC Acting President Don Lewis and Attorney Arthur Eliav.)

handcuffed, because she was taking pictures, and they told her, *You’re trespassing.* There’s no signs. There’s a hole in the fence. And then they came to me and they said, *Oh, we didn’t know it was your daughter, we wouldn’t have arrested her.* She had to be put through the system, she had to go to court. My son went in, very politely, and said *Where can I skate – that I won’t get in trouble?* They told him two or three different places. He went to those places and he is always harassed by Public Safety. One person tells him something and the other person says, *I don’t know who told you this; it’s not correct.*

• **Board member Michael Shinozaki:** So some of the things we have to deal with – one is improving the relationship, particularly with the youth in the community. We need to figure out how to work that out. There’s clearly an issue. We need to figure out how to deal with skateboards, or places where there are different age classes. We don’t want the little kids playing with the older kids... Where they can congregate safely, because it’s not in stairwells. There are actual trespassing rules, some of which Public Safety has broadcast out to the community. All of them come from outside authorities of various types – the City, or your landlords – that PSD is trying to enforce. We need to work on how they interact with the children better.



• **Patti Fallone:** I think we are past that. I think we’re so disgusted as Island residents that we don’t want to deal with them. We just want them off. I know that’s not even reality, but that’s how we feel, especially with children. Our children shouldn’t be bullied by the people that’s supposed to keep us safe.

• **Erin Feely-Nahem** (chair of the Residents Association’s Public Safety Committee): You are not mandated to arrest because people are in the hallways, and you could charge them with trespassing. You can see that with Officer Sitaras, who is an NYPD officer. He sees the youth lingering in places, doing something maybe they shouldn’t, or looking like they might do something... He tells them, *You have to move on,* and they respect him and they listen to that. You don’t have to arrest somebody because they are in the stairway. You can say to them, *Hey, you can’t be here, you need to leave.* You don’t have to [arrest]. It isn’t about zero tolerance. The problem with Public Safety under Director Guerra right now is that everything is over the top. They can’t just say, *Move on, get lost.*

• **Unidentified woman:** The kids that are causing the most problems? [They] should be a management issue, not Public Safety. Public Safety can only do so much, because someone else comes in and ties their hands. You can blame Public Safety, [but] if you know that your kids shouldn’t be in the hallway, how do you keep them out of the hallway? My son is 16. Thankfully, he’s a good kid, in the



sense that he doesn’t cause problems like that. He is also at an age – over 13 but under 18 – where there’s nothing for him to do. I can yell at him... but there’s only so much we as parents can do to keep them in the house, to keep them involved in something. When I was young, growing up here on Roosevelt Island, we used to have JD [juvenile detention] cards. [If] they pulled us in, [these cards were sent to building management.] After a certain amount of time that you’re sitting in there with Public Safety, you get evicted. Now, for whatever reason, apartment buildings are not evicting anyone. You have kids, 15-16-17 years old, getting arrested with guns, getting arrested for shoplifting, robbing, on Roosevelt Island, and after they get bailed out, they’re back up in their apartment like it never happened. They’re getting street cred. So next time when they come outside and your good kids come walking by, they’re either going to try to ring them in, or they’re going to try to rob them. I am in defense of Public Safety, because I have seen abuse, [but] also [have] seen way more Public Safety officers doing what they’re supposed to do.

• **Michael Shinozaki:** There’s clearly a challenge in the 13-to-20 age group, and we have to figure out what type of programs we need to put in place, using what we have available to us – we have limited resources – to figure out some place that they can congregate, that Public Safety is involved with that, that we can keep everyone safe from the big kids, etc. And not go back and forth.

• **Neal Stueber:** Everyone’s talking about [only] the teenagers, from 16 to 21, that have a problem. That’s not true. There’s no age limit with Public Safety. They don’t look at it that way. They look at it, *You know what, I told you to move, you disrespected me, you didn’t move, you’re goin’ with me.* It’s not an age [thing]. It could happen to you. I got arrested because I questioned [the officer’s] authority.”

• **Patti Fallone:** It’s not Public Safety and the rules and regulations. It’s the bullying, the harassment. It’s the attitude. It’s the *We own you* attitude. And that has to change and it has nothing to do with making new programs for the kids. It has to do with limiting Public Safety’s behavior – a review of how Public Safety is allowed [to act], and not allowed.

• **Unidentified woman:** Nobody controls them. They’re policing themselves.

• **Lynne Shinozaki:** I think that there’s a three-fold approach that needs to be addressed. One is that the culture and the quality of life on Roosevelt Island [are] of utmost importance to all of us, and that things have risen to a level where we are now questioning those things that are of value, so how do we address that? We’ve been requesting for years that there be some kind of review for cases that are brought to RIOC [regarding] Public Safety, where there’s a question in



...A Routine RIOC Committee Meeting Filled

terms of the escalation, the appropriateness, and the rights of the individuals involved. As it stands now, there is no way that we can have the issues addressed, have a decision made, and have the community feel that they have a forum to come forward. The last thing... is the issue with our youth. We have been talking for years about basketball and other activities, but I believe that it falls short of the needs of the community. I think that when we address what I'm going to call the 'reasonable person test,' in terms of the interactions with Public Safety, given the culture of Roosevelt Island, some of the interactions are not meeting what we, as a community, feel [is] the reasonable person test, and we want to be able to voice those [concerns] in a forum where we believe that we will be heard.

• **Olya Turcihin:** I have a daughter who's 16 and she was arrested for trespassing, and I find the arrest and all the things that happened to her completely excessive. Excessive, and you know, it just boggles my mind, what has happened



to my daughter because she was waiting for her friends in the stairwell. That, to me, is just – on New Year's Eve, no less – so what I want to know is whose directive is Public Safety working [from]? Where are they getting this from? Is it coming from the buildings? From the management offices

from the buildings? Is it coming from RIOC? Is it... Where is it coming from[?], because this needs to be fixed. It needs to be fixed. It's ridiculous. Where is Public Safety getting that power from?

• **Michael Shinozaki:** We need to figure out what is the basis for some of these things, and how do we work with the cases where kids (or people) are smoking and drinking in the stairwells. That's a health and safety problem because those are fire exits... There are other challenges, of some amount of gang activity and other activities, so, how do we change it as a community so that we can figure out what are appropriate actions and what they [should] do when they confront somebody? I mean, you have the situation where there are unknown folks there, whether they should be there or not, and then what are the actions if they determine the kid should not be there? We have to work these things out.

• **Judy Berdy:** What are the hiring practices? Who are these people being hired? It is a hunkered-down mentality. There's no reason for [it].

• **Frank Farance:** If there are people in a place where they shouldn't be, maybe because they're making noise, maybe the first approach should be less an enforcement



approach and more a suggestive approach, and if that doesn't work, then you can escalate it. Chief Guerra, at a [community] meeting in 2009, explained more of the escalation of force, but that's not being done. When I spoke to Chief Guerra a while ago, he was upset that his officers don't arrest. When someone comes into Public Safety headquarters and they're mouthing off, because

that's how residents can be at times, and the person walks out, Guerra is upset that the officer did not arrest that person. He told that to me directly. But that is what we see here – we see maximum enforcement. When Guerra says this is the law, as Erin pointed out, it's not that it mandates that every condition generate an arrest. It means that it can produce an arrest, but it doesn't have to. And I think that is part of the attitude adjustment that Public Safety needs to have and, as our community liaison with the District Attorney's office pointed out, that really comes from the top, not as much the officers. It comes from the top and that's where you need to address it as [the RIOC] Board.

• **Unidentified woman:** You [Michael Shinozaki] talked about [skateboard] damage to park benches. But we have damaged *children*. Now it has come to the point where a beautiful 16-year-old girl, on a freezing cold New Year's Eve, and others, are put up against the wall, handcuffed... My son wasn't there; they [who were arrested] were waiting for my son. I tell you, if that happened to my son, if they ever do anything to my son, I would be the one that would be arrested, because... But listen, benches are minimal. You get that in Central Park. We're talking about children, elderly. We're talking about people. Screw the benches, I'm sorry.

• **Frank Farance:** You're not going to make any progress with Mr. Guerra. Mr. Guerra needs to go. Yes, David [Kraut, RIOC Board member], Mr. Guerra needs to go, and you need to get rid of him, and you're doing a lousy job overseeing Public Safety.



After the Operations Committee privately discussed the Anthony Jones matter in a closed executive session held at RIOC's offices, they moved the meeting to a community room to accommodate the large number of residents who had come to air grievances.

Two Stories of Encounters With Public Safety as collected by Adib Mansour

Elaine Jakeson

There was an incident on October 10, 2010, with my twin sons and Public Safety. I filed a complaint with RIOC, and Erica Wilder then explained to me that I had to give the complaint form to the person in charge of Public Safety.

The two officers involved were Brian Rivera (badge #3978) and David Vernet (#4858). They were not the only officers involved, but they were the ones who started the fight. Witnesses say that one of my sons, Joshua Strickland, was punched in the face and knocked to the floor by Rivera, and when he got up to walk away, Rivera proceeded to punch him again, knocking him to the floor a second time. He told my son he was under arrest. When my other son, Joel Strickland, tried to pull Rivera off his brother, the rest of Public Safety came out of the office, and started to punch, kick, and stomp Joshua, and even tried to throw him through the Public Safety office glass. The sergeant stood by, witnessing the brutality. The lieutenant and another Public Safety officer saw what was going on, came out of the office, and questioned their own officers, "What are you doing?" They then pulled the officers off Joshua and Joel.

I was not there, but when I was called to come to pick them up, they were beaten up so badly that EMS had to be called to take them to the hospital. My children were not released to me. The sergeant told me that, because they allegedly fought with PSD, they were going to the 114th Precinct, and then to Spofford.

The incident happened around 9:30 pm. Officers Rivera and Vernet came to the hospital around 2:45 a.m. and told me that I had to meet them at the 114th Precinct, where my sons would be released to me. Both Joshua and Joel were handcuffed while receiving treatment from the pediatrician at Elmhurst Hospital. I witnessed Public Safety officers trying to get their stories together so that they could figure out something to charge my children with. When I met them at 114th Precinct, the NYPD sergeant asked my boys if they were all right, and asked Rivera and Vernet, "Did you beat those boys up like that?" as he shook his head. He told them to take the handcuffs off the boys, and walked back to his office.

The incident all took place right in front of the Public Safety office, in front of a lot of witnesses. Public Safety officers Rivera and Vernet are now so-called detectives. They walk around in plain clothes, with badges hung around their neck. Is this needed here? Since the incident, many residents have shared horrific stories about officer Rivera. He has been a problem ever since starting here two years ago. I was told that Chief Keith Guerra is aware of what happened. Public Safety keeps harassing the residents here in Eastwood, especially the young males. Something has to be done.

Incidentally, when officer Rivera wrote the summons, he referred to himself as NYPD instead of PSD.

After several months in court, the judge dismissed the charges. At the time, my children had just turned 14 years old.

Mimi Ferdinand

Kimberly Ferdinand is a hardworking Nursing School college student. On July 14, 2009, she was driving her mother on Main Street, and dropped her off in front of her building (580 Main Street). On her way to park in Motorgate, she reversed direction at the roundabout to head north.

In the process, she received a phone call from her mother and grabbed her cellphone. Officer Nicholas Sage stopped her and proceeded to give her a ticket for using the cell phone. (She had not yet answered the call.) Officer Sage went out of sight between 546 and 580 Main Street and started writing the ticket.

It happened that Kimberly's brother Herns was walking back from a basketball game when he noticed his sister's car, and stopped to inquire about what was happening. She explained that she was stopped by a PSD officer to get a ticket. While he was talking to his sister, Herns was suddenly grabbed from the back and shoved away from the car by officer Sage, who yelled, "What the f* are you doing here?" Herns responded, "This is my sister." Officer Sage said, "I don't f*ing care," and two other officers grabbed him in a headlock, and Officer Sage pepper-sprayed him straight in the eyes.

Residents on the scene started yelling at the officers about their brutality. Kimberly stepped out of the car to attend to her brother when another officer, not in uniform, grabbed her and slammed her head to the car and handcuffed her arms.

Mimi Ferdinand witnessed all this and pleaded for leniency, to no avail. Herns was screaming in pain, "I can't see!" Mimi demanded that he be transported to a hospital. An ambulance came and took Herns to New York Hospital. Mimi elected to stay with her daughter, fearing further brutality from the officers. Kimberly was escorted to the 114th Precinct in Queens in an unmarked car. Mimi followed them in her car.

Kimberly was behind closed doors with the PSD and NYPD officers for several hours. Herns was brought in and put with his sister. Mimi felt helpless to assist her children, and she was not given definite answers to their whereabouts. She returned home to attend to her younger daughter, Nathalie (10 years old). Mimi was told that her children would be sent to Central Booking, but had no information all night long.

At 9:00 a.m., after getting Nathalie to school, Mimi was on her way to Central Booking in Manhattan, when one of the PSD officers told her that Kimberly and Herns were actually returned to the Public Safety Office at 2:00 a.m. because PSD's paperwork was incorrectly filed and was not admissible at the Precinct.

Both Kimberly and Herns spent the night handcuffed to a bench without food or water.

Cornell, from page 1
Island Bridge.

Trucking versus barging, the alternative favored by RICC, was repeatedly raised and discussed as a three-and-a-half-hour-long parade of speakers addressed the planning commission, chaired by Amanda Burden.

Having been involved with construction on Roosevelt Island when it first became a residential community, commissioner Irwin Cantor recalled concern about what loads the bridge could handle 40 years ago. When the hearing centered on construction aspects later on, he complimented RICC construction-engineering advisor and resident Adek Apfelbaum for his preparation in addressing the group.

The commission as a whole immediately appeared well-informed about resident concerns. Before any RICC speakers took the podium, members peppered Dan Huttenlocher, Cornell Tech’s dean, and the school’s vice president Cathy Dove with questions about barging, campus access, their current relationship with the community, and how it would be maintained during and after construction. Commissioner Anna Hayes Levin, who asked many detailed questions throughout the hearing, won praise from RICC co-chair Joyce Mincheff: “She gets it.”

Speakers were limited to three-minute statements before commission members (though most were allowed to stretch it a little), followed by questions. Among more than three dozen speakers, none clearly requested disapproval, but requests for modifications by RICC members were plentiful and detailed, with supporting documents and illustrations mounted on a huge whiteboard behind them.

Taking advantage of the limited time available for each speaker, RICC’s planning for the hearing lined up a series of speakers, each of whom took a specific issue of concern, addressed it, and linked it back to their central theme of preservation of the local community and its individual flavor.

Judy Buck spoke first, highlighting concerns from a broad perspective. “We ask that you not view the Cornell project as just another urban development,” she said, “because Roosevelt Island is not just another neighborhood. We’re a small island, a mixed-income community, a small town of old trees, river views, a vibrant and diverse population, and a high proportion of senior citizens and disabled.” She concluded with the talking point RICC believes most critical. “Please, don’t truck Roosevelt Island.”

But it was during coalition co-chair Joyce Mincheff’s presentation about day-to-day operating demands on the Island, now fulfilled by RIOC, that members of the commission became most intensely engaged. “Our policing, internal transportation, grounds maintenance, repairs, cleanup, staffing, facilities, and infrastructure are entirely paid for by the land leases that RIOC collects and by leasing our parks and athletic facilities.”

Noting that RIOC receives no funding and only very limited services from the State or the City, Mincheff pointedly noted, “Cornell will not be paying a land-lease on the space it will occupy, yet it will be deriving all the necessary services from the pool of funding other residents supply.”

Asked by the commission chair about discussions with Cornell, Mincheff said, “They cut us off. They won’t consider anything that isn’t education.”

Although he alluded to what he called Cornell’s “flawed plan” and questioned whether the “mistakes” were deliberate, Apfelbaum targeted the school’s intention of trucking in concrete for construction. He recommended a ready mix batch plant on the site for concrete that would, he said, eliminate hazards caused by so many trucks rumbling down Main Street. “Concrete, as you know,” – he nodded at commissioner Cantor – “is mostly water. It’s kind of crazy to truck it into a place already surrounded by water.” Cantor smiled and nodded in agreement as members of the audience chuckled.

Burden had earlier addressed the challenges related to barging, referencing concerns about severe currents and dangerous riptides in channels on either side of the Island. And Apfelbaum’s claims about feasibility were later refuted vigorously by Andrew Winters, Cornell’s director of capital projects and planning. Their own studies and discussions with the Department of Environmental Conservation indicated that a batch plant was not just overly expensive but also



Residents created a whiteboard display at the CPC hearing, and many held up posters (see inset) urging that the project barge materials off and on the Island, and avoid trucking.

Photos: Mircea Nicolescu

“not feasible” with respect to environmental safety hazards, according to Winters.

Cantor suggested that “a czar” might be needed to oversee decisions on barging versus trucking to reach a conclusion fair to both sides.

On a positive note, Winters explained that barging of hazardous materials off the Island looked very promising, which would mitigate a major community concern.

In his presentation, RICC co-chair Jonathan Kalkin brought expertise developed during his tenure on RIOC’s Board to promote the idea of a ferry dock being established as part of the commission’s considerations. An immediate benefit would be its providing dual access for construction barges and ferries. In the long run, it would ameliorate transportation issues looming large as increases in population add stress to subways and Trams already near capacity.

As the hearing wore on, RICC members repeatedly raised the trucking issue while adding concerns about zoning, hazardous material likely to be found under the Goldwater Hospital footprint, public school improvements in partnership with Cornell, noise pollution, and community participation in future planning. They stood in front of a whiteboard filled with images from the community, the most telling being photographs of Main Street’s narrow path between buildings immediately adjacent to the roadway, emphasizing the dangers that trucking would create.

Additional speakers, representing unions, trade groups, and tech companies like Etsy, addressed the commission, each recommending approval for Cornell’s project. A surprise came when Joseph Rose, planning commission chair under Mayor Giuliani and Burden’s immediate predecessor, spoke on behalf of Technion, Cornell’s Israeli partner. He exercised his understanding of how the approval process works to advise the committee not only to approve the project but to do so without loading it with conditions that would stifle innovation in problem-solving. “You’ve got the best team you could have working on these issues. Leave them room to figure things out creatively.”

Islander Larry Parnes, a retired deputy executive director for land-use review at the City Planning Commission, and Roosevelt Island resident, was warmly received. He spoke on behalf of CB8, asking the commission to consider the board’s recommendations for changes in the Cornell plan, many of which the school has already agreed to, in making their final decision. Parnes had provided his former colleagues with chocolates before the hearing, and vice chair Kenneth Knuckles jokingly advised that the treats would influence their votes. Burden asked him about his unusual tie. Its design was a diagram of the ULURP process.

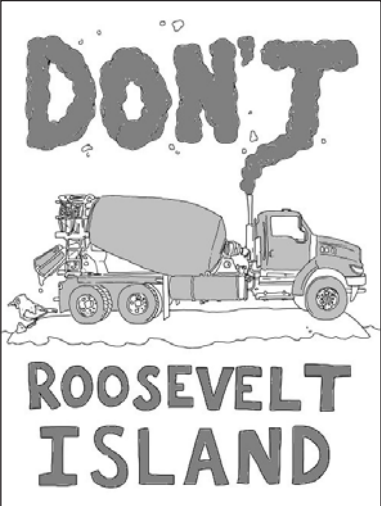
The hearing was held too close to press time for inclusion here of detailed comments from Cornell and other participants, but Cornell vice president Cathy Dove earlier told *The WIRE* through a spokesman, “Even though I am very gratified that we received an overwhelming favorable vote by CB8, it was even more important to me that we emerge

from the process with a very positive relationship with the community. We had begun meeting with community leaders long before ULURP officially began, and I think those 18 months of discussion have resulted in a great deal of mutual respect as well as a very good understanding on Cornell’s part as to the most important topics to the community. And while there will always be differences of opinion on some of the specific topics, my goal is that throughout ULURP, construction, and ultimately as fellow Islanders, we are known for being fair, honest, and accessible.”

Cautious that their input not be seen as a conflict in the approval process, RICC board member Christina Delfico issued a statement saying, “We appreciate the cooperative spirit Cornell Technion has demonstrated throughout this process.”

The planning commission has 60 days to make an approval, an approval with conditions, or a disapproval. (A disapproval cannot be appealed and would end the project.) Given that the commission chair, along with six of its twelve members, including vice chair Kenneth Knuckles, were appointed by Mayor Bloomberg, a disapproval seems highly unlikely. More likely is an approval with conditions related to RICC’s objections and similar to those listed in the Borough President and CB8 recommendations. That result would send the project to the ULURP’s next stage with the City Council, which has 50 days to review, approve, disapprove, or send it back to CPC for an additional 15-day review.

Sometime before summer, the project in some form should land on the mayor’s desk, and Roosevelt Islanders will know more about what to expect in the coming decades. From Wednesday’s CPC session, it’s clear that the community’s viewpoints have been presented in a powerful, well-organized, and detailed way.



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RIOC Board’s Letter to the Governor

As reported in the January 26 *WIRE*, the Roosevelt Island Operating Corporation Board of Directors agreed to ask the New York State Authorities Budget Office for guidance in filling the Presidency of RIOC and several other open positions on the staff. To complete the record, the letter sent appears below.

David Kidera, Director
Authorities Budget Office

Monday, January 28, 2013

Mr. Kidera:

We, the undersigned Members of the Board of Directors of the Roosevelt Island Operating Corporation (RIOC), are writing to you seeking advice on a current pressing issue which may have similarly impacted other Public Authorities. We seek guidance reconciling our legal roles as independent fiduciaries of RIOC with the interests and input of the state’s Executive branch.

Vacancies

Our paramount concern is the need to fill two executive vacancies: President/CEO and Vice President of Operations. It should also be noted that five lower level positions have been vacated in the last 12 months.

Timing

In line with current procedures, some of those positions have been posted and are being searched through the Appointments/Search Office. A few others are being reviewed in light of current needs. But, the President/CEO position has been untenanted for almost 4 months. The Vice President of Operations gave notice almost 2 months ago. We understand that we are not to initiate our own search for these positions until the Appointments Office has had sufficient time to conduct their own search. We also understand that the Appointments/Search Office has requested RIOC wait 3-4 weeks before initiating an independent search to fill particular positions.

Need

We are pleased with the dedication of our remaining staff in extending themselves to ensure that RIOC’s pressing responsibilities, essentially providing all local services to a small town, continue to be met. But we are concerned that this level of effort cannot be sustained for an unlimited duration. The vacancies must impact the corporation when specialized expertise is not readily available and a need for timely action arises. Staff has diminished since Hurricane Sandy, but was invaluable during that emergency and would be helpful now seeking funds for restoration of flooded areas and Seawall. RIOC faces major planning challenges with the closing of a hospital campus, shutting a steam plant providing heat to numerous facilities, negotiating with the coming Cornell NYC project, and multiple other projects, most of which are currently in progress and need direct supervision.

Responsibility

We are concerned that we, as Members of the Board of Directors, will reach a point where we will have been derelict not to take direct action in filling open positions. We appreciate the experience and expertise that the Appointments/Search office brings to the search process and would certainly give deference to candidates they propose. We realize that anyone we may nominate would still require vetting and possible delay. However we are also concerned that we would still need to reach an independent conclusion to extend employment, even presented with a candidate who would satisfy a vetting process. (See “Acknowledgement of Fiduciary Responsibilities – Section II” <http://www.abo.ny.gov/policyguidance/10-01Fiduciary-DutyAcknowledgement.pdf>)

Guidance

We are not sure if other authorities have sought guidance in delineating the Directors’ role in filling staff vacancies. We seek some indication from the ABO that we have not been irresponsible in not taking independent direct action to date, but also guidance when sufficient time has elapsed that we would only be prudent by initiating a search process.

We look forward to your prompt response and thank you for your assistance.

Respectfully,
Fay Christian, Sal Ferrera, Kathie Grimm, David Kraut, \
Howard Polivy, Michael Shinozaki, Margie Smith
Members, RIOC Board of Directors

The RIOC Board Governance Committee meeting of Tuesday, January 15, discussed the ramifications of the notice that the Governor’s Appointments Office will participate in the selection of the next President of the corporation. The meeting led to the preparation of the letter at left.

Left to right: RIOC staff members Arthur Eliav (attorney), Claudia McDade (human resources), and Donald Lewis (acting president), and RIOC Board members Howard Polivy, Margie Smith, and David Kraut.

page 8

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RIRA Column, from page 3
Jones-Janneh, Community Liaison for the District Attorney’s office, to talk about the program. She explained a bit about it, and agreed to hold a Town Meeting to explain it in depth. Keith Guerra needs to hold a public meeting as well, and tell us what rules they are enforcing.

I also think that RIOC should spend money on an independent consultant to do an objective review of Public Safety Department operations. Such a review would give everyone an opportunity to tell their stories and perceptions, and would give us valuable information about how to improve relationships. Even if we get a new Director of Public Safety, we still must have a complete understanding of the problem.

Other News
At Wednesday’s Common Council meeting, there was a presentation by Deputy Inspector Stephen Cirabisi of the 114th Precinct. We appreciate his taking the time to answer all our questions, and the excellent job that his department has been doing. RIRA gave a commendation plaque to our 114th Precinct Community Patrol Officer, Dino Sitaras. We greatly appreciate his even-tempered handling of situations on the Island.

I am so proud of the job that the Roosevelt Island Community Coalition did in presenting to the City Planning Commission on Wednesday from 10 a.m. till 2 p.m. (Yes, it was a very long day.) We were prepared, we were organized, we were heard, and we believe that we made an impact. Jonathan Kalkin earned his salt as co-chair today. Because of his former RIOC Board experience, he answered many questions about the Island and its relationship to the City and the State. Here’s Jonathan’s followup message to the group: “Everyone did a phenomenal job today and I think we made significant arguments and really influenced the commission. We have 10 days according to the chair of the commission to follow up with a final statement. I have several things I want to focus on and I will be drafting some materials... Thank you Christina [Delfico] for helping pull all of this together. Thank you board members and Ellen for working so hard this week and this year. Great job team!” [Story, page 1.]



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10:20 Shoppers’ Bus
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12:30 Movie

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