

OFFICE OF THE PUBLIC ADVOCATE

MAY 2008

CLIPS



City Agrees to Slow Down Senior Services Restructuring

MAY 2008

The Bloomberg administration has agreed to a series of changes in its plan to restructure the delivery of senior services, including delays in the issuance of Requests for Proposals (RFPs) for both senior centers and home delivered meal contracts. The announcement was made jointly by City Council Speaker Christine C. Quinn, Deputy Mayor for Health and Human Services Linda I. Gibbs and Department for the Aging Commissioner Edwin Mendez-Santiago and a large coalition of human service umbrella groups that represent senior service providers at a press conference on April 9th.

The Senior Center Request for Proposals (RFP) will now be released in September 2008 – approximately three months later than originally scheduled -- to allow for continued discussion and collaboration. The City has also agreed to phase in on a smaller scale the ambitious senior center model, including a full array of services and activities to appeal to a more diverse senior population, within a limited number of centers. All other centers will have enhanced health and wellness programs and will retain meal services as a core requirement.

The Home Delivered Meals RFP was delayed to May 1 to allow awards to be made before the Senior Center RFP is released, allowing providers more time between reforms.

Providers and advocates had questioned the speed with which DFTA was attempting to implement significant changes in senior services delivery system. Last month, Quinn had called for a six month delay in issuing the new RFPs. Similar calls for caution had come from other elected officials, including Comptroller William C. Thompson, Jr., Public Advocate Betsy Gotbaum and State Senate Minority Leader Malcolm Smith. Hearings on "Ensuring that Seniors Retain Access to Essential Supports During the Aging Services Modernization Initiative in New York City" had also been scheduled for Friday April 18th by several Committees of the New York State Assembly.

"I am pleased that the Department for the Aging has agreed to change the schedule of their RFP process," said Speaker Quinn. "While certain details of the proposal still need to be fleshed out, I believe today's announcement is truly a significant step in the right direction. This phased reform process recognizes the importance of community-based providers and

New York City's senior community. We look forward to working with DFTA, service providers and stakeholders to ensure that changes are implemented in such a way that no one loses services they depend on."

"This agreement marks the right step, at the right time, with the right support to make these enhancements a success," Deputy Mayor Gibbs. "Over the course of the past year and a half we have spoken to seniors, consulted our community partners, and conferred with our colleagues in the City Council to develop the most comprehensive vision and plan for the modernization of aging services."

"The Department for the Aging is committed to an ongoing and engaging dialogue that incorporates all facets of New York City's aging network, including seniors, community partners and elected officials," said Commissioner Mendez-Santiago.

"There are hundreds of outstanding community based service providers who run programs for our City's older adults, said Nancy Wackstein, Chair of the Human Services Council of New York City and Executive Director of United Neighborhood Houses. "Many have created culturally diverse and innovative services such as exercise and nutrition programs, geriatric mental health services, caregiver support, and arts and continuing education that promote lifelong learning. These provide a strong model to build on and we look forward to partnering with the City to expand these quality services. We urge that the Mayor and the City Council ensure sufficient funding is in place to support these priorities."

The City also announced that a technical assistance program will be provided to prepare all organizations for the upcoming RFP process, supplemented by individualized support for small groups in need of additional proposal development assistance. A proposal is being submitted to the United Way of New York City and the New York Community Trust to develop a program that will support providers during the RFP and transition process.

"We are happy to partner with the City in this ongoing dialogue about how to ensure providers of all sizes are equipped to respond to the City's RFP and meet the needs of our growing senior population," said Gordon J. Campbell, President & CEO, United Way of

DAILY NEWS

Council OKs Harlem rezoning plan; cops called to clear opponents

BY KATE RUDISH AND FRANK LOMBARDI
DAILY NEWS STAFF WRITERS

Thursday, May 1st 2008, 4:00 AM

The City Council voted Wednesday 47 to 2 to rezone Harlem's 125th St. - but not before raucous opponents forced the packed spectator's gallery to be cleared.

The shouts and boos from dozens of spectators in the balcony began during remarks by Harlem Councilwoman Inez Dickens, who had forged an alliance with the Bloomberg administration over the rezoning plan.

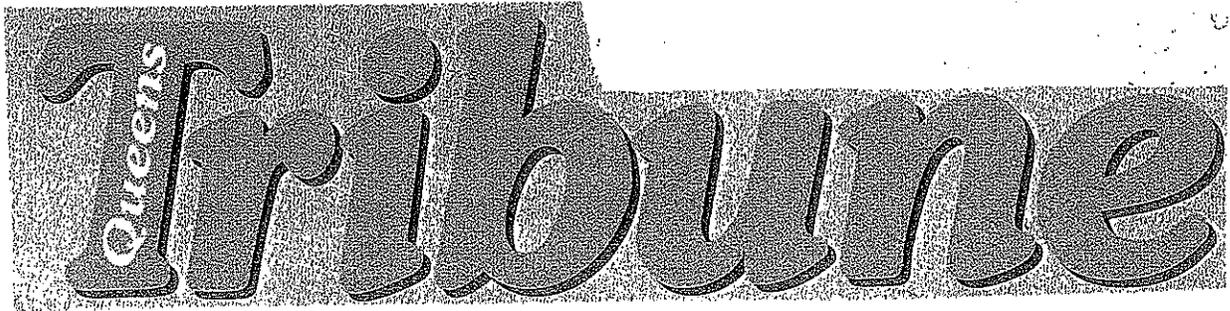
The rezoning is intended to pave the way for redeveloping Harlem's "Main Street" into a residential, commercial and retail corridor - with an emphasis on expanding and preserving its home-grown entertainment and cultural attractions.

Protester Sikhulu Shange, 66, owner of The Record Shack on 125th St. and chairman of The Coalition to Save Harlem, said the rezoning was "robbing" Harlem.

Public Advocate Betsy Gotbaum and Council Speaker Christine Quinn warned that the balcony would be cleared unless the racket stopped. When it continued, police and Council security were called in.

Councilman Charles Barron (D-Brooklyn), who later voted against the rezoning, joined the protesters, calling the rezoning "a river-to-river sellout."

After the session ended, Dickens was seen being escorted out of City Hall through a rear door as a precaution.



Schools Are Out Of Touch

By Juliet Werner

MAY 1, 2008

In the old days, parents mostly relied on crumpled-up flyers deep in their children's backpacks for essential school-related information. But then, in 2003, the Department of Education created a new position: Parent Coordinator.

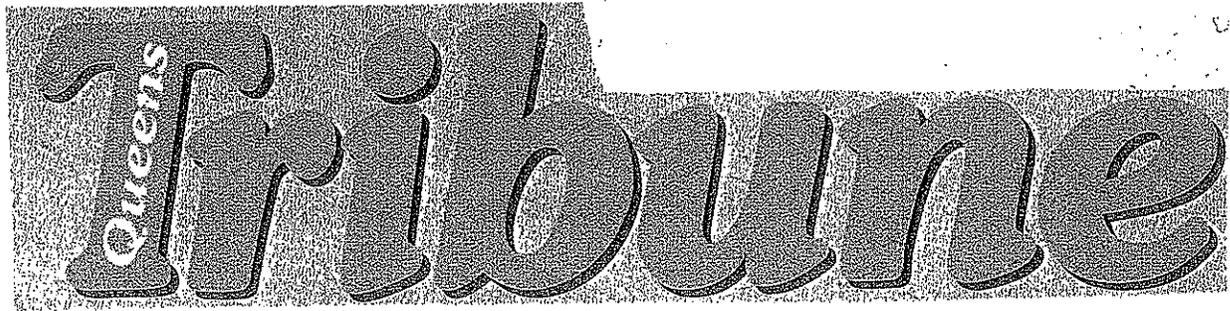
Parent coordinators were expected to hold meetings, organize open school nights and serve as the primary contact person for families.

Public Advocate Betsy Gotbaum first surveyed the DOE's parent coordinators five years ago and last month released, "Is Anybody Listening? A Follow-Up Survey of New York City Department of Education Parent Coordinators." According to the survey, parent coordinators have become more difficult to reach and even less likely to return phone calls. "The fact that the parent coordinator position — five years after the Department of Education created it and my office first surveyed it — is increasingly ineffective is just mind boggling," Gotbaum said. "Despite several reports from my office that found that many parent coordinators are basically unreachable, the DOE has done nothing to improve the responsiveness of parent coordinators."

The Public Advocate's office surveyed 100 parent coordinators in all and did not reveal the purpose of their call. Queens fared better than other boroughs. Although 17 out of 20 (85 percent) of Queens parent coordinators surveyed were unreachable after 5 p.m., of the 14 messages left, 12 were returned. Some calls did not go to voicemail and in some cases voicemail boxes were full.

"There are some very involved [parent coordinators] and then there's the opposite, but for the most part I think they really try and do their best," Community Education Council 24 Administrative Assistant Patricia Safina said. "Most go above and beyond."

Parent coordinators make approximately \$38,000 a year. They also receive a cell phone and \$500 to cover expenses. There are roughly 1,200 parent coordinators citywide.



Residents Want School Boards Back

By Ben Hogwood

MAY 1, 2008

No communication, no leadership and absolutely no improvement.

This is what members of Community Education Council District 24, as well as area parents and local education officials, had to say Tuesday about the current mayoral form of control over public schools.

Nick Comaianni, President of CEC 24, said the schools may have had some issues under school boards – the previous form of control – but it was nothing compared to the current system.

"Though the school boards aren't perfect, I would take them any day over mayoral control," he said.

The comments came at the request of Public Advocate Betsy Gotbaum, who at the urging of the State Legislature established a Commission on School Governance to study the effectiveness of the mayoral control system. The Legislature will decide next year whether to continue, modify, or do away with the mayoral control system, which Mayor Michael Bloomberg acquired in 2002. Gotbaum's commission is compiling input from a wide swath of the populace and will make recommendations to the State.

"We're trying to be extremely objective," she told an audience of around 35 in PS 49 in Middle Village, adding that opinions had varied, though they often differed depending on whom she spoke with.

While many parents have blasted the system, officials – including City Department of Education Chancellor Joel Klein and Deputy Mayor Dennis Walcott – have praised it, she said.

There was no praise coming from attendees at this meeting. Comaianni said a major problem now is that local boards and superintendents have no control and no one in the Department of Education will listen and respond to questions and concerns.

When the Department of Education does respond to questions, the answers are never straightforward, he said.

"The Department of Education has lied to me 99 percent of the time," he said. "I've come to the point where I really can't trust what they say."

Education Council Member Peter Vercessi said it took the department two years to respond to questions regarding how to test and place gifted students. Comaianni added under the former system, it would have only taken a matter of weeks to get a response.

Audience member Bob Cermelli said the mayoral system was supposed to encourage a more democratic approach to controlling the schools. Instead, the opposite has happened.

And Marge Kolb, a former CEC member and a parent, said "mayoral control" was a misnomer. "We have mayoral autocracy," she said. "We're trusting the school system to take care of our kids and it's not working."

She said the chancellor is not an educator but a lawyer, and in less than seven years there has been four different chancellors, scuttling continuity.

Giving an example of the lack of local control, Comaianni said the mayor had banned students having cell phones in schools despite districts voting in favor of them.

The New York Times

May 1, 2008

Council Approves Rezoning of 125th Street, Over Loud Protests of Some Spectators

By TIMOTHY WILLIAMS

The boos and cries of “sellout” and “liar” came so loudly and persistently that the entire audience was removed. But in the end, the City Council overwhelmingly approved a plan on Wednesday to rezone 125th Street in Harlem.

The Council approval augurs the most significant change to the avenue in nearly half a century, one that supporters say will bring new businesses and housing, and that opponents say will forever alter Harlem’s character for the worse by ushering in a new wave of gentrification.

“When I came into office, we promised to stimulate economic growth and strengthen neighborhoods across the city, and our plan for the area around Harlem’s famed 125th Street is the latest example of how we’re doing it,” Mayor Michael R. Bloomberg said in a statement. “Not only does the plan lay the foundation for economic growth on Harlem’s Main Street, but also it preserves its noted brownstones and reinforces its arts and culture heritage.”

The 47-to-2 vote came after months of political and legal squabbling that has divided Harlem among those who believe the rezoning will lead to an improvement in the quality of stores and the availability of services in the neighborhood, and those who believe the changes will turn 125th Street into a generic Manhattan thoroughfare lined with skyscrapers, chain stores and a new set of wealthy residents.

On Wednesday, members of those two groups sat side by side in the City Council chambers, some clapping politely in support of the plan, the others angrily denouncing Harlem’s three Council representatives — Inez E. Dickens, Robert Jackson and Melissa Mark-Viverito — who all supported the rezoning.

After a series of disruptions, in which audience members shouted “sellout” and “liar” and booed loudly as Ms. Dickens tried to explain why the rezoning was an important step forward for Harlem, the Council speaker, Christine C. Quinn, and the city’s public advocate, Betsy Gotbaum, asked that the chamber’s balcony, where the audience was sitting, be cleared of spectators by police officers.

But Councilman Charles Barron brokered an agreement with the officers and City Council security, and only a few of the 100 spectators were ejected.

Once the meeting was back in session, however, the shouting and catcalls resumed during remarks by Mr. Jackson. After Ms. Quinn and Ms. Gotbaum, who was presiding, asked again for the room to be cleared, police officers and City Council security escorted everyone outside the building. As they left, they sang, “We Shall Overcome.”

The meeting was interrupted for about 30 minutes, and the vote was eventually held in the Council chambers with only council members, council staff members, law enforcement personnel and reporters present. Council and administration officials said they could not recall another meeting in which the chambers were cleared of spectators.

Councilwoman Helen Diane Foster, who voted for the rezoning, said she was concerned that the audience was treated harshly because its members were predominantly black and Latino.

“We had more officers in here than we’ve had in the chambers ever before,” she said. “I hope we did it across the board and not based on color.”

Ms. Dickens said that her recent discussions with the Bloomberg administration had vastly improved the proposal, and she said the rezoning was supported by a broad cross-section of Harlem. “I need no one to document my commitment to my community,” she said. “I was born in Harlem.”

The vote itself had become a formality after Ms. Dickens, Mr. Jackson and Ms. Mark-Viverito agreed to the rezoning last month in exchange for pledges from the Bloomberg administration that included additional units of moderately priced housing, government loans for 71 businesses that may be displaced, and about \$5.8 million in improvements for Marcus Garvey Park.

Including the 125th Street plan, the Bloomberg administration has now rezoned more than 6,000 blocks since 2002 as part of its effort to revamp the city’s zoning laws, many of which had not changed since 1961.

City officials said none of the other plans had been as hotly contested as the rezoning of 125th Street, which is far more modest in size than previous rezonings, but which threatens to transform what has long been the symbolic center of African-American cultural life.

The plan calls for 24 blocks of Harlem to be rezoned, stretching from Broadway east to Second Avenue, and from 124th to 126th Street. The Bloomberg administration said its intent was to remake 125th Street, now dominated by four- and five-story buildings with small businesses on the first floors, into a regional business hub with 19-story office towers and more than 2,000 new market-rate condominiums. The plan includes incentives for arts- and entertainment-related businesses.

The Bloomberg administration and Ms. Dickens have said that an agreement they negotiated reserves 46 percent, or 1,758, of the 3,858 total new residential units that would be permitted to be built in the rezoned area as moderately priced housing.

But according to the formal agreement, signed on April 15 by Deputy Mayor Robert C. Lieber, only about 5 percent of the housing — or about 200 units — would be affordable for families earning \$30,750 or less.



MAY 2, 2008

POLS GET FREE RIDE

Personal travel on your dime

EXCLUSIVE

By DAVID SEIFMAN
City Hall Bureau Chief

The city's top elected officials will no longer have to reimburse the treasury when they use their taxpayer-funded official cars and drivers for purely personal purposes, The Post has learned.

Sources said the Conflicts of Interest Board has decided, after intensive study, to recommend that elected officials assigned to travel with police security can go anywhere they want in their government vehicles without having to repay the city.

That would include trips on weekends, trips to run personal errands and trips outside the five boroughs.

"It's pretty surprising that they're going in that direction," said one source. "It's a pretty sweeping change."

The ruling — expected to be made public within a couple of weeks — would impact only the four officials who are provided a security detail: Mayor Bloomberg, Comptroller William Thompson, Public Advocate Betsy Gofbaum and City Council Speaker Christine Quinn.

Bloomberg and Quinn asked the



WHEEL DEAL: Council Speaker Christine Quinn (above) is one of four top officials who won't be required to repay the city for using their government car on personal time.

conflicts board in November 2006 to formulate guidelines on the use of official vehicles, not long after former state Comptroller Alan Hevesi got into hot water for assigning a government employee to chauffeur his ailing wife.

Hevesi resigned after pleading guilty to defrauding the government.

"Unfortunately, while elected officials want to adhere to the highest standards, New York City does not have an explicit and consistent set of guidelines governing

this area," Bloomberg and Quinn wrote.

The city's car rules are so undefined that officials have been setting their own policies, often by the seat of the pants.

Gofbaum scrambled to fork over about \$3,400 in late 2006 to pay four years' worth of estimated bills covering her civilian driver's time, gas, mileage and tolls when she wasn't on official business.

Thompson over a five-year period shelled out more than \$44,000, including \$35,284 for his

driver and \$9,406 for mileage and tolls.

Aides said the payments covered political stops because the comptroller doesn't use his government vehicle for strictly personal business.

Quinn reported paying \$2,784 from her campaign account for the political use of her official car in 2006.

A spokeswoman last year said she would continue to make regular payments from then on.

Bloomberg made the entire issue moot when he ran for reelection in 2005 by simply picking up the entire cost of his city-supplied SUV.

One insider said the conflicts board's ruling would certainly be welcomed, but probably wouldn't have much impact on officials who have to be concerned about appearances.

"I'd bet some continue paying," said the insider.

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Steven Hirsch

MAY 2, 2008

City to Cover Car and Driver Expenses for Top Officials



The four city officials who are assigned a security detail no longer have to pay the expenses on their taxpayer-funded official cars and drivers **when they use them for personal excursions**, according to a ruling by the Conflicts of Interest Board. The lucky protected ones are Mayor Bloomberg, Comptroller William Thompson, Public Advocate Betsy Gotbaum and City Council Speaker Christine Quinn.

In 2006, former state Comptroller Alan Hevesi resigned after admitting he assigned a government employee to chauffeur his sick wife. Soon after, Bloomberg and Quinn asked the conflicts board to set clear guidelines about the personal use of official vehicles; the Post says the rules were so vague that officials have been setting their own

policies.

Seeking to avoid Hevesi's fate, Thompson, Quinn and Gotbaum have been paying thousands of dollars to the city to cover non-official vehicular business, like political campaign business and personal trips. The ever-conscionable mayor, on the other hand, just pays the entire operating expenses for the S.U.V. provided by the city.

New Asthma Proposal Targets Negligent Landlords

BY SCOTT LEVI

PUBLISHED MAY 2, 2008

Crumbling buildings, apartment mold, and overwhelming pests may be well-known city asthma triggers, but a comparatively high concentration of asthma cases in northern Manhattan has prompted Public Advocate Betsy Gotbaum and City Council members to zero in on a new target: negligent landlords.

The Asthma-Free Housing Act, co-sponsored by council members including Rosie Mendez (D-Lower East Side) and Melissa Mark-Viverito (D-Spanish Harlem), would require landlords whose tenants suffer from asthma, emphysema, or lung cancer to inspect their buildings at least once a year for indoor allergens. If landlords do not properly address the problems, the proposal states that the Department of Housing Preservation and Development will assume charge of the failings and fix the violations themselves.

West Harlem's WE ACT for Environmental Justice, an environmental justice organization, helped to produce the bill as part of the Coalition for Asthma-Free Homes. According to Julien Terrell, housing and health campaign coordinator for WE ACT, what distinguishes the bill from previous legislation is its initiation of an official protocol for mold and pest control.

"There is currently nothing in place that ensures that, one, the job will be done, and two, that the job could be done," Terrell said. Whereas the New York State Department of Health only provides guidelines for landlords, the new system would establish mandates for landlords and the city in order to tackle the underlying causes.

With the ever-present possibility of development in Harlem, many point out that construction projects could be asthma threats. But Terrell said that organizations frequently overlook the triggers lurking within the confines of people's homes.

"We try to raise awareness around threats to indoor air quality," Terrell said. "Ninety percent of time is spent indoors ... and there needs to be a dedicated type of remediation."

While representatives of Harlem—including council member Mark-Viverito and WE ACT—support the plan, the issues and solutions are citywide. The city's Department of Health reports that the percentage of asthmatics throughout the five boroughs ranks high by national standards.

"These problems have serious health consequences and our bill will force landlords and inspectors to take them seriously," Gotbaum said in a press release.

The bill would hold landlords legally responsible for slipshod apartment maintenance. According to Gotbaum's office, residents' experience worsened respiratory health from in-apartment pesticides as well as mold-infested walls, which landlords sometimes paint over.

Currently, pollution and poor housing conditions have made Harlem one of the most affected neighborhoods in the nation in terms of respiratory disorders. Aside from Mark-Viverito, council member Robert Jackson (D-Morningside Heights and West-Harlem) has also signed onto the bill, according to a City Council spokesman.

While council member Inez Dickens (D-Morningside Heights and Harlem) has yet to submit paperwork to endorse the proposal, her office said that does not indicate a lack of concern about the state of her constituents' respiratory health.

"She is very focused on the 125th Street rezoning," Lynette Velasco, special assistant to Dickens, said of the councilwoman. "Of course we have raised concerns about the rise of asthma, the effects of the asthma. We need more time to refocus and look at things."

Susan Russell, Jackson's chief of staff, said that in West Harlem, factors of carpeting, leaks, and vermin can endanger residents' welfare. Though Jackson favors the plan, Russell said from an attorney's standpoint, she was curious as to how the protocol would successfully mediate disputes between clients, landlords, and the city.

"What does it mean when it's put into practice?" Russell asked. "They [the disputes] might just happen in housing court."

MAY 3, 2008



City Officials Could Soon Get Green Light On Free Ride

DIAL UP BROAD
UP BAND

The Conflicts of Interest Board will soon recommend that the city's top four elected officials not have to reimburse the treasury when they use government cars for personal travel.

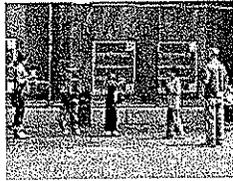
Sources at the board say the new guidelines will apply to Mayor Michael Bloomberg, City Council Speaker Christine Quinn, Comptroller Bill Thompson, and Public Advocate Betsy Gotbaum.

Taxpayers already pick up the tab for the lawmakers' use of the cars for official purposes, but under the new rule they would also be paying for rides on weekends, personal errands and trips outside the city.

The ruling is expected to be made public in within the next few weeks.

The Mayor's Office says it requested that the Conflicts Board create guidelines on the use of official vehicles after former state Comptroller Alan Hevesi had to step down after it was revealed a state employee chauffeured his wife.

MAY 3, 2008



Public Advocate Says City Schools Are Dropping The Ball On Fitness

DIAL BROAD
CUE LEARN

New York City public schools aren't doing enough to help kids stay fit, according to a report released Sunday by Public Advocate Betsy Gotbaum.

Gotbaum's office found that the majority of elementary and middle schools are falling far below the state physical education mandates.

"Diabetes is a huge problem in this city and one of the ways kids can avoid getting diabetes is by having adequate exercise," said the public advocate.

Among the findings: 96 percent of schools do not meet phys ed requirements for third graders, and 88 percent fall short in their requirements for fourth graders.

"What's so frustrating about the child obesity epidemic is that is often has a simple if unsurprising remedy: activity and physical education," said Comptroller William Thompson at a press conference Sunday to unveil the report.

"You know what? They're doing too much testing about reading and math; let's have a little more physical activity, that would make our kids well rounded and healthy," added Gotbaum. "We need have the school system figure out a way to incorporate physical activity into their daily sessions."

State regulations require daily physical education classes through third grade and a minimum of two hours per week from fourth through sixth grades.

DOE says Gotbaum's numbers are flawed because about one-third of the schools she contacted did not respond.

The department also points out that dance classes can satisfy the P.E. requirement. One mom says her son is learning dance and loving it.

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"That's obviously very physical and they learn various international dance techniques."

Denham says her kids also run a lot during recess.

But some parents agree with Gotbaum, saying the schools are not doing enough.

"A couple kids get together in the gym and play, but it's not a real workout," said another parent. "Not like he gets out here in the street."

A DOE spokesperson says the department is making progress in fitness and health education, and points out that 90 percent of elementary schools have dedicated phys ed teachers, up from 75 percent five years ago.



Taking high road

Free-ride pols vow to pay anyway

By DAVID SEIFMAN
City Hall Bureau Chief

Public Advocate Betsy Gotbaum said yesterday that even if she didn't have to, she would reimburse taxpayers for the private use of her official vehicle.

So will city Comptroller Bill Thompson and City Council Speaker Christine Quinn.

As The Post first reported, the city's Conflicts of Interest Board is preparing a sweeping ruling that would allow city officials who are assigned security details to go anywhere they want in their government vehicles without having to pay for personal use.

The theory is that the officials don't have much choice when it comes to security, and it's unfair to force them to write checks



Gotbaum

POLS GET FREE RIDE

Public Advocate Gotbaum will continue to voluntarily reimburse, as is her policy, for nongovernmental use of her city car.

Spokeswoman Sarah Krauss

to the treasury each time they make stops at the supermarket or take a trip out of town.

The conflicts board is now circulating a draft of its decision with the final ruling expected within weeks.

It would affect just four officials: Gotbaum, Thompson, Quinn and

Mayor Bloomberg.

Stu Loeser, the mayor's spokesman, declined comment until the board's decision is made public.

Everyone else said they would still pony up.

Regardless of the final ruling, Public Advocate Gotbaum will continue to voluntarily reimburse, as is her policy, for nongov-

ernmental use of her city car," spokeswoman Sarah Krauss said.

Ditto, said aides to both Quinn and Thompson.

As of this past Dec. 31, Thompson's campaign had paid out \$57,025 toward his use of city vehicles for political events.

Comparable figures for the other officials weren't immediately available.

Gene Russianoff of the New York Public Interest Research Group, a government watchdog, said the conflicts board's decision makes sense, except in cases of gross abuse.

"In a post-9/11 world, they're vulnerable," he said of the city officials.

"Having said that, Mayor [Rudy] Giuliani going out to the Hamptons to see Judi Nathan, that doesn't feel right."

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MAY 3, 2008

Newsday

NEW YORK CITY

Report says NYC schools not meeting phys ed standards

May 4, 2008

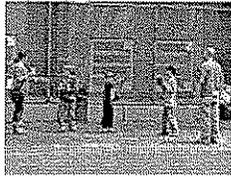
NEW YORK (AP) _ A new report says only a fraction of New York City's elementary and middle schools are meeting legal requirements in physical education.

Public Advocate Betsy Gotbaum and City Comptroller William Thompson say it is "critically important" that P.E. classes be expanded to comply with state law.

Their study found that 80 percent of elementary and nearly 50 percent of middle schools have no sports or fitness program of any kind.

Students in kindergarten through third grade are supposed to have physical education daily. Those in the fourth through sixth grades are supposed to have P.E. three times a week.

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DIAL UP
BROAD
BAND

MAY 5, 2008

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News

City Schools Slacking on Phys Ed Requirements **by Laura Silver**

NEW YORK, NY May 05, 2008 —Third graders in New York City's public school system are supposed to have gym class every day. But only 4 percent of them get to run around as part of the school day. This according to a report by the city's public advocate.

Betsy Gotbaum's office surveyed 100 city schools at random and found that physical education is also lax in middle schools. She says nearly 70 percent of schools violated state regulations on in-school fitness. And almost 50 percent had no athletic teams.

Gotbaum says exercise is a key to eliminating obesity and should be a priority.

The city's Department of Education says it's flexing its muscle on the issue with a new Office of Fitness and Health Education and full-time phys ed teachers in 90 percent of city schools.



Skipping Gym Class

[most emailed articles](#)

May 5th, 2008

Public Advocate Betsy Gotbaum found the Department of Education is skimping kids out of their exercise, according to a new survey of scores of randomly selected elementary and middle schools.

The [report](#) found that 96 percent of elementary schools violate state mandates for third graders, who are supposed to have PE class daily.

We ran a [similar story](#) in March, which showed the lack of focus on physical education has been a growing trend since the 1970s, when schools turned more towards academics.

But the Department of Education contends it is [working hard](#) to reverse this trend.

Obesity is still a huge problem among New York City kids. How do you think the department should, if at all, get kids to shed pounds?

By Courtney Gross on May 5, 2008, 7:22 pm

In category: [Education](#), [Gotham City](#), [Health](#)

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The NEW YORK Sun



MAY 5, 2008

Schools Failing On a Mandate For Gym

By ELIZABETH GREEN
Staff Reporter of the Sun

Despite a legal mandate that gym classes be offered every school day, only 4% of New York City third-graders participate in daily physical education activities, a new report by the city's public advocate finds.

The report, based on a survey of 100 randomly selected schools in the five boroughs, also concludes that only 12% of fourth-graders get the mandatory 120 minutes a week of physical education.

"Many schools are breaking the law," Public Advocate Betsy Gotbaum said in a statement. "We must work to curb rising obesity rates and make sure exercise and

Please see GYM, page 2

Gym Classes Requirement Goes Unmet in the City

GYM from page 1

physical wellness is a top priority."

State regulations mandate that all public school students attend and participate in physical education, with a ladder of how often they are required to do so depending on age: once a day up to the third grade; three times a week for fourth- through sixth-graders, and twice a week one semester and three times a week the other for seventh- through 12th-graders.

Ms. Gotbaum's report finds gaps in middle schools as well as the lower grades. A sample of 50 middle schools found that 69% violated state regulations and 48% had no athletic teams or sports program.

The city's Department of Education says it has been pushing hard to reverse historical neglect in this area. It created for the first time an Office of Fitness and Health Education and appointed a director, Lori Rose Benson, who has been pushing physical education as a priority both inside the administration and inside schools, and who for her efforts last year was named top physical education

administrator of the year by the National Association for Sport and Physical Education.

Two months later, the group awarded another honor to the New York City school system, making it the first district ever to be recognized.

Yet Ms. Gotbaum's report adds to a growing chorus of critics suggesting that the Department of Education is not working hard enough.

Governor Spitzer addressed the issue in his State of the State address in January, saying state physical education standards are "widely ignored" and asking the comptroller, Thomas DiNapoli, whose office audits public schools, to handle oversight of the issue.

At a state Assembly hearing on physical education compliance earlier this year, the city comptroller, William Thompson Jr., said physical education is a major concern for parents.

He said lack of space is a big obstacle, citing Brooklyn's District 15 as an example. "Many schools in the district were built without gyms, and there are currently no gyms at seven elementary schools in the district," Mr. Thompson

said.

Ms. Benson, the department's health and physical education tsar, said she realizes many schools are not meeting state mandates, but that her mission is to reverse that. She has managed the creation for the first time of a core physical education curriculum; has lobbied the administration to make physical education part of the rubrics by which principals are graded, and has launched training programs to help schools increase their physical education, including a workshop titled "No Gym? No Problem," in which schools learn techniques such as using classrooms for yoga and Pilates.

"There's been increased concern about math and literacy scores and other core subject areas, and I think what we're beginning to realize is that students' health is a real core subject area," she said. "We need to take that just as seriously as everything else."

Ms. Benson said that one positive indication is already in: In 2003, only 75% of elementary schools had dedicated physical education teachers. Now, 90% of them do.

EL DIARIO

Estudio critica educación física escasa

JOSE ACOSTA

NUEVA YORK/EDLP — Pese a la creciente crisis de obesidad en la ciudad de Nueva York, el Departamento de Educación (DOE) no está proveyendo a los estudiantes la cantidad adecuada de educación física asignada por mandato de la ley estatal.

De acuerdo con un nuevo estudio realizado por la oficina de la defensora del pueblo, Betsy Gotbaum, aunque la situación ha mejorado respecto a otro estudio del 2004, sólo el 4% de los estudiantes de tercer grado participan en clases de educación física todos los días.

Gotbaum dijo que muchas escuelas están violando la ley al no cumplir los requerimientos estatales, "y eso es un gran problema porque niños no está recibiendo el ejercicio físico que necesitan".

"Debemos trabajar para controlar el índice de obesidad, y asegurarnos de que el ejercicio y la salud física estén entre nuestras prioridades. Quizás el DOE debería dedicar un poquito menos de tiempo en las pruebas de ejercicios, para dar un poco más de tiempo a la actividad física vital", dijo Gotbaum.

El contralor de la ciudad, William C. Thompson, dijo que es imprescindible brindarles a los estudiantes salud y los ejercicios físicos que merecen.

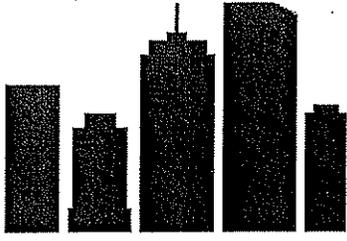
"Nosotros debemos expandir la educación física en nuestras escuelas públicas, particularmente en las escuelas elemental e intermedia, enfocados en combatir la obesidad infantil", dijo el contralor.

Thompson indicó que estadísticas revelan que la obesidad infantil en el estado de Nueva York se ha cuadruplicado desde el decenio de 1970, y triplicado en los últimos 10 años.

Regulaciones del estado de Nueva York requieren que estudiantes desde párvulo al tercer grado participen en programas de educación física diariamente, y de cuarto grado al sexto, al menos tres veces a la semana, con un mínimo de 120 minutos por semana.

El Departamento de Educación dijo ayer que ha conseguido progresos significativos en áreas de educación física y salud que habían estado descuidadas por décadas, indicando que en el 90% de las escuelas elementales hay profesores de educación física, un incremento de un 75% desde el 2003.

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gothamist™

MAY 5, 2008

Report: Public School Students Not Getting Enough P.E.



Public Advocate Betsy Gotbaum announced findings of a new report that reveal public school students are getting much, much less physical education than they should be. Based on data from 100 randomly selected schools, only 4% of third graders and only 12% of fourth graders participated in daily mandated P.E. classes.

Gotbaum said, "Many schools are breaking the law by not complying with state mandates, and that's a big problem because kids are not getting the exercise they need." She and City Comptroller William Thompson accused the Department of Education of failing students as childhood obesity is rising at an alarming rate.

The state's requirements for P.E. are interesting. Per the Sun, it's "once a day up to the third grade; three times a week for fourth- through sixth-graders, and twice a week one semester and three times a week the other for seventh- through 12th-graders."

The Department of Education tells the Sun it created the Office of Fitness and Health Education and has hired a director to help bring more physical fitness programs of schools, even ones without gyms (like having students do yoga and Pilates).

» Educación

Instrucción mínima

Escuelas proveen educación física reducida en NY

Hoy Nueva York

MANHATTAN

Un estudio indica la violación de las normas de educación física pese a la crisis de obesidad. El Departamento de educación (DOE) no cumple con proveer instrucción física adecuada en las escuelas de la Gran Manzana, según un informe publicado ayer por la Oficina de la Defensora Pública, Betsy Gotbaum.

"Muchas escuelas incumplen con el mandato estatal, generando un gran problema porque los niños no están realizando los ejercicios que necesitan. Tenemos que hacer algo por reducir la obesidad", dijo Gotbaum.

La ley estatal ordena que los alumnos desde pre-escolar hasta tercero participen en educación física diaria y para el cuarto grado hasta el sexto, al menos tres veces por semana con 120 minutos semanales mínimos. El sondeo, actualización de una encues-



»» El contralor Thompson y la defensora pública, Betsy Gotbaum, ayer en conferencia de prensa. (Foto: Cortesía)

»» LOS NUMEROS

- En 93 escuelas primarias: • 96% viola orden de instrucción física para 3er. grado. • 88% viola regla de dictar al menos 120 minutos semanal al 4to. grado. • 81% no participa en equipos atléticos o deportes.
- En 50 escuelas secundarias: • 69% incumple con al menos tres clases de física semanal con 120 minutos 6to. grado. • 48% no forma parte de equipo atlético ni deportes.

ta similar de 2004, fue en 100 escuelas de primaria, 20 de cada condado, y en 50 de secundaria. Preguntaron sobre las clases a estudiantes del tercero, cuarto y sexto grado.

"Es urgente que proveamos a los estudiantes salud y física con prioridad", dijo el contralor William Thompson Jr. Una llamada al DOE no fue respondida ayer.

2008

DAILY NEWS

Schools not gym dandy - report

MOST CITY ELEMENTARY and middle schools don't comply with state laws requiring gym classes three days a week in upper grades and daily in lower grades, according to a report issued yesterday by Public Advocate Betsy Gotbaum.

The public advocate's staff contacted 100 grade schools at random, posing as prospective parents, to ask about sports and gym programs. Of the 93 schools that responded, 96% were violating state regulations for third-graders and 88% for fourth-graders. The results were consistent with a similar 2004 check.

"We all know that childhood obesity is a huge problem, and one of the contributors to obesity is not exercising," Gotbaum said.

The Education Department countered with stats showing 90% of schools now have full-time gym teachers, up from 75% in 2003.

Erin Einhorn

MAY 5, 2008



Schools fail PE requirements

Despite strict state regulations, the Department of Education has been dragging its feet over getting city schoolchildren running and jumping in gym class, according to a study released yesterday.

Public Advocate Betsy Gotbaum said a bloated 96 percent of city elementary schools violate regulations by not providing third-graders with daily PE classes, citing a random review of 100 schools. "Many schools are breaking the law by not complying with state mandates, and that's a big problem because kids are not getting the exercise they need," Gotbaum said.

Brian Hamacher
MAY 5, 2008

The New York Times

May 6, 2008, 1:25 pm

Report Faults City on 'Potentially Toxic' School Sites

By SEWELL CHAN

In a [17-page report \[pdf\]](#) released today, the New York City public advocate, [Betsy Gotbaum](#), contended that a loophole in state law had permitted the city's School Construction Authority "to open schools on potentially toxic sites that could pose a health threat for New York City schoolchildren." But the city's Education Department immediately disputed the report's findings, insisting that it had not placed any student at risk from environmental pollutants.

The Gotbaum report focuses on schools housed in buildings leased by the authority. Some of the buildings have been found to be contaminated with toxins like perchloroethylene, trichloroethylene and lead, but the State Department of Environmental Conservation determined that the levels were not high enough to make the buildings unsafe for use as schools. The Gotbaum report does not assert that children are actively at risk, but contends that the authority was able to lease the sites "without community notification, environmental review, or City Council oversight."

Ms. Gotbaum said in a statement:

When it comes to our children's health, we can't afford to make poor choices. Choosing a location for a school is a decision that has a lasting impact, and right now, when the SCA leases property, parents don't have a say in the process and the City Council is shut out. State law must be amended to require a public process and environmental review of leased school sites.

The state's Public Authorities Law requires the authority to submit a plan to the local community board and the City Council when it seeks to build a new school on city-owned property, but the requirements do not apply when the authority creates a new school in a leased site.

Ms. Gotbaum urged amendments to the Public Authorities Law to cover leased sites and called on the city to provide more environmental information about schools and hire outside consultants to conduct environmental tests and, where necessary, remediation.

In a statement, Marge Feinberg, a spokeswoman for both the Education Department and the School Construction Authority, did not rule out the possibility of more transparency, but strongly defended the agencies' handling of new leases for school buildings. Ms. Feinberg said in the statement:

We strongly object to misinformation that is being bandied about regarding our leased sites. First, we do not lease sites that would endanger our students. Health and safety are the Department's foremost priority. We are confident that our schools are safe and wouldn't allow people in them otherwise. When we lease a site, the School Construction Authority follows all the state and city regulatory requirements, and conducts Phase 1 and Phase 2 environmental reviews of sites to determine the level of clean-up, because as we all know there are no sites in the City, residential or commercial, without some sort of contamination.

We are working with the State Legislature, and other parties, to codify existing high environmental review standards and to the make the process more transparent to the public. New York State Assembly Member Keith L. T. Wright (D-Harlem) and

and New York State Senator Frank Padavan (R-Queens) have a bill that accomplishes this goal.

Leasing is an effective strategy to ensure that we can aggressively pursue all options to reduce overcrowding in our schools. Having a formal approval process not only is unnecessary due to our environmental reviews and transparency but also would tie our hands during lease negotiations when landlords have other leasing options.

The SCA maintains an exacting standard of due diligence on every project, aggressively testing and remediating sites, and testing air quality more extensively than the state requires.

But advocates are unlikely to be comforted. David Palmer, a staff attorney at New York Lawyers for the Public Interest who has represented neighborhoods concerned about pollutants at several locations — particularly the Soundview Educational Campus in the Bronx and the [Information Technology High School](#) in Long Island City, Queens — sent a letter today to Sharon Greenberger, president and chief executive of the School Construction Authority, arguing that the public advocate's report affirmed his group's concerns.

Mr. Palmer urged Ms. Greenberger to subject the city's leased locations to the requirements of the State Environmental Quality Review Act, which now only applies to sites owned by the city. The authority's current position "is contrary to sound public health policy, and violates current law," Mr. Palmer argued, adding, "We urge SCA to conduct a full environmental review, pursuant to SEQRA, whenever SCA leases a contaminated facility for use as a school."

DAILY NEWS

Parents groups playing hooky

BY JESS WISLOSKI

Tuesday, May 6th 2008, 4:00 AM

Education advocates have long warned that the diminishing rôle for parents in schools will eventually kill off parent involvement altogether.

Now, the city's own findings on the efficacy of two avenues available for parents to weigh in on their childrens' schools back up Mayor Bloomberg's critics.

Out of 100 schools, 78% of parent coordinators - the on-staff liaisons between parents and the school - could not be reached on their city-provided cell phones, according to a survey by Public Advocate Betsy Gotbaum.

And the Department of Education's own parent engagement office found that only 51% of the schools it has looked at so far has a functioning School Leadership Team (SLT).

The news may be no surprise to parents, who have bemoaned many of the administration's reforms - including disbanding local school boards.

But for educators, whose jobs are to engage parents, recent tallies are worrisome.

"It's really embarrassing to say our district's Presidents Council is not even in effect right now," Michelle Lloyd-Bey, the community superintendent of Queens District 27, said at a community meeting in March. A Presidents Council represents all the PTAs in a district.

She added that SLTs - a body of teachers and parents that help in school decision-making - "are not sending documentation as they're supposed to, not keeping records, and in some cases they're not even functioning."

Martine Guerrier, the city's chief of parent engagement, said her office is working to fix the problems. "SLTs have always been an issue," she said. Her office began looking into SLTs recently and found that many only existed on paper. But in district surveys, 83% of schools claimed they had SLTs.

Guerrier's office was created last year to address some of these complaints. "We just started, so there's no way to tell right now, but I'm encouraged by what I've seen," she said of the city's progress.

But William McDonald, a parent in Queens District 29 who also heads the citywide Chancellor's Parent Advisory Committee, said the effect of Bloomberg's initiatives on parent involvement has been "a mess."

"It's to the point now where SLTs don't function at all," he said, noting the problem began in 2003 when the city eliminated SLT budgets. The city instead hired "SLT coordinators" - a job that was dissolved last year.

And with the PTAs also disappearing or growing less active, McDonald sees a dim future.

"As I see it, in three years, parent involvement probably won't even exist," he said.

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DAILY NEWS

Boro coordinators get better marks

BY JESS WISLOSKI

Tuesday, May 6th 2008, 4:00 AM

Public Advocate Betsy Gotbaum is less than impressed that 78% of the city's parent coordinators did not return calls in a survey by her office.

But Queens did better than most, she found.

Out of 20 schools contacted, coordinators at 75% of them either picked up the phone or called back her office workers, who were posing as parents new to the school.

Parent coordinators fumed at Gotbaum last week.

"It's a deceiving number," said Public School 128 coordinator Melissa Phillips.

"The phone calls are such a small part of what we do for parents," she said at a Community Education Council meeting for District 24 on April 29.

A District 24 worker added that 16 of the district's city-issued cell phones - more than 30% - were broken and never replaced.

The parent coordinator job was created in a 2002 mayoral initiative to provide better access to school administrators.

A coordinator must convene parent meetings, attend other parent meetings, organize school events, maintain contact with community groups, increase parent involvement and act as a facilitator between parents and the school.

After-hours work is mandatory and the city provides cell phones so coordinators can take evening calls.

The average salary is less than \$40,000 a year.

Most parent coordinators do not pick up calls after 5 p.m., according to Gotbaum's survey.

"I'm not damning the whole program," said Gotbaum. "I'm just saying this survey just keeps getting worse."

In 2004, 62% of messages left for parent coordinators were not returned.

Gotbaum's study of 100 schools found coordinators with nonworking numbers, no voice mail to leave a message, and in some cases, the position was unfilled. The city spends \$68 million a year on the positions.

The NEW YORK Sun

'Star Power' Seen Lacking in 2009 Mayoral Field

By GRACE RAUH, Staff Reporter of the Sun

May 7, 2008

<http://www.nysun.com/new-york/star-power-seen-lacking-in-2009-mayoral-field/75964/>

WITH 18 MONTHS TO GO BEFORE NEW YORKERS ELECT A NEW MAYOR, THE FIELD OF CANDIDATES emerging to succeed Mayor Bloomberg is failing to excite New Yorkers.

A professor of political science at Baruch College, Douglas Muzzio, said the problem is a lack of "star power" and "juice."

"The conventional wisdom is that this is sort of an unexciting field," he said. "I don't know who out there would make it more interesting and engage the electorate. I don't know. I don't know if any of these folks can turn people on."

On the Democratic side, there's Rep. Anthony Weiner, an aggressive campaigner who has clashed with Mr. Bloomberg; Comptroller William Thompson Jr., whose own lawyer was recently reported to have derided the candidate in a courtroom, and the speaker of the City Council, Christine Quinn, who is embroiled in a budget scandal at City Hall that could derail her anticipated mayoral bid.

The lone Republican in the race so far, billionaire John Catsimatidis, has garnered little enthusiasm from political insiders, who are refusing to consider him "the next Bloomberg" despite his personal wealth and outsider status.

One sign of dissatisfaction with the field is the public's fixation on the police commissioner, Raymond Kelly, who is fast becoming one of the most talked about figures in mayoral conversations. The only problem is that Mr. Kelly is not running and has offered no indication that he intends to jump in.

The mayoral hopefuls may be having a tough time because their campaigns have not yet begun in earnest, with the exception of campaign fund-raisers. New Yorkers also are likely comparing them to the popular sitting mayor, whose approval ratings have dipped below 70% only once in more than two years, according to Quinipiac University.

A former top aide to Mr. Bloomberg, William Cunningham, said it sometimes is difficult for the public to imagine a political candidate in the seat they are seeking until they are there. He said it's a common phenomenon for the public to be underwhelmed by the crop of presidential candidates at the start of a White House race.

"The same thing happens with mayor. La Guardia, Koch, Giuliani, now Bloomberg. He's been there seven years and people have a feel for him," he said. "They like a Koch, they like a La Guardia, they like that kind of feistiness, and you don't see that from the other candidates."

Mayor Koch, who long ago announced his support for Mr. Kelly, said yesterday that the call for "good candidates" to enter the race is growing, and said the public is not yet satisfied with the field.

"I believe people are constantly thinking of Ray Kelly," he said.

Mr. Koch called Mr. Kelly, a "fitting successor" to Mr. Bloomberg, but noted that he thinks all of the

candidates are good. He said none, however, have the broad base of support he would expect to form behind the police commissioner.

In March, Mr. Kelly came in first place in a poll of New Yorkers asked whom they would want to elect mayor in 2009, winning support from 22% of respondents.

Mr. Weiner tied for second place with the president of Brooklyn, Marty Markowitz, with 14% of the votes. Ms. Quinn garnered 13% and Mr. Thompson and Public Advocate Eetsy Gotbaum both picked up 8%, according to the Quinipiac University poll.

The university is expected to release a new mayoral poll today.

A political consultant who is not working for the mayoral candidates, Chad Marlow, said Democrats are nervous about their party's field, which he said has grown weaker due to the announcement that the president of the Bronx, Adolfo Carrion, would run for comptroller instead of mayor, and because of the council budget scandal that is ensnaring Ms. Quinn.

"There is a lot less confidence there than there was six months ago, and if there is much more that comes up to damage the field, it will go from concern to panic," he said. He said it is up to Messrs. Thompson and Weiner to "hold the line."

"We can't take any more damage to any more candidates," he said. "At a minimum, the Dems need a competitive race between two quality candidates."

A professor at Cooper Union who is a historian of Mayor Giuliani's administration, Fred Siegel, said he didn't think the council speaker had much of a political future, arguing that she'd been badly damaged by the council budget scandal. The U.S. attorney's office and Department of Investigation are probing the council's finances.

As for the rest of the field, he said it was too early to offer an assessment.

"I think the big question is, does Ray Kelly run, and if he runs does he run as a Democrat or a Republican," he said. "The crop of candidates? It's not something that most people have given much thought to whatsoever."

Real people, real problems, real results

To The Editor:

A mother of nine, desperate to feed her kids and get their belongings out of storage, contacted my office for help, even though she had just moved to Long Island. I'm pleased to say that we were able to help, since the family retained limited rights to city services.

The family had moved because life in an in-law's too-small Manhattan apartment had become untenable. The mother immediately applied for benefits in Suffolk County, but officials there turned her down, saying New York City was responsible for the family. Their city benefits, however, had been terminated. Adding to the family's distress, their belongings were about to be sold at auction because of unpaid storage fees.

Heather Francis, one of my ombuds staffers, spoke with city public assistance personnel. They agreed that the family was entitled to benefits for one month after the case had been closed. The city further agreed to pay storage fees for two months and to consider paying moving expenses. Ms. Francis also contacted the storage company and arranged for a payment extension, thereby stopping the auction.

DOE Strikes Out: Students Need More P.E.

My follow-up survey to my 2004 report on physical education (P.E.) in city elementary and middle schools found that, despite small improvements in access to P.E. in Grade 3, access worsened in Grade 4, and overall the vast majority of schools surveyed continue to violate state P.E. mandates. This comes at a time of truly alarming rates of childhood obesity as reflected in the city's own study, which in

2003 found that 43 percent of all public elementary school students are overweight or obese. I also testified about this issue at a State Assembly hearing in January.

Clearly, the city Department of Education (DOE) needs to better enforce state P.E. requirements. State regulations require students in kindergarten through Grade 3 to take part in P.E. daily. They also require P.E. in Grades 4 through 6 at least three times a week for a total of at least 120 minutes. Yet my follow-up survey of 100 elementary schools, 20 in each borough, and 50 randomly selected public middle schools found that, among other things: —96 percent violate state regulations for Grade 3. —88 percent violate mandates of at least 120 minutes per week of physical education for students in Grade 4. —69 percent of middle schools surveyed violated the state regulation requiring 120 minutes of P.E. per week in Grade 6.

My recommendations and full report, State of Play: A Four-Year Follow-Up Survey on NYC Students' Access to Physical Education, is at <http://www.pubadvocate.nyc.gov/policy/LeasedSchoolsMay2008.html>

Bronx Family Court: LIFT Advocates in Action

Last week I visited Bronx Family Court for a first-hand look at how the nonprofit group LIFT, or Legal Information for Families Today, helps the public. It truly was illuminating, and impressive, to watch multi-lingual LIFT advocates interact with members of the public. LIFT education and information sites provide court-involved

families with the tools they need to make informed legal decisions that help them successfully navigate the legal system.

My visit reinforced the need for help desks in public areas of all city benefits offices, as reflected in my Ready Access to Assistance Act (REAACT), now pending before the City Council. Not only did LIFT help walk-ins at their Education and Information Site — a help desk — but Family Court staff also appreciated their services. At present, Housing Court and Family Court are the only city entities that allow advocates to set up such help desks.

A copy of the REAACT bill is at <http://webdocs.nycouncil.info/textfiles/Int%200359-2006.htm?CPID=599934&CFTOKEN=17673681>

Forum for Public School Parents This Saturday

The Commission on School Governance joins me in hosting a forum for parents on the state of our public schools and mayoral control of schools. Date is this Saturday, May 10, 10 a.m. to 2 p.m. at Brooklyn Borough Hall, 209 Joralemon St. Take the A, C or E train to Jay Street-Borough Hall; the M or the R to Court Street-Borough Hall; or the 2, 3, 4 or 5 to Borough Hall. For more information, please go to www.pubadvocate.nyc.gov/advocacy/schools, and please RSVP at rsvp@pubadvocate.nyc.gov. Refreshments will be served.

Have a great week!

Betsy Gothaum

Visit me at www.pubadvocate.nyc.gov

Kelly beats Quinn among mayoral contenders Kira Bindrim

Published: May 7, 2008 - 12:36 pm

Although his reputation has yet to recover from the Sean Bell trial, a recent poll suggests city Police Commissioner Ray Kelly could be poised to take over as the next mayor of New York.

In choosing from six potential candidates, 23% of New York City voters said they would be most likely to elect Mr. Kelly as mayor in 2009, according to a Quinnipiac University poll released Wednesday. That's up slightly from 22% in a similar poll in March.

U.S Rep. Anthony Weiner commanded 16% of the vote, according to the poll, and Brooklyn Borough President Marty Markowitz received 13%. New York City Comptroller William Thompson received 10%, as did City Council Speaker Christine Quinn. Public Advocate Betsy Gotbaum received 6% of the vote.

Mr. Kelly's approval rating has dropped since the conclusion of the Sean Bell trial last month, in which three police officers were acquitted of charges stemming from a 2006 shooting incident outside a Queens nightclub. Around 59% of voters approve of the job Mr. Kelly is doing, compared with 62% in the March poll. Among black voters, Mr. Kelly has a 36% approval rating, compared with 44% in March.

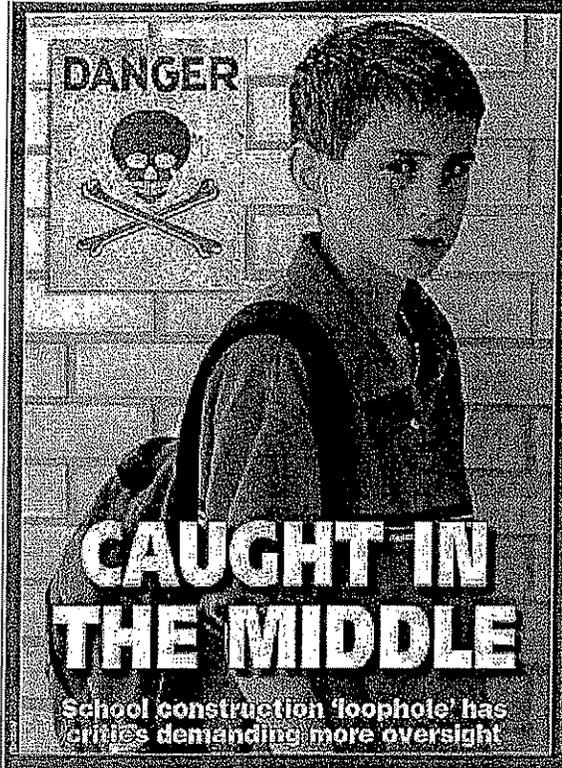
"Commissioner Ray Kelly still leads the potential pack in the 2009 mayor's race, but the Sean Bell case seems to have had an impact," Quinnipiac Polling Institute director Maurice Carroll said.

Current Mayor Michael Bloomberg has a 70% approval rating, according to the poll, down from 75% in March. In the last 30 months, Mr. Bloomberg's approval rating has only dropped below 70%—to 69%—once, according to Quinnipiac.

The Quinnipiac poll surveyed 1,790 New York City registered voters between April 30 and May 5; the poll has a margin of error of +/-2.3 percentage points. ♦

05/08/2008

Leased Schools Need More Oversight, Say Critics



As this season's legislative session nears an end, a legal "loophole" that allows the city's School Construction Authority to build schools on leased sites with minimal public oversight may be allowed to survive, despite intense criticism in recent weeks.

The city's Public Advocate, **Betsy Gotbaum**, was the latest to enter the fray, when her office released a report summarizing the issue last week.

"The (School Construction Authority) has chosen a number of sites for new schools without conducting an environmental assessment that meets the requirements of the State Environmental Quality Review Act ... or submitting to meaningful public review," the report reads.

At issue are sections 1731 and 1732 of the state's Public Authorities Law, which require that all school construction on city-owned property undergo a lengthy public review process. As part of the process, the SCA must prepare an Environmental Impact Statement per SERQA requirements, which are made available for public and legislative scrutiny. Under law, the SCA must also file copies of the site plan with the City Planning Commission, the relevant Community Education Council and community board and with the City Council for final approval.

The problem, some say, is that the law does not specifically mention schools on sites leased by the city, which critics have characterized as a "loophole" that needs to be closed. Under current law, an EIS is not required for a leased school site, nor is approval by the City Council or submittal to the relevant community board for review.

According to a Department of Education, memo, the SCA currently conducts environmental reviews for any proposed leasing site, which "work(s) to insure that new and leased facilities are environmentally safe for our children and staff." In what could perhaps be read as justification for the difference in processes between city-owned and leased sites, the department cited a "scarcity of sites for school construction in the city's more densely populated areas," and a need to "provide desperately needed seats on an expedited basis."

Unsurprisingly, Queens, often cited as having the most overcrowded schools in the city, is at the very center of the debate, with several existing or planned schools on leased sites.

The Robert F. Wagner Jr. School, in Hunters Point, is one example. The school was built on a Queens West Development Corp. industrial site, which underwent extensive environmental clean-up. In 2006, the state's Department of Environmental Conservation issued a "certificate of completion" for parts of the site under the state's Brownfield Cleanup Program.

Though there have been no reported problems, critics contend that the public is merely being asked to trust the DOE and SCA because the environmental review was not public. There is a history of contamination on other parts of Queens West, and the Brownfield environmental easement agreement for the site restricts the use of underlying groundwater and prohibits vegetable gardens.

Similar transparency concerns have arisen in recent years over Information Technology High School in Long Island City, located in a former metal plating factory, P.S. 65 in Ozone Park, a former airline parts factory, and the Art and Leather High School, currently under construction in Elmhurst at the site of a former leather tannery.

As the public advocate's report makes clear, there is no documented evidence that any current or future school poses a risk to children. Still, the report argues that it is precisely this documentation that is lacking in the public sphere, which leaves the process open to less oversight.

"If it's policy for newly acquired property, why wouldn't it be necessary for leased property?" asked Dmytro Fedkowskyj, the newly appointed Queens representative on the city's Panel for Education Policy. "The issues and concerns are the same. And we need to be absolutely certain that the area is safe from toxins for our students."

The Democratic-led state Assembly passed a bill last June, introduced by Assemblywoman Cathy Nolan (D-Ridgewood), that would have closed the loophole, but the bill died in the Republican-led state Senate in January and was returned to the Assembly. The bill, A.8838, was passed again on April 30 with a nearly unanimous vote and was returned once again to the Senate.

Assemblywoman Barbara Clark (D-Queens Village) was the only dissenting vote when the Assembly bill to close the loophole was passed 140-1. In a telephone interview, Clark explained the reasons for her vote, citing the difficulty in finding adequate building sites for schools. She also emphasized the need to swiftly address overcrowding concerns, focusing on "safety, but also expediency, in getting things done."

The bill has strong support from the City Council, however. Though the council has no legislative authority over the matter, last year its members unanimously passed a resolution that called on both state legislative bodies to act to pass bill A.8838.

The state Assembly has already done its half, but the bill must be passed by the state Senate and signed by the governor before becoming law. To that end, Sen. John Sabini (D-Jackson Heights) has introduced a bill that is the same as A.8838.

The bill has once again met with opposition, as some Senators work to pass a separate bill, introduced by State Sen. Frank Padavan (R-Bellerose). S.6393 would require the SCA to conduct documentary review and, if deemed necessary, a follow-up field investigation based on American Society of

Testing and Materials guidelines. The bill has the support of the mayor's office and the DOE, and would also require the DOE and local CECs to make the plan available for public review for up to 60 days, as well as to conduct a public hearing

Padavan has come under fire in recent weeks by critics who see no reason why schools on city-owned and leased sites should be reviewed any differently.

Councilman James Gennaro (D-Fresh Meadows), one of Padavan's more outspoken critics and his presumptive opponent for state Senate in 2008, said in a joint press conference at City Hall on April 28 that "Padavan and the Senate majority should be ashamed of themselves for letting this bill get watered down and die in Albany." Gennaro was joined by Councilmen Robert Jackson (D-Manhattan), Eric Gioia (D-Sunnyside) and John Liu (D-Flushing).

In a statement, Padavan, like the DOE and the mayor, said that his "number one priority has been and will always be safeguarding the health, safety and well being of our children," adding that his second priority was "to continue the recent success the (DOE) has achieved in significantly reducing

The Sun

In Wake of Council Scandal, Quinn Offers New Rules

By **GRACE RAUH**, Staff Reporter of the Sun
May 8, 2008

<http://www.nysun.com/new-york/in-wake-of-council-scandal-quinn-offers-new-rules/76032/>

THE SPEAKER OF THE CITY COUNCIL, **CHRISTINE QUINN**, IS ATTEMPTING TO CAST HERSELF AS A reformer at City Hall by announcing extensive new rules to govern the council's budget process amid a growing slush fund scandal.

The rules call for local organizations to meet a host of requirements before they are included in the city's budget, including demonstrating that they have the ability and experience to deliver the services they say they will with public funding.

The changes do not include an earlier proposal by Ms. Quinn to give control over the allocation of certain funds to mayoral officials, which had been widely denounced by council members. Frustration with Ms. Quinn's handling of the scandal had grown so great among some members that there had been talk about the possibility of her ouster and inquiries from members about how to go about removing a sitting speaker from office, according to council sources.

Yesterday, she appeared to have a solid grip on her seat, appearing with about 20 council members to present the new rules, which will govern some \$200 million in council funding.

"We want to do everything we can between now and the end of June to restore New Yorkers' faith that their tax dollars, when they go to fund community-based organizations, are going to fund legitimate organizations that are doing the important work New Yorkers need them to do," she said.

All organizations seeking funding and council members attempting to secure funding for local initiatives also will be required to sign conflict of interest statements.

The council plans to appoint an independent compliance officer to make sure the rules are followed and all information submitted by local groups and council members will be placed on a searchable Web site.

Ms. Quinn has come under fire in recent weeks after the disclosure that the council stashed millions of dollars behind fictitious organizations in the city's budget. The budget practice has triggered a flurry of news reports examining the disbursement of council funds and the organizations that have received public money earmarked by council members.

New Yorkers have indicated that they do not believe Ms. Quinn and Mayor Bloomberg's statements that they did not know about the budget practice. Fifty-two percent of New York voters surveyed by Quinnipiac University said the speaker knew the practice was going on and 46% said the mayor knew as well, according to a poll released yesterday.

The poll also showed that Ms. Quinn's mayoral aspirations have taken a hit in the past two months. She tied for fourth place in the mayoral poll with Comptroller William Thompson Jr., each pulling in 10% of the votes. In a March survey, taken before slush fund scandal broke, Ms. Quinn won support from 13% of respondents.

The police commissioner, Raymond Kelly, came out as the city's top pick for mayor, with 23% of New Yorkers saying they would most likely vote for him next year in the most recent poll. He has not said he is running.

Rep. Anthony Weiner, who is running for mayor, picked up 16% of the survey's votes, while the president of Brooklyn, Marty Markowitz, collected 13%. Public Advocate Betsy Gotbaum won 6% of the votes.

Mr. Bloomberg said yesterday that whatever the council is doing is "a good idea." He also said that he didn't think it was proper to characterize the council's budget practices as "abuses."

"They're just practices that evolved over years and in retrospect they should have been caught and changed," he said.

The budget rules would require any groups seeking funding of more than \$10,000 to have a federal tax identification number, demonstrate the experience and capacity to deliver services, and in most cases, register with the Attorney General's Office of Charities. Council staff will review any organizations seeking less than \$10,000.

The council also is expanding the information it publishes about organizations and the council members who secured funding for them in a public budget document, known as Schedule C.



By Mel Evans, AP
Keep out: A chain and lock keep the public from using Lions' Stadium at The College of New Jersey.

Artificial turf: Health hazard?

MAY 8, 2008



By Todd Pitt, USA TODAY

Tearing it up: Workers scrape off the old artificial turf from Lions' Stadium at The College of New Jersey in Ewing after concerns were raised about lead contamination.

Concern about lead prompts further questions

By Michael McCarthy
and Steve Berkowitz
USA TODAY

Since the 1960s, artificial turf has been installed on sports fields across the nation, touted as a more durable and cost-effective alternative to grass. Early synthetic surfaces — such as the short-bladed AstroTurf — have given way in recent years to longer-bladed versions designed to be softer and help prevent injuries.

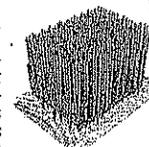
But there are increasing concerns that some synthetic fields — particularly fraying AstroTurf surfaces that have been in place for years — are contaminated with lead and could pose a health hazard to children, athletes and others who use them.

A half-dozen artificial fields in New York and New

Jersey as much as a decade old or more have been closed because of concern about high levels of lead in the turf fibers.

The threat of lead contamination in old turf has given a fresh platform to those raising red flags about newer types of artificial turf. These surfaces often include bits of recycled tires — known as “crumb rubber” — among the turf blades to provide a cushioned surface. They have been installed at thousands of schools, public parks and indoor sports facilities across the country, and more are scheduled.

The questions about both types of artificial turf have created ripples nationwide, prompting a federal investigation of artificial surfaces and raising anxiety



► **How artificial turfs compare:** See old and new versions, 2C

► **Precautions athletes can take,** 2C

► **List of closed artificial turf fields,** 2C

Please see COVER STORY next page ►



Cover story



Not in use: Frank Sinatra Park in Hoboken, N.J., is one of six fields that are closed because of concerns about high lead levels found in the turf fibers. Federal agencies are looking into the safety of both older and newer fields.

By Mike Derer, AP

pg. 2



Federal agencies look into safety of fields

Continued from 1C

among health and elected officials, some of whom want to ban new installations until government agencies study the potential health risks and environmental hazards.

"They're in high schools, university stadiums, public parks. So it's a public health issue," says Rep. Rosa DeLauro, D-Conn., who helped prompt the U.S. Environmental Protection Agency to get involved. "It is more than the lead issue. It's the crumb rubber" in the new types of turf.

Says New Jersey Assemblyman John Rooney, "A little foresight is worth a hell of a lot of regret down the road."

The artificial turf industry has been trying to reassure current and prospective customers its products are safe while pointing out the newer generation of turf helps find a use for millions of used tires.

So far, the concern about lead is focused mostly on older, nylon fields built by AstroTurf's former U.S. owner, Southwest Recreational Industries, which went out of business in 2004. During a news conference Monday in New York, the current marketers of AstroTurf said their products and those marketed by Southwest Recreational Industries are safe.

"In the last couple of weeks, the science (showing turf is safe) is being trumped by the perception, the fears, the uncertainty and doubts," said Jon Pritchett, chief executive officer of GeneralSports Venue (GSV), the exclusive licensee for AstroTurf in the U.S.A.

The closed fields include four New Jersey surfaces — in Jersey City, Newark, Hoboken and at the College of New Jersey in Ewing — as well as a high school field in Cicero, N.Y., that were found to contain high levels of lead. Another closed high school field in Liverpool, N.Y. is being tested.

New Jersey health officials discovered the lead, used in pigment to color some fields, in the turf fibers. Kids and athletes could be exposed by inhaling or swallowing lead-laced turf fibers or "dust" kicked up by those playing on the fields, state epidemiologist Eddy Bresnitz says.

There have been no known cases of illness attributed to the fields, but at least four of the closed fields will be torn up and replaced with new artificial surfaces.

Elsewhere, towns have begun limiting access to artificial turf fields by young children, who are most at risk from exposure to lead, which can cause brain damage and even death.

Artificial turf precautions

Are the artificial turf fields that you or your kids play on safe? The U.S. Consumer Product Safety Commission and U.S. Environmental Protection Agency have launched an investigation to find out, and they hope to release their findings this summer.

Meanwhile, parents and athletes concerned about lead in such fields can take precautions, say Eddy Bresnitz, deputy commissioner of the New Jersey Department of Health and Senior Services, and Dale Kemery, an EPA spokesman.

► Wash hands, face and body after playing on an artificial turf field.

► Take off clothes worn on synthetic surfaces inside out, then wash separately.

► Field custodians should wa-

ter the fields before and after they're used to reduce dust raised by heavy play.

► Before having a surface installed, schools and towns should ask vendors to test the turf for potential contaminants in the material, including turf fibers and infill.

► If a field is found to have high lead levels, consider limiting access by the most vulnerable population: children younger than 6.

"EPA recommends that anyone who believes they may have been exposed to hazardous levels of lead should consult with their physician," Kemery says. "Children under age 6 are most at risk from exposure to lead. Consult your doctor for advice on testing your children."

In Montville, N.J., for example, kids under 7 will not be permitted to play on two artificial turf fields that registered unsafe lead levels, pending further testing, township administrator Frank Bastone says.

Children under 6 are "most at risk from exposure to lead," says Dale Kemery of the EPA, which along with the U.S. Consumer Product Safety Commission (CPSC) has launched an investigation of artificial turf fields.

Old turf triggers questions

The original AstroTurf installed at the Astrodome in Houston in 1966 was a hard, carpet-like surface. It quickly spread throughout the NFL and Major League Baseball because it gave multi-use stadiums a consistent playing surface and was easier

and cheaper to maintain than grass. Today, those old rugs have largely fallen by the wayside in stadiums used by professional and college teams. The carpets have been replaced in such arenas by natural grass and newer, more sophisticated types of artificial turf.

However, at some smaller stadiums used by high schools, on playgrounds and other places, old AstroTurf remains.

The newer fields usually are made from polyethylene and polypropylene, plastics commonly used to make everything from grocery bags to food containers, as well as nylon or a mix of materials. The fields mimic the look, feel and footing of natural turf, and they often feature longer strands of plastic "grass" and crumb rubber from recycled car and truck tires. These tiny bits of infill provide a springy cushion for kids and weekend warriors and can be kicked up just like dirt on a natural grass field.

The national investigation by the CPSC and the EPA will focus on all kinds of turf, not just nylon, CPSC spokeswoman Julie Vallesse says. The agency already is collecting turf samples and expects to issue a report by early summer. "Our focus is on the risk to exposure from

Meanwhile, the concern over fake turf has triggered efforts by legislators in five states to get studies of potential health and environmental hazards done. Several schools and municipalities nationwide also are testing their fields.

There are 3,500 full-size, artificial fields in the U.S., estimates Rick Doyle, president of the Synthetic Turf Council, a trade group. Such turf accounts for 900 to 1,000 installations a year but does not include smaller surfaces such as practice fields and playgrounds.

DeLauro and other officials worry about kids and athletes inhaling or swallowing the small rubber pellets. Environmentalists also have cited the pellets as a concern, questioning whether compounds from recycled tire rubber can run off the turf and pollute rivers, lakes, streams and groundwater.

Some colleges, including Ohio State and Western Carolina, are having their synthetic fields tested.

Separate bills in the New York, New Jersey and California legislatures would ban the installation of new fields until the completion of

comprehensive health and environmental studies.

Connecticut Senate Minority Leader John McKinney said Wednesday that he is working with the commissioners of the state's departments of public health and environmental protection to find a way to use existing funds for a study. In New York City, Public Advocate Betsy Gotbaum has called for an "immediate moratorium" on turf installations until the city completes a study on their "adverse" health effects.

Responding to a request from California State Sen. Abel Maldonado, Attorney General Jerry Brown's office says it will study whether signs should be posted near synthetic fields warning that users could be exposed to toxic chemicals. The California Integrated Waste Management Board has told Maldonado it plans to evaluate whether crumb rubber fields release dangerous chemicals — or cause abrasions and bacterial infections more serious than those occurring on a natural surface. A bill by Minnesota State Rep. Phyllis Kahn also calls for a health study on the impacts of crumb rubber use.

Risks overblown, industry says

The artificial turf industry says the controversy is based mostly on scientifically flawed attacks and sensationalized claims of the risks associated with turf. At least one coach agrees that the issue has been blown out of proportion.

"Nobody talks about all the radon in the soil, and there are kids playing on that every day, breathing it in," says Mark Zimmerman, an assistant football coach at McQueen High School in Reno.

One artificial turf maker is changing its manufacturing process to remove potential toxins.

Stephen P. Noe, president and CEO of Sportex Construction Services, which has installed more than 200 full-size fields in the last three years, recently posted a note on the company's website saying "a

few colors" of its products "were produced using low levels of lead chromate-based pigments. ... Going forward Sportex will not be offering these heavy metal based color choices. We intend to substitute alternative colors based on non-heavy metal based pigments. ... Although we do not see a

health risk in the current products, we believe that this is the best decision for all of our constituents."

GeneralSports Venue owner Michael Dennis says he has a contract to rip up the closed field in Newark and replace it with a new "PureGrass" system with lead-free nylon fibers. The company also will install a lead-free artificial baseball field in the city.

Shira Miller, a spokeswoman for the Synthetic Turf Council, said via e-mail Wednesday that manufacturers have been coming together to share information about standards and, "The STC welcomes the involvement of the Consumer Product Safety Commission, the EPA and other groups since we are confident their scrutiny will answer the question of safety issues once and for all."

FieldTurf Barlett dominates the artificial turf industry with 1,900 U.S. fields. Ten NFL teams play their home games on the company's products. The Montreal-based company has won the contract to replace the closed field at Hoboken's Frank Sinatra Park. The polyethylene FieldTurf surfaces checked by New Jersey health officials contained trace amounts of lead and were deemed not harmful.

FieldTurf executives are frustrated that their polyethylene products keep getting lumped in with nylon fields built by a company that's no longer in business.

"Our fields were tested and found to be about 50 times below what the U.S. Consumer Product Safety Commission allows in Mr. Potato Head or in Lego," CEO Jeff Fields said in a statement.

Closed fields

Artificial turf fields at six locations in New York or New Jersey have been closed because of possible high levels of lead. Their locations:

- Jersey City: Cochrane Stadium at Caven Point¹
- Hoboken, N.J.: Frank Sinatra Park¹
- Newark: Ironbound B-Field¹
- Ewing, N.J.: Lions' Stadium, College of New Jersey¹
- Liverpool (N.Y.) High School²
- Cicero, N.Y.: Michael J. Bragman Stadium, Cicero-North Syracuse High School²

1 — Field being replaced
2 — Pending test results
Source: USA TODAY Research

That's good news, New York state Sen. Jim Alesi says. But he wants more proof before accepting the opinion of manufacturers or industry-paid scientists. "We need to have someone that's not selling us the product tell us that it's safe," he says. "If what they're saying is believable, then there's nothing wrong with the old Ronald Reagan approach: trust but verify."

The New York Department of Environmental Conservation has launched a study to "assess the potential environmental impact from crumb rubber as an infill material," spokeswoman Lori O'Connell says.

The upfront costs to install a synthetic field run from \$400,000 to several million dollars. But the fields can last 10 years or more and withstand the kind of non-stop

pounding that would turn a natural grass field into dirt.

The operator of at least one of the fields closed recently says he has "no choice" but to replace it with another synthetic surface. Densely populated urban areas have to use artificial fields, says Bob Hurley, director of parks and recreation for Jersey City, which has shut down its 11-year-old AstroTurf field in Cochrane Stadium at Caven Point after finding lead during testing.

The fake grass allows local teams to "play twice as many" football, baseball and soccer games, says Hurley, a well-known high school boys basketball coach at St. Anthony. "If it rains, half an hour later everything has soaked through and we're able to play."

Jeff Tittel, director of the Sierra Club of New Jersey, says public officials and educators should be in the business of protecting children, he says, not squeezing in as many games as possible.

Says New York City's Gotbaum: "If there's no potential long-term or short-term effects that get out too serious, we'll be the first to get out there and say, 'Hey, it's OK. Everybody get out and play.' I'll be the first person to do that. But I'm not there yet."

Contributing: Tom Anker; Tehani Schneider and Abbott Koloff of the (Morristown, N.J.) Daily Record; Chris Joyner of The (Jackson, Miss.) Clarion-Ledger; Matthew Daneman of the Rochester (N.Y.) Democrat and Chronicle; Jordan Schrader of the Asheville (N.C.) Citizen-Times; Jeff Martin of the (Sioux Falls, S.D.) Argus Leader; Jeff DeLong of the Reno Gazette-Journal



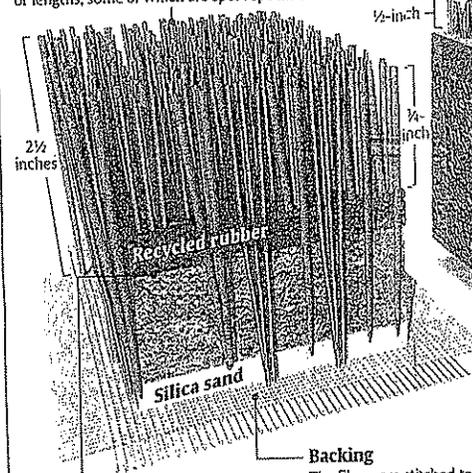
A field-level look at artificial turf

Questions are being raised about high lead levels that have been found in some older, nylon artificial fields installed by the former owner of AstroTurf. Public officials also are concerned about the use of crumb rubber from recycled tires in some newer artificial field surfaces. A look at a newer polyethylene surface from industry leader FieldTurf vs. an AstroTurf surface from nearly 15 years ago:

FieldTurf's current infill system (Representative of newer artificial turf systems)

Turf

Polyethylene monofilament "blades of grass" have spines that run vertically through the center of each filament to resist matting and stand up to foot traffic. Other companies use different materials or lengths, some of which are sport-specific.



Infill

Made of washed silica sand and rubber from recycled tires — approximately 20,000 tires' worth in a full-sized field. The rubber is frozen and shattered to make smooth particles. Other companies use rubber that is processed differently or use different materials.

Backing

The fibers are stitched to the polypropylene backing in rows spaced to let cleats penetrate the infill and provide traction without causing injury. The back of each row of stitching is coated to make it permeable and create drainage channels.

FieldTurf's drainage system

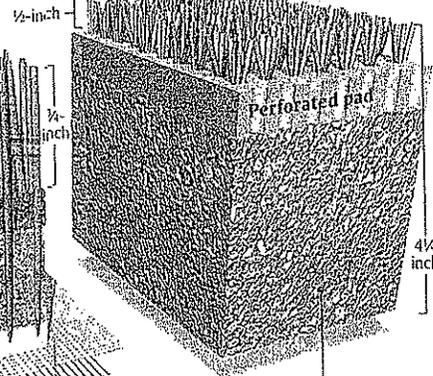
The system is installed over a prepared field:

- ▶ The field is crowned.
- ▶ Beneath is a layer of crushed stone with drains spaced 4 to 6 feet apart and 2 to 3 feet deep, depending on the field.

AstroTurf circa 1994 (Representative of older artificial turf systems)

Turf

"Blades of grass" are made of half-inch nylon fibers.



Permeable asphalt

Asphalt, 3 inches deep, allows water to drain through it.

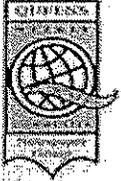
- ▶ There is a new version of AstroTurf for field hockey.

AstroTurf's drainage system

The system is installed over a prepared field:

- ▶ Loose gravel, 6-8 inches deep, facilitates drainage.
- ▶ Pipes with holes on top and sides running within the gravel carry away water.

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Dateline : Thursday, May 08, 2008

Legal Loopholes Keep Parents in the Dark?

By Henrick A. Karoliszyn

Shouldn't parents know if a school is being built on toxins? Public Advocate Betsy Gotbaum thinks so. Gotbaum wants to patch a loophole, she says, is puncturing the local school system - including Tech High School in Long Island City and the Robert Wagner School in Hunters Point.

Specifically, a recent report detailing a discrepancy in the Public Authorities Law (PAL), allows the School Construction Authority (SCA) to open education buildings on potentially contaminated grounds that could pose a health threat for school children.

When the SCA builds a new school on property it owns, state law requires that it submit a site plan to community board and give the City Council the opportunity to vote on the plan and conduct a public environmental review.

However, because of the ambiguity in the law, when a new school is being created on a leased site, these requirements do not apply. Even when there are known toxins present, there may be no public environmental review of the site, no opportunity for public feedback, and no Council oversight.

Gotbaum wants to change this.

She said the city is opening schools on leased sites that could be dangerous without City Council oversight.

Gotbaum stated the issue at hand is not whether or not schools in Queens necessarily pose an immediate threat. Her concern is to ensure that parents know when there is a potentially contaminated site. "Parents should have a right to know," she said during a conference call with reporters last week. "Communities need to be notified."

With that idea she wants to pass a bill that will allow for clearness. That would be her subsequent step after drawing attention to the cause. Gotbaum insisted she would be able to close the hole in the system with the law. She outlined her plans to do it.

Those included Council oversight of leased properties, having an outside consultant review the city's environment testing results, and availability of online public repositories that list contaminated school grounds.

Additionally, when the SCA leases an existing facility or constructs a new building, Gotbaum believes it should follow the rules by conducting a public environmental review.

"When it comes to our children's health, we can't afford to make poor decisions," she said. "State law must be amended to require a public process and environmental review of leased school sites."

The New York Times

May 8, 2008

City Officials on Investment Trip

By MICHAEL BARBARO

BELFAST, Northern Ireland — City Hall is headed to Belfast.

About a dozen top New York City officials and staff members, including Speaker Christine C. Quinn of the City Council and Mayor Michael R. Bloomberg, are landing this week for a government-sponsored investment conference.

The trip comes at a politically delicate time for Ms. Quinn, a likely mayoral candidate who is trying to maintain her good-government credentials amid a federal investigation into Council finances. Another official with his eye on the mayor's job, Comptroller William C. Thompson Jr., is attending, as is Public Advocate Betsy Gotbaum.

The visit underscores the city's growing stake in the economic revival of Northern Ireland.

In April, four New York pension funds pledged to put \$150 million into a private equity fund focused on infrastructure projects in Northern Ireland, the largest public investment in the region to date.

Such an investment would have been unthinkable even five years ago, but in 2007, the Catholic and Protestant political enemies here agreed to share power in a regional government, putting aside decades of violent opposition.

Mr. Thompson, who as city comptroller oversees the pension funds, said the creation of a stable government had made Northern Ireland "an excellent investment opportunity."

Mr. Bloomberg and Ms. Quinn are attending the U.S.-Northern Ireland Investment Conference at the invitation of Ian Paisley, the first minister of Northern Ireland, and Gordon Brown, the prime minister of Britain. Mr. Bloomberg is to deliver a speech on Thursday to attendees, including executives from Citigroup, Nortel and Allstate.

Before leaving New York on Wednesday, Ms. Quinn and the Council unveiled a series of changes to the Council's budget practices to make the system more open and less vulnerable to conflicts of interest.

Ms. Quinn announced at a news conference that organizations that receive a council member's discretionary funds of more than \$10,000 must meet standards set by the city procurement policy, including having a federal tax ID number. They must also register with the state attorney general's office of charities (unless exempt), and undergo a business integrity check.

For fund requests of \$10,000 or less, organizations will undergo an internal Council staff review.

DAILY NEWS

May 8, 2008

Bloomberg Gives Quinn A Lift To Belfast

Read into it what you will, but Mayor Bloomberg has taken embattled Council Speaker Christine Quinn under his wing on his whirlwind trip to Belfast.

The DN's Adam Lisberg, who is in Northern Ireland to cover the city delegation at an investment conference, noted that Quinn swooped into town with Bloomberg on his corporate jet yesterday, while her likely '09 mayoral opponent, Comptroller Bill Thompson, and sometime-speculated candidate, Public Advocate Betsy Gotbaum, flew coach on Continental.



The mayor has defended Quinn and her honesty in the ongoing Council slush fund scandal and also insisted that the lion's share of public funds being allocated to nonprofits is legit.

Upon arriving in Ireland, Quinn and Bloomberg visited Belfast's "Titanic Quarter," a massive housing and business development planned for the former dockyards site where the doomed ship was built and launched.

Quinn has a personal connection to the Titanic. Her grandmother, Helen Shire Callaghan, was a 12-year-old girl in steerage class when the ship sank, and managed to survive the icy wreck.

"I've come with Christine Quinn, the speaker of our City Council, whose grandmother came from Northern Ireland and actually has a great history," Bloomberg told an assembled crowd as they entered the postcard-perfect grounds of Stormont, the seat of Northern Ireland's parliament.

"She came on a boat which didn't make it. But she did. And we're all pleased that her grandmother did, or you wouldn't be here, I suppose."

The U.S.-Northern Ireland investment conference the city officials are in town to attend is designed to show American business leaders and investors that Northern Ireland is now safe, stable and open for business.

A New York Stock Exchange subsidiary announced this morning that it will invest \$6 million to expand its software operation here to 200 employees, and Bloomberg LP - the financial information firm founded by the mayor - just posted its first full-time reporter in Belfast.

"Everybody wants to live in peace and be challenged, and work next to somebody who cares," Bloomberg said this morning. "I think Belfast has a great future, and that's why my company is opening an office here."

The mayor and Quinn invited to the conference by First Minister Ian Paisley and Deputy First Minister Martin McGuinness, the Protestant and Catholic leaders, respectively, of Northern Ireland's power-sharing government. Bloomberg is also representing President Bush at the event.

Thompson and Gotbaum, meanwhile, are trustees of the city pension funds, which recently invested \$150 million in Northern Irish infrastructure.

Bloomberg paid his own way on this trip. The government of Northern Ireland picked up the tab for hotel rooms for Thompson and Gotbaum. Her office paid for her plane ticket, while the city pension fund covered his.

Everyone has at least one staffer along (Bloomberg has several, plus security, as per usual). Gotbaum's office said her aide is paying his own way.

NEW YORK

5/9/08

It Happened This Week

6:00 pm

Every Move You Make

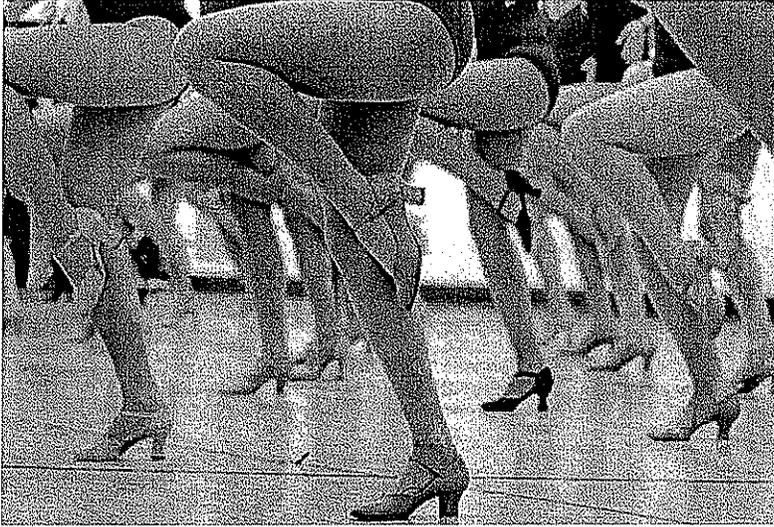


Photo: Mike Segar/Reuters

Brooklyn, the **Frank Gehry**-designed would-be queen of **Bruce Ratner's** ailing Atlantic Yards project, will now be replaced with a shorter and less statuesque "B1." **Madonna** groupies lost their heads when *Hard Candy* hit No. 1. **Jack Jordan**, the loner who'd sent **Uma Thurman** pictures of decapitated women, was convicted of stalking and aggravated harassment. (He'd insisted he was just flirting.) Monet's *Le Pont du Chemin de Fer a Argenteuil* sold for a record \$41 million at Christie's Impressionists sale, though the rest of the auction was a bust.

The Rockettes held tryouts at Radio City. A Columbia student said **Lindsay Lohan** boosted her mink from downtown club 1Oak, and paparazzi-photo evidence seemed to support her claim. The Rangers were bounced from the NHL playoffs. And **Gisele Bündchen** momentarily considered donning Wonder Woman's bulletproof bracelets at the Met's superhero-themed Costume Institute Gala — where **Scarlett Johansson**, newly engaged to **Ryan Reynolds**, showed off a rock that evening honoree Superman might have struggled to budge. —*Mark Adams*

The police announced last week that they'd wrap their reunion tour in the city this summer, just as a fortnight in which every little thing **Hillary Clinton** did was magic came to a screeching halt. Our newly populist senator told Indianans that Wall Street was to blame for all their mortgage troubles, but **Barack Obama's** investment in North Carolina pushed his presidential delegate count to an almost insurmountable level. Married Staten Island congressman **Vito Fossella** admitted he has a child with the woman he called to bail him out after his DWI arrest. The summer's blockbuster divorce trial, starring New Jersey's former First Family, the **McGreeveys**, went into turnaround when the couple brokered a potential settlement.

Public Advocate **Betsy Gotbaum** wondered why only 4 percent of third-graders were suiting up for gym class. Commuters were stuck when an N train jumped the rails at 57th and Seventh. Miss

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NY1 News

May 9, 2008

Weather: Soggy/Breezy, High: 56

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New York Delegation Continues Overseas Trip

May 09, 2008

Mayor Bloomberg, Speaker Quinn, Comptroller Thompson, and [Public Advocate Gotbaum](#) are among the New York City officials attending the U.S.-Northern Ireland Investment Conference.

Bloomberg is in London today, where he met with the city's new mayor to announce an exchange program between the two cities.

As part of the deal, officials will travel to London to help Mayor Boris Johnson design and implement initiatives drawn from New York. At the same time, London lawmakers will share their ideas for successfully reducing traffic and congestion.

Bloomberg is also meeting today with British conservative party leader David Cameron.

The mayor kicked off his trip at a business conference in Northern Ireland yesterday.

He told the audience that Belfast could be a corporate hub if Catholics and Protestants can finally settle their differences.

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Give Caregivers the Care They Deserve

By PUBLIC ADVOCATE BETSY GOTBAUM

Every year on Mother's Day I encourage sons and daughters to do something nice for their moms, like making them breakfast in bed or helping out with the household chores.

But this year, I say we give moms, and all caregivers, something more lasting: peace of mind, job security and the financial stability to care for loved ones all year round.

Caregivers need all the support we can give them. Governments across the country are finally beginning to address caregivers' struggle. In February, New Jersey joined California and Washington as the third state to pass legislation that provides paid family leave to caregivers. But New York State, so often on the forefront of innovative and progressive legislation, has yet to pass our bill, the Working Families Time to Care Act.

The number of working caregivers is overwhelming, and growing. In 2004, the National Alliance for Caregiving estimated that there are 44.4 million informal caregivers in America, and nearly 59 percent worked while providing care. In New York State alone there are 1.9 million people providing informal care to loved ones. Half of caregivers report they have had to make work-related adjustments in order to help take care of their loved ones.

With everything caregivers have to worry about, they also face the stress of potentially losing their job if they have to care for their sick parents or an ill child.

It happens because the New York City Human Rights Law protects against many classes of workplace discrimination—including discrimination on the basis of race, color, creed, age, national

origin, citizenship status, gender, sexual orientation, disability, marital status, partnership status and status as a victim of domestic violence—but noticeably absent is the category of caregiver.

Workplace discrimination against caregivers actually takes many forms. Working moms get assigned to "mommy track" jobs with lower pay; working dads get subjected to unfounded performance evaluations after they reveal they are caregivers.

That is why I introduced a bill in 2007, with Council Members Bill de Blasio (D-Brooklyn), Gale Brewer (D-Manhattan) and David Weprin (D-Queens), to give caregivers protection from workplace discrimination. The Caregiver Bill (Intro No. 565-A) would close a loophole in the NYC Human Rights Law and expressly protect working caregivers from employment discrimination.

In this context, the term "caregiver" applies to a person who provides ongoing care for a child for whom they have assumed parental responsibility, or a person who provides ongoing care to a family member or partner suffering disability or impairment.

The Caregiver bill prohibits employment discrimination based on an individual's actual or perceived status as a caregiver, adding caregivers to the list of protected classes and requiring that employers make reasonable accommodations to enable caregivers to perform and fulfill the requirements of their jobs.

One caregiver who called my office, Toni-Anne, was struggling to balance her job and her responsibility as a caregiver and mother to her 13-year-old autistic son. Toni-Anne fought to hang on to her job as her son's disease became more and

more demanding, calling our office when she was ultimately fired from her job.

Toni-Anne is just one of nearly two million New Yorkers balancing the health care of their loved ones and their jobs. As the number of New Yorkers requiring care increases and the population of informal caregivers grows, the City's Human Rights Law must be amended to extend protection against employment discrimination to all New Yorkers who are actual or perceived caregivers.

Although New York City has some of the best anti-discrimination laws in the country, this is another example of where we have fallen sadly behind. The District of Columbia and Alaska have enacted legislation to expand protections in the workplace. And, in February of last year, both a Senate bill in California and a House bill in Pennsylvania were introduced that would prohibit workplace discrimination on the basis of "familial status."

This Mother's Day, let's show caregivers how much they mean to us with more than flowers. We need to support our hardworking caregivers by encouraging local representatives to pass the caregiver bill. Our moms, and all caregivers, deserve it. **GH**

Betsy Gotbaum, a Democrat, is the public advocate of New York City.

MAY 12, 2008

DAILY NEWS

May 12, 2008

Weprin Hopes For Many Happy Returns

Councilman David Weprin, one of several 2009 comptroller hopefuls, is throwing himself a birthday fundraiser at the South Street Seaport this Thursday.

Weprin (whose actual birthday was last Friday) managed to corral an impressive group of honorary hosts, including, but not limited to:

The man whose job he's after, Comptroller Bill Thompson; state Comptroller Tom DiNapoli; Gov. David Paterson (who has been shunning political events as of late); the Democratic county chairs of Queens (Weprin's home county); Manhattan, and Richmond; everyone who has held the Council speaker's post; Senate Minority Leader Malcolm Smith; Public Advocate Betsy Gotbaum (maybe a candidate in '09, maybe not); two borough presidents (including Manhattan's Scott Stringer, who's eyeing a run for something - who knows what - in '09); Central Labor Council Executive Director Ed Ott and, of course, his own brother, Assemblyman Mark Weprin.

(It appears the invites were printed prior to April 4, because Dave Pollak is still listed as state Democratic Party co-chair).

The invite makes mention of Weprin's post as the Council Finance chair - a position that has brought him some unwelcome scrutiny amid the Council budget scandal.

As of the last Campaign Finance Board filing, Weprin, who formally kicked off his campaign in January, was among the top fundraisers for declared and potential comptroller candidates with \$1.57 million raised.

The top raiser was Councilman John Liu (who hasn't declared his '09 intentions) with \$2.20 million, followed by Councilwoman Melinda Katz (declared) with \$1.88 million and Bronx Borough President Adolfo Carrion (who dropped down to the comptroller competition from the mayor's race) with \$1.74 million.

When it comes to the question of cash on hand, however, the top two were Liu (\$1.81 million) and Councilman Simcha Felder (who has all-but declared his intention to seek the comptroller's office), with \$1.36 million.

untitled

The New York Times

Study Finds No Evidence Of Risk in Synthetic Turf

By TIMOTHY WILLIAMS

A draft report conducted on behalf of the Bloomberg administration says that there is no scientific evidence that synthetic turf fields in New York pose major health hazards for people playing on them.

Critics, however, said the study by TRC Companies, an engineering, consulting and construction management company based in Connecticut, would not quell concerns about artificial turf because the analysis was only a review of previous scientific studies and included no original research.

Jessica Scaperotti, a spokeswoman for New York City's Department of Health and Mental Hygiene, which oversaw the analysis, said reviewing only scientific literature was "an appropriate form for exploring this issue at this time."

In recent months, parents' groups and lawmakers, locally and nationwide, have raised concerns about potential health and safety hazards related to artificial turf fields.

The surface has been used for decades as a playing surface for professional and collegiate athletes, but has proliferated more recently in public parks and schools around the nation as a cost-effective, more durable alternative to grass.

The city's parks department said that it had installed 77 turf fields since 1997 and that it planned on putting in 23 more.

Betsy Gotbaum, the city's public advocate, and organizations including New Yorkers for Parks, Riverkeeper, the Natural Resources Defense Council and New York Lawyers for the Public Interest said Wednesday that after reading the report they had decided to continue to call for a moratorium on installing new turf fields.

In a statement, the health department said it was "conducting a review of scientific studies to better understand the potential health effects for people who use artificial turf fields."

"The department is still reviewing comments from staff and colleagues in the scientific community and expects the report to be released by the end of the month," the statement said.

Stuart Gaffin, an associate research scientist at the Center for Climate Systems Research at Columbia University, who has read the draft report and whose research has focused on the heat that synthetic turf fields generate, said the analysis was less than authoritative.

"It seems that it was a good college-student level Internet database report," Dr. Gaffin said. "It is not definitive and should not be the final answer on this."

TRC Companies referred questions to the health department on Wednesday.

The parks department declined to comment.

The draft report was obtained by The New York Times from an advocacy group, NYC Park Advocates.

At the heart of the dispute is whether synthetic turf, particularly crumb rubber fields made

from recycled tires, places athletes at risk because of the presence of lead and polycyclic aromatic hydrocarbons, which have caused cancer and organ damage in animals and may be a cancer risk to people if they are exposed over a long period.

Researchers, however, have not determined conclusively how easily the hydrocarbons — which are also found in toys and other materials — can be absorbed by the human body.

Critics of the fields also say turf creates "heat islands" that can climb as high as 170 degrees because the synthetic surface absorbs sunlight and emits heat. There are also concerns that the fields may exacerbate the risk of serious sports-related injuries.

Legislation banning new turf fields has been introduced in the State Legislature, and earlier this week the California State Senate approved a bill ordering a health and environmental study of the fields.

The New York City study — or more precisely, a "literature review" — titled "A Review of the Potential Health and Safety Risks From Synthetic Turf Fields," was ordered last year by the health department after it received a \$100,000 grant from the New York Community Trust.

The 180-page report stops short of making sweeping statements about the health risks of turf. Instead, it found that avail-

able data either did not support claims about many of the health and safety hazards attributed to artificial turf or that existing research was inconclusive.

For instance, while discussing one of the most hotly debated claims — that crumb rubber might be harmful, especially to children — the report states, "In this review, a health risk was not identified as a result of ingestion, dermal or inhalation exposure to crumb rubber."

At another point, the report says, "There is little information regarding the outdoor air concentrations of chemicals of potential concern at synthetic turf fields."

The report, however, identifies several potentially harmful chemicals found in turf fields, including arsenic, lead and chrysene. "Aromatic hydrocarbons, including toluene and xylene isomers, were among the chemicals detected at the highest concentrations," the report stated. "Toluene is listed on the Web site for the United States Department of Health and Human Services's Agency for Toxic Substances and Disease Registry. The Web site says that "breathing very high levels of toluene during pregnancy can result in children with birth defects and retard mental abilities, and growth."

MAY 15, 2008

Critics say an analysis
of a playing surface is
not definitive.

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5/15/08

North trade conference hailed as a big success



El Chirio, Buenos Aires, Argentina, is seen in the foreground, listening to a speaker at the North trade conference. Other participants are seated around the table.

Participants at the North trade conference, which opened in Buenos Aires today, hailed the meeting as a big success. The conference, which is the first of its kind, is expected to bring about a new era of trade relations between the United States and Latin America. The participants, including representatives from the United States, Argentina, Brazil, Chile, Colombia, Cuba, and Mexico, discussed various trade agreements and the potential for increased economic cooperation. The conference is being held at the El Chirio Hotel in Buenos Aires, Argentina.

Thompson visits big Belfast regeneration project



Thompson visits the big Belfast regeneration project, observing the progress of the construction work.

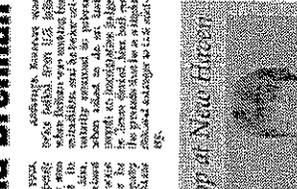
Thompson, who is visiting Belfast to observe the progress of a major regeneration project, expressed his interest in the work being done. The project, which is one of the largest in the city's history, aims to revitalize the city center and create new jobs. Thompson, who is a member of the Belfast City Council, is expected to stay in the city for several days. He will be accompanied by a delegation of officials from his home city. The project is being led by the Belfast City Council and is expected to be completed by the end of the year.

Hero's name will sail seas for America



Portrait of the hero whose name will sail seas for America. The man is shown from the chest up, wearing a dark suit and a white shirt.

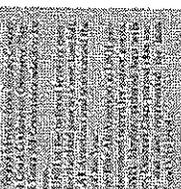
Doherty urges support for Texas held Brennan



Doherty, who is urging support for Texas held Brennan, is seen speaking at a podium during a public event. He is wearing a dark suit and a white shirt.

Doherty, who is urging support for Texas held Brennan, is seen speaking at a podium during a public event. He is wearing a dark suit and a white shirt. Doherty is a prominent figure in the community and has been vocal about the issue of Texas held Brennan. He believes that the community should stand in solidarity with Brennan and support his efforts to bring about change. Doherty's speech was met with applause from the audience.

Up, up and away!



A person is seen in a small aircraft or hot air balloon basket, floating in the sky. The person is wearing a light-colored shirt and dark pants. The background shows a clear sky and some distant structures on the ground.

The person in the aircraft is seen floating in the sky, enjoying the view from above. The aircraft is a small, open-air basket with a simple frame. The person is looking down at the ground, which appears to be a flat, open area. The sky is clear and blue, with a few wispy clouds. The overall scene is peaceful and serene.

12194 Echo 5/15/68

Salim is top of New Britain. The image shows a man in a dark suit and white shirt, looking towards the camera. He is standing in front of a building with a sign that reads 'Salim is top of New Britain'. The man has a serious expression and is looking directly at the viewer.

NY1 News

Weather: Warm and Sunny. High 84

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Study Finds Artificial Turf Fields Pose No Health Problems

May 15, 2008

A new report released today disputes claims that artificial turf fields could be toxic.

According to published reports, a study commissioned by the city concluded there is no evidence that artificial turf fields made up of recycled tires pose any serious harm.

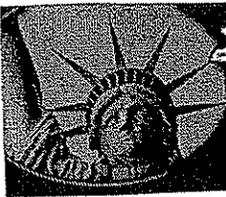
The study did find that the amount of heat the fields give off could lead to heat stress and dehydration.

Critics say the report did not contain any original research and was only based on the conclusions of previous studies. Parents and lawmakers have expressed concern that lead and other chemicals in the recycled tires could pose a health risk over time.

The Parks Department has installed the synthetic turf at more than 90 athletic fields, and plans to install more as a cheaper alternative to natural grass.

Meanwhile, [Public Advocate Betsy Gotbaum](#) is calling on the city to issue an immediate moratorium on the installation of artificial turf, while conducting physical tests of installed turf fields for potential toxins.

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Public Debate Rages Over Mayoral Control In Schools

by Austin Considine, Assistant Editor

As Mayor Michael Bloomberg's term closes in on its final year, so does a highly controversial policy that has given his administration near total control over operation of city schools.

Known as "mayoral control," the policy, implemented by Albany lawmakers in 2002, goes up for review in the state Legislature next year, which will decide whether or not to renew the policy once Bloomberg leaves office in 2009. As such, parents, educators and public officials are reviewing the matter in anticipation of the decision, on what is arguably the most contentious and overarching aspect of the mayor's education policy.

Mayoral control effectively took power from district school boards: local, elected bodies which, in concert with school superintendents, made decisions for their school districts on everything from curriculum to spending and testing policies. In place of that system, citywide decision making powers were vested in the city's Department of Education (formerly the Board of Education).

The sole check on policy changes handed down by the DOE was relegated to a body of 13 members known as the Panel for Education Policy, comprised of five borough representatives — each appointed by his or her respective borough president — and eight mayoral appointees, including DOE Chancellor Joel Klein.

The Commission on School Governance, assembled by the city's Public Advocate, Betsy Gotbaum, is at the forefront of examining whether to extend the policy and, if so, what changes could be made to improve it. Over the last several months, the commission has solicited feedback around the various school districts and communities, the results of which it plans to present in its recommendations to the state Assembly's Education Committee this fall. After that, the issue will go to the state Legislature for a vote.

The commission will conclude its public outreach phase at the end of the month with a hearing at Queens Borough Hall in Kew Gardens on May 27 at 6 p.m., to which all interested citizens are invited to attend and voice their opinions on the policy.

The mayor and Klein have repeatedly voiced strong support for the policy. In a speech at the Manhattan Institute in March, Klein asserted that "mayoral authority" is a "necessary prerequisite" for success in education. "Meaningful school reform takes strong and bold leadership, and no one has a better shot at that than the mayor," he argued, going on to cite the creation of numerous new, small secondary schools, union contract reforms, a more rigorous tenure review process, an increased number of city charter schools (from 17 to 80 since the policy took hold), and an overall increase in accountability as benchmarks for the success of the program.

In the same speech, the chancellor cited several statistics compiled by the DOE, showing increased four-year graduation rates, an increase in the number of AP exam-takers and higher fourth-grade math and reading scores.

Critics of the policy are widespread, however, some of whom call the DOE's much-touted successes inflated at best. At forums held by the commission, comments by parents and educators reflect a growing and deeply permeating dissatisfaction with mayoral control.

Among one of the top concerns voiced thus far addresses the difficulty in communicating district-specific needs to the DOE, a centralized body.

Gotbaum was at last month's District 24 Community Education Council (formerly known as the school board, but with next to no decision-making powers), in Middle Village. At the meeting, CEC 24 President Nick Comalanni characterized the system as a "dictatorship" with "no middle management." The thousands of students in his district "got lost in the mix of 32 school districts" citywide, he said.

"We are not happy with the system," Comalanni said. "You have no community voice, no community say."

Marge Kolb, a member of the Chancellor's Parent Advisory Council for District 24, agreed. "We're trusting the school system to do what's right for our kids and it's not happening," she said.

"There's no continuity. It takes years to get things done."

She, like others, cited a recent ban on cell phones in schools, and the limited power of the PEP, of which the majority of members are mayoral appointees, as

examples of problems engendered by the centralized system, among several others. She also criticized a decision-making process she characterized as lacking in transparency and in consideration for local concerns. "Everything that comes out of the DOE is spin, publicity and lies," she said.

Transparency was another major issue at a committee meeting on May 6 to hear comments from Borough President Helen Marshall's parent advisory board. Jeannic Tsavaris-Basini, president of CEC 30 (in western Queens), quipped that she would "need two hours" to fully enumerate her complaints. Specifically, she said there was a "conflict of interest for the mayor to oversee the chancellor," and complained that superintendents had no oversight and CECs had no real input, necessary elements of getting things done on the district level.

Dmytro Fedkowskyj, Queens' recent appointee to the PEP and former vice president of CEC 24, recognized those concerns in a later interview. "It's been the echo of parents over the last few years ... that there hasn't been a local level of governance to correct issues within the district, and mayoral control prohibits that from happening," he said.

Fedkowskyj, like some others, did not necessarily advocate scrapping the entire system, but suggested checks on the mayor's and chancellor's near-unilateral authority.

"We don't have proper checks and balances in place" he said. "I think that's what this commission (on school governance) is looking for — suggestions, ideas, criticisms or even compliments on what's going on. And I think the majority of them have been complaints (about) having an abuse of power, not a balance of power."

"We're trusting the school system to do what's right for our kids, and it's not happening." — Marge Kolb, member of the School Chancellors' Parental Advisory Council for District 24, on the subject of mayoral control

The New York Times

Pre-K System Faulted as Confusing to Parents

By JENNIFER MEDINA

A new application process intended to simplify pre-kindergarten enrollment has left parents confused and angry about options for their children, New York City's public advocate said on Wednesday.

The public advocate, Betsy Gotbaum, wrote in a letter to Schools Chancellor Joel I. Klein that the "newly revised enrollment process has created chaos and confusion and parents remain in the dark about what school their children will attend this coming fall."

Parents of the 20,000 children who applied for 23,000 pre-kindergarten slots began receiving letters over the weekend from the Department of Education regarding their child's placement. Many of those letters informed parents that none of the schools they had chosen were available, Ms. Got-

baum said, even in cases where there was no obvious reason for the rejection. For instance, she said, children were rejected from programs where their older siblings are enrolled, although the new process is supposed to give them priority.

Ms. Gotbaum called on the chancellor to immediately address the complaints of parents whose children were not placed in a school of their choice, including those who were told they could not attend their local school or the school of a sibling.

Andrew Jacob, a spokesman for the Education Department, said the problem appeared to be affecting only families who had a child enrolled in a public school. Department officials would review each of those roughly 9,000 applications, Mr. Jacob said.

"There are only potential problems with a small minority of

people, but we are going through all the applications where there might be an issue," he said. "We will find a way to solve the problems that do exist."

In January, Mr. Klein announced that he was scrapping the patchwork of pre-kindergarten enrollment procedures, calling them "confusing, unfair and difficult to navigate," and said he would replace them with a "single, simple, fair process."

Rather than submitting applications to a single school as they had done in the past, parents this year were required to submit a single application, which was sent to a data processing center in Willow Brook, Pa. Mr. Jacob said that the department was confident that there was not a problem with the data entry, but that some problems may have stemmed from two different addresses listed for one family or a simple mistake on the form.

MAY 29, 2008



Pre-K parents throw tantrum

Stunned parents are charging that the Department of Education's new system for pre-kindergarten enrollment has wrongly denied their kids coveted spots for the upcoming school year.

Despite a clause that grants seating priority to siblings of kids enrolled at a school, dozens of parents who assumed their applications were a lock said they were shocked to receive rejection letters this week.

The Department of Education promised seating priority first to siblings and then to kids zoned for a school.

But Public Advocate Betsy Gotbaum said the DOE wasn't abiding by those guidelines. "I am troubled by these early indications of problems."

Department spokesman Andrew Jacob said most complaints involved parents who wrongly believed they qualified for priority placement or whose application data contained errors.

Yoav Gonen
MAY 29, 2008

DAILY NEWS

Pre-K picks not A-OK with parents

Snubs sting after vows that students' siblings would get spots

BY CARRIE MELAGO
DAILY NEWS STAFF WRITER

GETTING A prekindergarten slot was supposed to be a slam dunk for kids with older siblings already enrolled, but some parents say it's just not happening.

Education officials acknowledge that they are probing complaints from parents who believe they should have received the priority.

"I figured it was a done deal," said Gina De la Chénay, who expected to send her younger daughter to Public School 154 in Brooklyn along with her older sister. "Now there are a lot of people stressing out about it."

When officials switched to a citywide prekindergarten admissions system this year — instead of letting individual schools handle the process — they stipulated that siblings of current students would be given top priority for the seats.

So with 72 prekindergarten seats at PS 10 in Brooklyn, parents with older kids there expected no problems getting slots. That was before the rejections arrived last weekend.

"There are no way 72 kids applied to our school who had siblings there," said Maggie Stenz, whose daughter Lulu was rejected despite having an older brother there.

Schools spokesman Andrew Jacob said some stu-

dents could have been rejected if educators were unable to verify that they had a sibling at the school — most likely because the current student's and the prekindergarten's addresses didn't match.

"Once we figure out how many parents are affected, we'll decide on the fairest way to solve it," Jacob said.

Public Advocate Betsy Gofbaum wrote a letter to Schools Chancellor Joel Klein yesterday, urging him to look into the discrepancies.

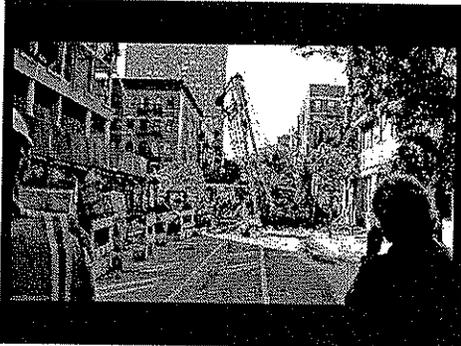
"I am troubled by these early indications of problems in the new enrollment system, as I am sure you are, too," she wrote.

cmelago@nydailynews.com

MAY 29, 2008

Second NYC Crane Crash in 3 Months Kills Two Workers (Update2)

By Chris Dolmetsch and Bob Ivry



[More Photos/Details](#)

May 30 (Bloomberg) -- A construction crane collapsed on New York's Upper East Side, killing two workers and demolishing part of a neighboring apartment building in the city's second fatal crane accident in three months.

The operator of the crane was pronounced dead at the scene and another worker died later, according to the city Medical Examiner's Office. One other worker was seriously hurt, Mayor **Michael Bloomberg** said. Department of Buildings inspectors had shut down the crane, at 333 East 91 St. at First Avenue, for unsafe operation on April 24, with resumption of work approved only yesterday, said city **Public Advocate Betsy Gotbaum**.

``What happened is unacceptable and intolerable," Bloomberg said at a media briefing at the site. ``We do not at the moment know exactly what happened and why."

A March 15 crane collapse that killed seven people at 303 East 51st St., at Second Avenue, followed complaints from residents about the site and led to the resignation of New York City Buildings Commissioner **Patricia Lancaster**. Buildings inspector **Edward Marquette** was arrested and charged with falsifying a record to show he visited the Manhattan construction site on a day when he hadn't been there.

Today's collapse came at about 8:06 a.m. local time, the New York Fire Department said. The top portion of the crane snapped off and fell, ripping out walls and damaging about a dozen floors of the apartment building across the street at 354 East 91 St.

Buildings Evacuated

That building was evacuated, as were seven others as a precaution, Bloomberg said. There were no injuries in the neighboring buildings, he said.

``We thought the March accident was a wakeup call for the Department of Buildings and that a change of leadership would bring a change in safety levels," Gotbaum said in a statement. ``Now it appears that instead of waking up, the Department of Buildings hit the snooze button."

Donald Leo, 30, and Ramadan Kurtas, 27, were identified as the two men killed in the accident, said **Ellen Borakove**, a spokeswoman for the New York City Medical Examiner's Office.

Construction worker **Charles Bannerbie** was on the top floor of the partly completed building, called the **Azure**. He was building the frame for a concrete column about 15 stories above the street when the crane began to move behind him.

``I heard a sound like iron starting to burst," he said.

Inspectors

Bannerbie said he turned around, saw the crane start to lean, and then everybody started to run.

``If it had turned into the building, I wouldn't be here right now," he said.

Inspectors ``check this out all the time," Bannerbie said. ``They are here every day. I can't say they

weren't here."

Don Miller, a spokesman for the Elmont, New York-based DeMatteis Organization, the building contractor, said it was "too soon to tell" the cause of the accident. He confirmed that the crane had been inspected yesterday.

"We don't condone nor is it part of our business to cut corners," Miller said in a phone interview. "We adhere to all safety standards."

New York Crane & Equipment Company owns the crane, according to Robert LiMandri, the city's acting commissioner of the Department of Buildings. A man who answered the phone in the company's crane rental office wouldn't comment.

Price Range

The Azure, to be 34 stories when completed, is being marketed as a cond-op, a cooperative property in which owners will hold shares in a corporation that leases their apartments to residents. Prices will range from \$605,000 for studios to \$4.87 million for a 2,800-square foot five-bedroom, according to the Web site.

The building is on the northwest corner of 91st Street and First Avenue. Dozens of people, some in tears, left the building across the street leading dogs and carrying bags of items they had grabbed from their apartments.

Dan Schaffer, 43, a stockbroker who lives on the 12th floor, said he was in his apartment getting his 6-year-old son, Jacob, ready for school.

"I heard a tremendous bang, really loud," he said. "Immediately I knew it was the crane. The building was shaking. It was scary."

Schaffer said that each day he walked by the crane, he was afraid it would fall.

"I swear I had that feeling," he said.

Knew Immediately

Tara Hamilton, 37, who lives on the 22nd floor, said she was returning to the building after walking her two pit bulls.

"It was like an earthquake," she said. "I knew immediately what had happened."

First Avenue between 86th and 96th streets was closed, as was 91st Street between York and Second avenues, police said.

"There's no need to speculate now as to how this happened," said Governor David Paterson, who joined Bloomberg at the site. "It will all be investigated, but certainly these types of accidents are all too frequent."

The March collapse resulted in 21 claims being filed with the New York City Comptroller's Office, according to spokesman Jeff Simmons. The claims request more than \$366 million and cite personal injury, property damage or wrongful death.

"Construction is a dangerous business and you will always have fatalities," Bloomberg said at the site. "Sadly, two crane collapses in a short period of time makes you think there's a pattern, but there is no reason to think that there is any connection."

The mayor is founder and majority owner of Bloomberg News parent Bloomberg LP.

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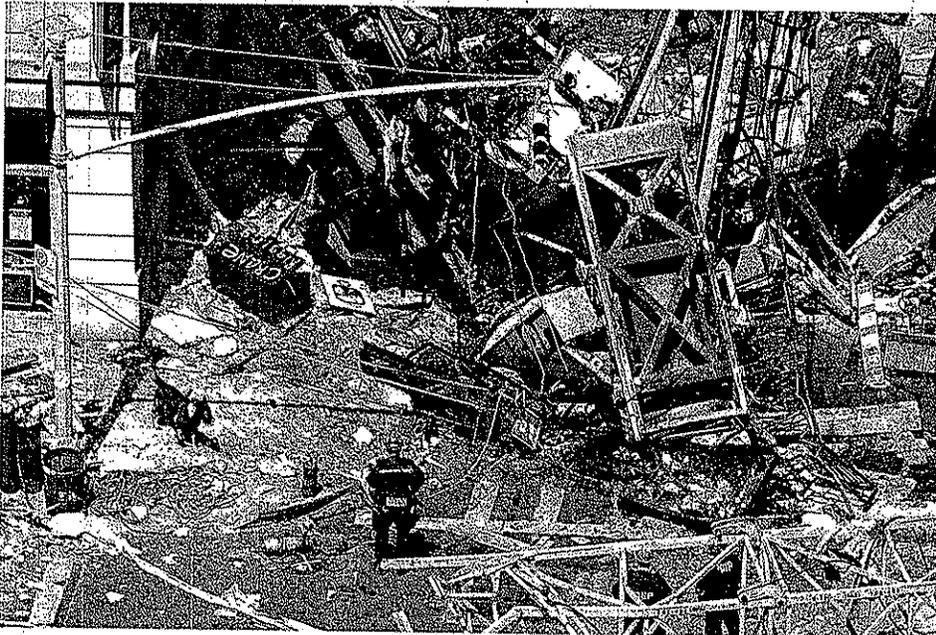
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Crane Collapse, 2nd Since March, Kills 2 Workers



A rescue dog, in left foreground, searches the tangled debris after a crane collapsed. More coverage at nytimes.com/nyregion.

East 91st Street — Apartments Damaged

By JAMES BARRON

This time, it was the top of the crane that fell. The huge pieces smashed into the penthouse of a nearby building, then tore off a row of balconies and plummeted to the street in a shower of bricks, dust and debris. Two men, both workers, were killed.

It was the second time in less than three months that a crane had tumbled from high above a construction site in New York City: On March 15 an entire crane — its tower, cab and boom — collapsed thunderously to earth on East 51st Street, killing seven. Then, as on Friday, city officials began an investigation.

The Friday collapse occurred just after 8 a.m. at the site of a tower at 91st Street and First Avenue that is to house Intermediate School 114 and apartments. Witnesses said the boom — the long arm that hoists materials onto the building's newly laid concrete slabs — snapped off its turntable, the platter-like platform that holds the cab for the operator. Then, witnesses said, the cab and the boom flopped to one side.

They went into free fall, slamming into a corner of the 23-story building across 91st Street at No. 354, shearing off balconies and leaving a trail of pockmarks as they clattered to the street.

"It was like an earthquake," said Tara Hamilton, who lives at No. 354. "It was really bad, and it felt terrible. I didn't know where to run. I knew it was the crane."

Investigators were looking at whether a bad weld had caused the top of the crane to snap, a city official said, and whether the turntable was one that had recently been repaired after developing a bad crack.

The accident left New Yorkers with fresh worries about more construction-site problems in a city that is caught up in a building boom — a city where construction cranes have long been familiar sights on the skyline, never more so than in recent years. And some of that worry turned to anger, especially with another accident coming so soon.

"You would think there would be much stricter safety to make sure this wouldn't happen again," said Brad Barnett, who also lives at 354 East 91st Street. "I mean, it's insane that this has happened twice. You know, I walk the dogs three, four times a day, I'm always walking under

Continued on Page B2

Officials Look at Equipment, Not the Operators, for a Cause

This article was reported by Charles V. Bagli, Ken Belson and William Neuman, and written by Mr. Neuman.

Investigators are focusing on a bad weld as the possible cause of an accident on Friday in which the top of a crane snapped off, crashed into a building across the street and killed two construction workers, the city's acting buildings commissioner said.

Investigators were also trying to determine whether a crucial part of the crane — the rotating plate that connects the cab and boom at the top to the tower — had been removed from a different construction job a year ago after developing a dangerous crack, another city official said.

The thrust of the investigation indicated that city officials believe Friday's accident had a

very different set of causes from the fatal crane collapse that occurred in March: namely, that the condition of the equipment rather than mistakes made in setting it up were behind the crash.

After the March accident, which occurred on East 51st Street and killed seven people, the city aggressively tightened its crane regulations and increased its inspections. But the new accident underscored the difficulty of monitoring crane operations simultaneously at dozens of high-rise construction sites around the city.

"Construction is a dangerous business and you will always have fatalities," Mayor Michael R. Bloomberg said at a news conference. "Sadly, the two crane accidents, in a short period of time, look like a pattern, but there's no reason to think there is any connection." He said the city would have to examine its procedures and regulations, but added, "We have no reason to believe there

Continued on Page B3

p. 42

The New York Times

2 Workers Are Killed in 2nd Crane Collapse in Manhattan Since March

From Page A1

the crane, around the crane, I'm always looking up, because, you know, you get paranoid."

The dead men were identified as the crane operator, Donald Leo, 30, of Staten Island, and Ramadan Kurtaj, 27, of the Bronx, another worker on the job. Mr. Kurtaj died of cardiac arrest after being taken to New York-Presbyterian Hospital/Weill Cornell Medical Center, the police said. One person was seriously injured.

The death toll from crane collapses this year now stands at nine, with 23 people injured. No one was killed in the eight crane-related accidents last year; 10 were hurt. Fifteen people have died in all high-rise construction accidents this year.

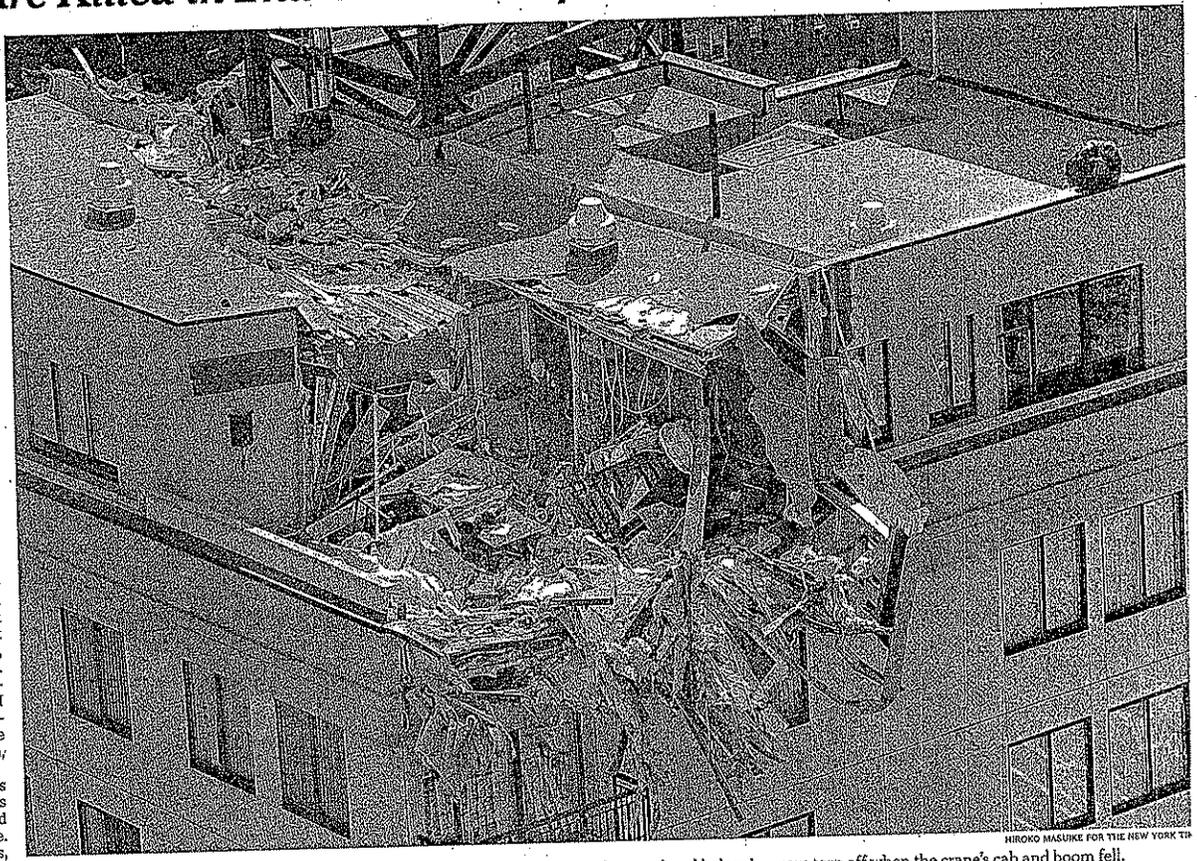
Mayor Michael R. Bloomberg seemed to echo residents' frustration at a news conference down the block from where pieces of the crane still lay in the street. "What has happened is unacceptable and intolerable," he said.

Still, the mayor said the crane had been properly inspected, and he bristled at the notion that there were lingering problems at the Department of Buildings, whose commissioner, Patricia J. Lancaster, resigned in the aftermath of the March collapse. "I don't think you can say anything's wrong at the D.O.B.," the mayor said. "D.O.B. didn't crash, it was the crane that crashed."

"Construction is a dangerous business, and you will always have fatalities," the mayor said later in the news conference. "Sadly, the two crane accidents, in a short period of time, look like a pattern, but there's no reason to think there is any connection."

But other officials quickly criticized the city for not doing enough about high-rise accidents. "We thought the March accident was a wake-up call for the Department of Buildings," said the city's public advocate, Betsy Gotbaum, "and that a change of leadership would bring a change in safety levels. Now it appears that instead of waking up, the Department of Buildings hit the snooze button."

The city evacuated eight nearby buildings with more than 200 apartments total, but by evening,



HIROKO MASUKE FOR THE NEW YORK TIMES

The penthouse of the building across 91st Street from the construction site was damaged and balconies were torn off when the crane's cab and boom fell.

residents had been allowed back into all but one, 354 East 91st.

The March collapse occurred while the crane was being "jumped," or raised to a higher level. City officials ordered a sweep of all cranes in the city and said they would require inspectors to be on hand at construction sites when a crane is jumped. The Buildings Department had just ended that policy on Wednesday, saying that it would switch to conducting spot checks and "safety meetings" for construction workers.

The mayor said that the crane on East 91st Street was in use on Friday and was not being jumped. That occurred just last weekend, he said, and a Buildings Department inspector had been on hand to watch. He said it appeared that the contractors on 91st Street had followed city regulations in assembling the crane.

City records indicated that since then, several callers to the city's 311 hot line had complained about relatively minor problems. On May 7, an inspector issued a partial stop-work order after observing a defective or inadequate safety guard rail. That order had been lifted by Thursday.

On May 13, a caller complained

of unsafe construction, alleging that bricks, sand and wood had fallen to the sidewalk. An inspector who went by on May 17 found no violations.

A week later, a caller complained about the crane itself, saying that the platform reached over the sidewalk and into traffic. As on May 17, an inspector checked the site and concluded there was no violation.

The mayor said inspectors were sent to the site again on Thursday to investigate reports that the crane had improperly hoisted material over the street. Once again, they found no violations.

Many who came and went in the shadow of the construction site, in Yorkville, said that even before Friday, they had worried about another catastrophe like the one in March.

"My boyfriend would always walk by and say, 'Something's going to happen — that looks rickety,'" said Lorene Godlash, a pharmaceutical sales representative who was getting dressed in her apartment across East 91st Street when she heard what she figured was a tractor-trailer rumbling by.

Then the building started to

City Room

Reader discussions and eyewitness interviews about the crane accident, a proposal for high-speed rail to Washington, an antimoking campaign and more blogging from the five boroughs: nytimes.com/cityroom



and looked, she saw that the crane was "leaning back."

Then the cab — the little booth in which Mr. Leo spent his days, pulling levers and working the controls — tilted. Ms. Gibson said she had waved to him less than an hour earlier, as he was climbing in. Tevon Griffin, working on the 13th floor, heard people screaming and yelling. "I thought the floor above us was coming down," he said. He saw the crane arm begin to turn, and he saw Mr. Leo try to steady it.

Another construction worker, Bolivar Quiroz, said, "We looked, and the crane was wavering back and forth."

And then it plunged.

Caitlin Reeves, 25, who lives in a corner apartment on the 10th floor of 354 East 91st Street, was brushing her teeth when she heard the rumble. It was the sound of the crane slicing off her balcony, as she discovered when she ran into her room and saw "pieces of the wall and debris everywhere."

She yelled to her roommates to get out. One of them, Hadley Jensen, 23, said she felt a rush of emotions as the building seemed to shift.

"I'm from L.A., so I assumed it

Construction workers hear a snap, then see the cabin and boom waver and tumble.

was an earthquake," she said. Sounded like there was a huge crash on First Avenue, but then we felt something shaking the bottom of the building."

As pieces of the crane slammed to the street, some hard they became embedded the pavement, workers poured into the street. Mark Watson, an ironworker on the 14th floor, said that when they saw Mr. J in the wreckage, they realized that they would have to wait the Fire Department rescue workers to arrive.

"We couldn't get him out," Watson said.

Battalion Chief Richard Talo, the Fire Department's on-scene chief at the scene, said it was "miracle" that more people were not killed or injured. "It could have been a lot worse" if crane had swung in a different

direction, and sliced across to First Avenue.

Reporting for these articles was contributed by Charles V. Bagli, Al Baker, Jack Begg, Ken Belson, Sewell Chan, Jason Grant, Barbara Gray, Michael M. Grynbau, John Harney, Corey Kilgannon, Alexis Mainland, Jennifer Mascia, Jonathan Miller, Colin Moynihan, Anahad O'Connor, Michael S. Schmidt, Maureen Seaberg, Matthew R. Warren and Carolyn Wilder.