



## COMMUNITY EDUCATION COUNCIL DISTRICT 3

154 West 93<sup>rd</sup> Street New York, New York 10025 - Room 204 Tel (212) 678-2782 Fax (212) 678-2804 Email: CEC3@schools.nyc.gov

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First Vice President

Zoe G. Foundotos  
Second Vice President

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*District 3 Community Superintendent*

October 18, 2016

The Honorable Carmen Fariña  
New York City Department of Education  
Tweed Courthouse  
52 Chambers Street  
New York, NY 10007

Dear Chancellor Fariña,

District 3 has been engaged in a zoning exercise for nearly two years in an effort to address a dual crisis: elementary school overcrowding that creates a dangerous and unhealthy learning environment; and a segregated school system that has deprived too many of our children of an excellent education.

Community District Education Council 3 (CEC3) has carefully considered various zoning scenarios offered by the Department of Education (DOE), thoughtfully reviewed voluminous input from parents, principals, Parent-Teacher Associations (PTAs), School Leadership Teams (SLTs), elected officials and others, and used our own judgment and experience as both parents and elected officials to develop the following zoning plan. We believe that this plan is a prudent and responsible approach to address some of District 3's most vexing zoning-related issues. Accordingly, we respectfully request that the DOE officially present this plan for approval to District 3 as soon as possible.

### **Background**

Nearly half a million New York City public school students attend schools that are severely overcrowded. According to a 2014 audit from the New York City Comptroller, one third of the City's schools are overcrowded, and according to the Department of Education's own data, our schools are at 138% or more of their current capacity. As a result of poor long-range planning, co-locations, and a failure to invest in new school spaces, hundreds of schools throughout New York City have become hopelessly overcrowded.

This crisis has been most acute in District 3, where schools have been some of the most dangerously overcrowded in New York City. Numerous elementary schools can no longer accommodate all zoned families, and waitlists have become a regular annual occurrence, including: PS199, which two years

ago had the longest waitlist (93 students) in New York City; and PS87, PS166, and PS9, which in recent years have each experienced waitlists and/or been forced to open additional kindergarten sections to accommodate kindergarten enrollment.

Overcrowding at many District 3 schools has led to the loss of cluster rooms, lunch times beginning as early as 10:00am, and entire grade populations with no access to gym, art and/or music. Overcrowding has forced District 3 special needs students to receive their services in hallways and/or closets rather than dedicated spaces. “Ironclad” agreements to maintain enrollment caps have been broken. Kindergarten class size limits - mandated in union contracts - have been violated. School administrators have warned that fire drill evacuations take dangerously long.

While overcrowding is an unacceptable crisis, it is by no means the only one. District 3 is one of the most diverse districts in New York City, spanning the west side of Manhattan from Lincoln Center to the Apollo Theater. However, this diversity is concentrated and has caused our schools to be historically some of the most segregated.

In a district in which a majority of public school students are minorities, many schools are segregated and have student populations that do not reflect the demographics of the district as a whole. Some schools are majority white students, while a number of other schools are overwhelmingly minority students. Schools with disproportionately high percentages of white students have strikingly low percentages of students who qualify for free and/or reduced lunch and schools with high percentages of students of color also have high percentages of free and/or reduced lunch students.

### **History of Current Zoning Exercise**

CEC3 embarked on a zoning process in February 2015 and established a Zoning Committee to address this dual crisis. Under the leadership of then-Chair Barbara Denham, the committee was charged in part with investigating the severity of overcrowding in District 3 and detailing the multitude of new residential developments in District 3 that increase the burden on already overcrowded schools.

CEC3 held a Special Calendar meeting on June 9, 2015 regarding waitlists and the deleterious effects of overcrowding on District 3 schools, and received public comment from numerous parents, PTA/SLT’s, principals, elected officials and concerned members of the District 3 community who expressed frustration at unsatisfactory overcrowding conditions and lack of solutions offered by DOE officials present.

On July 15, 2015, CEC3 unanimously passed a resolution highlighting the overcrowding crisis and calling on DOE to immediately develop short-, intermediate- and long-term plans for alleviating District 3’s overcrowding crisis. That resolution called for an immediate moratorium on additional charter schools co-located in District 3 public schools. That resolution also called for studies into space utilization, enrollment and waitlist policies, and zoning changes.

A new Council took office in July 2016 and kicked the rezoning process into high-gear, with Kimberly Watkins appointed Chair of the Zoning Committee. The Council's zoning work almost immediately faced a challenge in the form of the Persistently Dangerous School (PDS) designation given to PS191 by the New York State Education Department (NYSED). The designation, which CEC3 forcefully opposed and fought for several months to overturn, was the result of serious failures in incident reporting and data collection; a total lack of training, accountability and oversight; and total apathy on the part of DOE's Office of School Safety. NYSED and DOE - and not PS191's current administration, parents or students - were responsible for this designation.

As CEC3 fought to overturn the bogus PDS designation, the Zoning Committee led a comprehensive community engagement process that studied data and projections, and vetted numerous zoning scenarios and alternative approaches. The Zoning Committee's work with ODP, parents, and stakeholders in September and October, 2015 culminated in several different zoning scenarios that would have impacted several schools in southern District 3, including PS191. However, NYSED's refusal to repeal PS191's PDS designation around this same time compromised a final zoning plan and in November, 2015 DOE announced it would not present a plan for the 2016 school year.

Undeterred, and committed to act to address the immediate overcrowding crisis, CEC3 voted in November, 2015 in support of the following measures:

1. DOE shall temporarily suspend the right of return for PS199 families (Rejected by DOE)
2. DOE shall cap the number of PS199 kindergarten sections at five (Rejected by DOE)
3. DOE shall preserve priority-one sibling status as a result of any zoning change (aka sibling grandfathering) (Agreed to by DOE)
4. DOE shall make offers to all waitlisted families by August 1, 2016 (DOE committed to best efforts to offer waitlist families alternate placement as soon as possible)
5. DOE shall not zone new residential construction to any schools that are over-capacity (Opposed by DOE on the grounds that it does not differentiate between current buildings and new construction)
6. DOE shall move PS191 to the new Riverside Center building upon completion and place PS342 into PS191's current building (Agreed to by DOE).

The CEC3 Zoning Committee went right back to work in early 2016 with a renewed commitment to act. The Committee reviewed the wide array of solutions discussed the previous Fall, including a district-wide rezoning, and in response to a request from the Equity in Education Task Force, agreed to study community controlled choice. CEC3 engaged other CEC's that had taken steps to combat overcrowding and segregation in an effort to identify best practices and lessons learned. In addition, the Zoning Committee organized two community panel discussions on zoning and controlled choice this past Spring.

Two conclusions were drawn from this controlled choice study process:

1. Any endeavor to implement a zone-free enrollment policy with community controlled choice would be costly and would take years of strategic planning, stakeholder engagement, and analysis;

2. Panel discussions resulted in more questions than panelists could answer. Experts in controlled choice could not offer an understanding of how the geographic make-up of the district might affect student transportation. They were also unable to explain the consequence of Title I funding changes at affected schools.

Absent any clear consensus to pursue controlled choice further, the Zoning Committee resumed work on a rezoning exercise, to be guided by four guiding principles:

1. Transparency of the exercise: that the community, CEC3, and the DOE work together openly and with transparency as it evaluates zoning scenarios for 2017 implementation;
2. Overcrowding elimination and prevention: that the solution offers real relief to the severely overcrowded part of the district;
3. Optimal utilization of school capacities: that the rezoning offer zone adjustments that could maximize under-utilized space if possible, throughout the district;
4. Diversity: all rezoning changes must consider the impact of socio-economic status diversity at all affected schools.

### **Rezoning for 2017**

When the latest chapter in this zoning exercise began in June, 2016, ODP expressed interest in a more district-wide rezoning than was considered in 2015; committed to an analysis of diversity in any zoning scenarios; and affirmed its commitment to move PS191 to Riverside Center.

Between July and September, ODP presented three scenarios; all which featured the following:

1. The move of PS191 to Riverside Center;
2. The split of Amsterdam Houses complex among three schools to offer a more equal distribution of students who qualify for free and reduced price lunch;
3. An increase in the zone for PS191 that would include a number of buildings currently zoned to PS199;
4. An increase in the zone for the school residing at the vacated M191 building that would include a number of buildings currently zoned to PS199.

CEC3 identified several key findings upon thorough analysis of these three scenarios, including:

1. In Scenario A, PS452 would grow to three sections across grades, consistent with the school's long-standing desire to grow. PS342 would open in the vacated M191 building, but no plan was offered to ensure the successful establishment of PS342. Scenario A proposes to decrease the size of the PS199 and PS87 zones and make minor modifications to PS9 and PS166 but not proceed further north;
2. In Scenario B, PS452 would move to the vacated M191 building, eliminating the current PS452 zone. To disburse middle-district demand created by PS452's re-siting, Scenario B would shift many zone lines northward - up to PS165 - allowing for in-zone enrollment rates to be increased and unused capacity to be repurposed for middle-district overcrowding relief and prevention;
3. Scenario C was offered by DOE as a hybrid of A & B. It would not re-site PS452 but would decrease its zone size to prevent it from growing (due to overcrowding in the O'Shea

- building). It would adjust the zone sizes for several other schools and cascades north to PS165. As in Scenario A, no plan for the creation of PS342 is offered;
4. Scenarios A, B & C exclude District 3 schools east of Morningside Park.

### **CEC3 2017 Zoning Plan**

CEC3 has reviewed these three scenarios, considered other ideas & components, poured over two years-worth of parent and stakeholder input, and weighed our own judgment and experience as parents and policy-makers. CEC3 strongly believes that a final zoning plan must relieve and prevent overcrowding; make our school populations more diverse and begin to address a segregated school system; and put all of our schools in the best position to succeed. CEC3 believes that the following plan is consistent with these three principles and is meaningful and achievable. For these reasons, an overwhelming majority of the Council supports this plan. Accordingly, we respectfully request that DOE immediately move to formally present the following for District 3's consideration:

#### **Re-site PS452 to M191 building**

The decision to support the re-siting of PS452 is one that no member of the Council takes lightly. CEC3 is very concerned that a re-siting potentially creates logistical challenges for current PS452 families and could cause some disruption. However, the list of reasons why the re-siting is necessary, prudent and beneficial to the entirety of District 3 is long and compelling:

1. PS452 needs more space to grow and adequately serve its population.
  - a. Co-location in an already crowded building has been extremely challenging. Students have limited access to the auditorium and the gym; the shared lunchroom requires lunchtimes for these elementary school students to begin at 10:00am.
  - b. PS452 struggles to meet its financial obligations and currently has a budget shortfall of nearly \$100,000. PS452 is required to have Integrated Co-teaching (ICT) instructors in its classrooms, yet due to low enrollment the school does not receive sufficient per-student funding to cover this cost. Re-siting will allow PS452 to grow to 4-5 kindergarten sections, ameliorating this issue;
2. Principal Parker and the SLT support re-siting for the reasons above, as well as the resources and programming available in the M191 building (including a library, state-of-the-art media lab, gymnasium, school yard) to provide a rounded educational experience to PS452 students;
3. The success of the school in the M191 building is vital to the future of District 3, and CEC3 has a responsibility and an obligation to make sure the school that opens its doors for the 2017 school year is successful. While it is possible that DOE would identify a respected and competent founding principal, staff and administration for the newly-established PS342, CEC3 is uncomfortable taking this chance. We strongly believe that an already-successful school with an excellent reputation and respected leadership makes it significantly more likely that District 3 will have a highly successful school in M191. Kindergarten families that will be zoned to the M191 starting in 2017 also deserve a successful option when Kindergarten Connect enrollment opens in December;
4. DOE has not presented a viable alternative to PS452 re-siting that would offer reasonable assurance of success of the school at M191. When PS452 was established in 2010 as a new, unknown and unproven school, many Upper West Side families did not feel comfortable

- sending their children to the school and instead pursued other options. Those of us present during the establishment of that school are committed to avoiding a repeat of those challenges;
5. 69% of the proposed zone for the M191 building will be made up of the current PS199 zone;
  6. The co-location of PS452, Computer School and the Anderson School (PS334) has created significant challenges for all three schools, including the management of shared spaces, and these challenges must be addressed;
  7. Leaving PS452 at 77<sup>th</sup> Street prevents DOE from rolling comprehensive changes northward where underutilized capacity exists.

### **Robust Zone for Riverside Center School (PS191)**

A responsibility to end District 3's overcrowding crisis, a moral obligation to enhance the diversity of school populations and eliminate segregated schools, and a duty as elected officials to fight for excellent schools compels CEC3 to offer its strong and unwavering support of a minimum zone configuration for the Riverside Center School (PS191) as presented in Scenarios A, B & C. 61% of the proposed zone will be students currently zoned to PS199; of the 2015-2016 kindergarten residents living in the Amsterdam Houses, 25% are zoned to the Riverside Center School (PS191) under the proposed zone.

CEC3 believes more can be done to create a robust zone for this school and is concerned that the projected zone enrollment rate of 75% as well as the target of four planned sections of kindergarten could leave the Riverside Center School (PS191) building under-enrolled when school begins in September, 2017. Given that the school is being configured to accommodate a capacity of 694 students, CEC3 calls for the following:

1. Increase the new Riverside Center School (PS191) zone size to at least 100 kindergarten students (up from current projections of 80-90) in order to ensure that 4-5 kindergarten sections can be accommodated;
2. To that end, extend the zone line to 70th Street and West End Ave to include 205 West End Avenue, which has the added benefit of creating a zone line on a street instead of through a playground/parking lot;
3. Project 4-5 kindergarten sections at the Riverside Center School (PS191) in order to maximize available capacity in the southern portion of District 3. Through this projection, CEC3's plan would match the maximum net capacity gain presented in Scenario A, B or C.

### **Responsibly Sized Zone for PS199**

A responsibility to end District 3's overcrowding crisis, a moral obligation to enhance the diversity of school populations and eliminate segregated schools, and a duty as elected officials to fight for excellent schools also compels CEC3 to offer its strong and unwavering support for the zone configuration for PS199 as presented in Scenarios A, B & C. DOE must keep past promises and cap PS199 at 5 kindergarten sections. Given DOE's willingness to break this cap and increase PS199's kindergarten sections in recent years, CEC3 requests this commitment in writing. CEC3 supports the extension of the zone to include a significant portion of Amsterdam Houses – of the 2015-2016 kindergarten residents living in the Amsterdam Houses (including the Amsterdam Addition), 42% are proposed to go to PS199.

To offset the loss of 205 West End Avenue to the Riverside Center School (PS191) (as per the proposal above), and out of a desire to prevent PS87 overcrowding, CEC3 calls for an additional allocation of buildings on the northwest border with PS452/87 to be zoned to PS199 in order to maintain the school's ideal zone size of 120-130 students.

### **Overcrowding Prevention for PS87**

CEC3 and PS87 stakeholders are extremely concerned about this school's zone size, given its history of overcrowding and its high zone retention rate throughout grades. Its zone size in Scenario C shrinks from its current size of 162, a further decrease from its 3-year average zone size of 173 students. CEC3 believes that an additional decrease to 125-135 would allow for six kindergarten sections, in consideration of sibling enrollment, PS452's re-site, and other factors stemming from the intensity of the zone exercise.

As discussed above, CEC3 calls for an additional allocation of buildings on the northwest border with PS452/87 to be zoned to PS199. In addition, PS9's SLT, PA, and Principal have expressed the desire to slightly increase its zone in order to serve its community in the best way possible. This suggests a shift of PS87's zone to the north in order to serve both school community needs.

### **Support PS9 with a Robust Zone**

PS9's school community has expressed the desire to serve its current zone size, including a willingness to grow. Shrinking PS87's zone size, as discussed above, could afford PS9 this opportunity.

### **PS166 Zone Stability**

The PS166 zone has steadily increased over the last five years, and its current zone size is 121 students (with a three-year average at 112). The school community has expressed a desire to serve five kindergarten sections in total. Scenarios A & C decrease the number of K sections from 5 to 4, decreasing the zone size to 95-105, which the school opposes. CEC3 therefore strongly recommends maintaining PS166's current zone size or decreasing it slightly to 110-120.

### **Support PS75's Vibrant Community**

Scenario C satisfies the desire of the PS75 community to maintain its current size, which allows it to continue to thrive as a school with a growing, vibrant NEST program. CEC3 supports the zone size for PS75 as represented in Scenario C.

### **PS241 Zone Division**

With DOE's announcement this week that PS241 will be consolidated with PS76 for the 2017 school year, CEC3 strongly believes that zone changes must be implemented for the 2017 school year. CEC3 is dismayed by the lack of community engagement prior to this announcement; indeed, members of this Council have been calling for public hearings on this issue for many months. CEC3 is also extremely concerned about the possibility that District 3 could lose PS241's current space to a charter school. Nevertheless, CEC3 believes that this consolidation, if coupled with zone changes,

will strengthen surrounding schools in this portion of District 3. PS241's zone size (currently 49 students) has a three-year average of 64 students, including a new residential tower at 110th Street and Frederick Douglas Boulevard. CEC3 recommends zone changes that re-distribute PS241's current zone equally between PS180 to the west, PS/IS76 to the north, and PS185 to the east. CEC3 calls for this zone change to be included in this final plan and effective for the 2017 school year.

In addition, CEC3 calls on DOE to immediately announce a stakeholder engagement process for the northeast portion of District 3. This process would convene immediately following CEC3's vote on a final zoning proposal and would include parents, principals, SLT's, PTA's and other interested parties to discuss programmatic and funding commitments designed to enhance enrollment, academic performance, and educational outcomes of elementary school students at PS180, PS/IS76, PS149, PS242, and PS185/208.

### **Total Kindergarten Sections at the Southern End of District 3**

When ODP resumed discussions about the rezoning exercise in June 2016, a great deal of engagement centered around the message that District 3 needed 14 sections of kindergarten at the three southernmost schools. This target folded into the discourse about the differences between Scenarios A & B but the elimination of PS452's zone in Scenario B created a perception that District 3 would realize a net loss of two elementary school sections; indeed, many individuals opposed to the re-siting of PS452 have pointed to this "loss" as rationale to keep PS452 at 77th Street. In addition, DOE under-estimated the number of kindergarten sections that could possibly be offered at both PS191 and PS452 in the re-site scenarios.

<b>Zone DBN</b>	<b>Current Average Kindergarten Sections</b>	<b>Planned Kindergarten Sections (Scenario C)</b>	<b>CEC Plan</b>
New ES (@191)	0	4	0
03M191	2	3-4	4-6**
03M199	6-7	5	5
03M452	3*	2-3	4-5
03M087	6	6	6
03M009	4-5	4	5
03M166	5-6	4-5	5
<b>Total</b>	<b>26-29</b>	<b>28-31</b>	<b>29-32</b>

\*3 sections of kindergarten is not accurate given the required shrinkage to 2 sections of grades 1-5.

\*\*6 sections of kindergarten could be achieved in future years if middle school truncates.

*Note: the first three columns of the table above were generated by DOE and presented to CEC3 on October 6, 2016. CEC3 has added the fourth column.*

Finally, projected kindergarten sections in the overcrowded part of the district include PS87, PS9, and PS166. As detailed in the table above, CEC3's plan more accurately reflects the estimated number of kindergarten sections and believes it to be the most optimal expression of stable kindergarten placement based on the data in hand and capacity in the district.

### **Additional Components of CEC3 2017 Zoning Plan**

The following measures are included in CEC3's 2017 Zoning Plan. These items - while not necessarily zoning changes - are essential to make the zoning plan work and are critical to ensuring a smooth and effective transition. Accordingly, CEC3's vote on a final zoning plan is conditional on DOE's acceptance of the following:

#### **Vacated Space at M44 (O'Shea Campus)**

Re-siting PS452 leaves a vacancy in O'Shea that CEC3 believes will remain an important location for our district-wide efforts to improve the educational experience for all students. Though nearly all of CEC3's recent efforts have been focused on elementary school enrollment, the District 3 community is also engaged in discussions about middle school enrollment patterns.

CEC3 strongly believes that the majority of the vacated O'Shea space should be utilized for middle school seats, including the possible expansion of enrollment at the Computer School. However, CEC3 is very concerned about the potential consequences of such enrollment growth on other District 3 middle schools. Therefore, CEC3 proposes the following two-phase plan for utilization of vacated space on the second floor of O'Shea:

- Phase I (2017)
  - Open science lab on second floor and ensure that it is functional for use by both Computer School and Anderson middle school students;
  - Reserve space on the second floor of O'Shea for Computer School to establish a dedicated library; increase its footprint accordingly.
- Phase II (2018-2019)
  - Work with stakeholders to establish enrollment priorities for increased diversity and improvement of educational outcomes at all middle schools. To that end, consider inviting a small District 3 middle school (such as Community Action School, West Prep, or others) to relocate to the second floor of O'Shea;
  - Consider additional increase of Computer School footprint if it desires growth.

In addition, DOE has stated that it would like to add Universal Pre-Kindergarten seats to District 3. This option could be considered, but the above items would need to be considered as part of the plan to offer an agreed upon number of Pre-K seats.

#### **PS241 STEM Program**

In conjunction with the proposed merger of PS241 and PS/IS76, the Science, Technology, Engineering & Math (STEM) program currently housed at PS241 must be preserved and housed at PS/IS76 and expanded if possible. District 3 schools in lower Harlem desperately need programmatic

anchors that will increase enrollment and lead to stronger student outcomes. By transferring the STEM program to PS/IS76, CEC3 hopes to boost the zone enrollment rate which currently sits at 38%.

### **Re-use of PS241 Space**

CEC3 requests in the strongest possible terms to be involved in discussions and decisions regarding the use of the space vacated by PS241 in June 2017, including the potential use of this space by a charter school.

### **Moratorium on Charter School Co-locations**

CEC3 demands a moratorium on additional charter school co-locations in District 3, including but not limited to O'Shea, Riverside Center School (PS191), and the M191 building.

### **Rename PS191 the Riverside Center School**

Moving PS191 to the new Riverside Center building complex gives the school a fresh start and a new state-of-the-art facility. CEC3 believes strongly that the school's name should reflect its new home and help erase the harm caused by NYSED's bogus PDS designation.

### **Bus Transportation for PS452**

CEC3 calls on DOE to provide for temporary bus transportation for currently enrolled (current grades K-5) PS452 families to PS452's new home on West 61st Street. This commitment would sunset once all current families have matriculated out of the school. Given community concerns - which CEC3 shares - about the disruption this re-site would have on currently enrolled families, CEC3 feels strongly that this investment is prudent and appropriate, and ultimately, the right thing to do.

### **GreenFlea-type market at new PS452 Yard**

CEC3 calls on DOE, elected officials, PS452 parent leadership and other stakeholders to establish a bazaar at the M191 school yard that is similar to the highly successful GreenFlea Market currently at the O'Shea school yard. The GreenFlea Market is enormously successful and proceeds are shared with the schools currently located in O'Shea. CEC3 believes that this model could be replicated and if successful, proceeds could be shared in a similar fashion with PS452, the Riverside Center School (PS191), and West End Secondary School (WESS).

### **Additional Supports for Riverside Center School**

CEC3 calls on DOE to make a three-year commitment to programmatic and community-building enhancements for the Riverside Center School (PS191) to assist with that school's transition to its new home and anticipated enrollment growth.

### **Logistics of Re-siting PS452 & PS191**

CEC3 requests that DOE provide detailed logistics plans for the movement of PS191 and PS452. Plans should include timing of moves, funds allocated for moves, and any plans for outfitting M191 to accommodate PS452.

### Conclusion

The CEC3 2017 Zoning Plan is a prudent and responsible approach to address some of District 3's most challenging issues. We respectfully request that DOE officially present this plan at CEC3's October 19, 2016 Calendar Meeting. CEC3 has already scheduled four meetings and public hearings culminating in a November 9, 2016 CEC3 vote on a final plan; we are prepared to act in the interests of District 3 and ask that DOE do the same. Thank you for your consideration.

Sincerely,

Community Education Council, District 3

cc: DOE Deputy Chancellor Elizabeth Rose  
DOE Director of Analytics Sarah Turchin  
DOE District 3 Superintendent Ilene Altschul  
Manhattan Borough President Gale Brewer  
Comptroller Scott Stringer  
City Council Member Helen Rosenthal  
City Council Member Inez Dickens  
City Council Member Mark Levine  
State Assembly Member Linda Rosenthal  
State Assembly Member Daniel J. O'Donnell  
State Assembly Member Keith L. Wright  
State Assembly Member Richard N. Gottfried  
State Assembly Member Robert J. Rodriguez  
State Senator Bill Perkins  
State Senator Adriano Espaillat  
State Senator Brad Hoylman  
State Senator Jose M. Serrano  
Representative Jerrold L. Nadler  
Representative Charles Rangel  
Community Board 7 Chair Elizabeth R. Caputo