

**MINUTES OF THE EXECUTIVE BOARD COMMITTEE
MEETING HELD DECEMBER 5, 2012
AT THE BOARD OFFICE, 5676 RIVERDALE AVENUE**

PRESENT:

Robert Fanuzzi, Chair	Rosemary Ginty
Maria Khury	Sergio Marquez
Bob Abbott	Dan Padernacht
Sylvia Alexander	Lamont Parker
Steve Balicer	Joyce Pilsner
Bob Bender	Sergio Villaverde
Brendan Contant	Nicole Stent
Anthony Creaney / for A. Feldmeier	Diane Bay
Phil Friedman	
Steven Froot	

ABSENT:

Andrew Cohen
Arlene G. Feldmeier
Damian McShane
Charles G. Moerdler

PUBLIC:

Miawling Lam, Riverdale Review

The meeting convened at 7:40 PM.

1. Chairman's Report – R. Fanuzzi

- R. Fanuzzi invited Miawling Lam, reporter for the Riverdale Review to introduce herself. He explained to the committee that neither press nor media had attended these meetings in the past and welcomed a discussion on the Open Meetings Law (OML). Since this was the first time the OML has been invoked, the Chair wanted to hear the committee members' opinions of the OML. R. Ginty suggested that the law be copied and distributed.

The following are some of the comments from committee members:

- B. Bender - Does the OML apply to this meeting? Chair Fanuzzi responded there was no specific state advisory opinion about a community board's Executive Committee meeting subject to the OML.
- P. Friedman - What the Executive Committee does is not secret and has no conflict with the OML. The committee's minutes have always been available to the public. This committee acts as a moderator for the overall board to discuss business and help each committee chair find a way to make the work that each committee does on their own better. However, in this instance, the media would be able to report Executive Committee business to the public and full board before the board meeting. Therefore, the purpose of the Executive Committee would be null and void.
- P. Friedman found a guide published in 2012 on the NYS website about conducting public meetings and public hearings. He suggested reviewing it. The question raised is what the definitions of what a meeting are and what a public body is. A public body is any entity from which a quorum is required in order to conduct public business. If the

Press presents the work of the Executive Committee prior to the board meeting it makes the Executive Committee's job more difficult.

- S. Villaverde - Whether we fall under the OML or not, in his opinion, transparency is preferred.
- M. Khury - The Executive Committee is a clearing house so that the board meeting can be better organized and run smoothly.
- B. Contant was surprised that this came up at the meeting and preferred to have read the OML document prior to the meeting. He pointed out that exposing information to the Press was not an issue but more importantly, this meeting is the only time the Executive Committee can work together in advance of the regular board meeting. He added that the press is an indispensable part of communicating what goes on within the community to a greater community at large who can not attend all meetings. If the Press reports on the Executive Committee meeting it will pre-announce what may or may not happen at the board meeting.
- S. Alexander asked if the Chair communicated with the Borough President's office for direction. R. Fanuzzi responded that he had spoken to the Borough President's office. They stated the executive committee meeting is subject to the Open Meetings Law and it is a state law.
- B. Abbott felt that discussing ideas and opinions in the Executive Committee meeting would be constrained if it was reported on in advance by the press.
- S. Froot noted that under The Freedom of Information Law and the Freedom of Information Act you can request any documents in the executive branch of government, although there are certain documents you can not receive, e.g., ongoing police investigations, deliberative process exemption. He added that it's been understood and recognized and virtually no one can speak against the principle that there is a value to private deliberations. It is not debatable that if people can not speak freely in small groups as part of getting their job done, then the quality of the work will simply be less good and it does not serve the public as well as it can.
- R. Ginty was concerned that this was being discussed now because when the OML came up in her committee meeting no one questioned it. She suggested the Chairman contact the State Government office in charge of the OML for clarification. R. Ginty disagrees that the Executive Committee will not serve its function under the OML.
- D. Padernacht stated he was confident that all things were considered when this law was drafted and approved and anything said in the Executive Committee can be said to the public.
- B. Bender agreed that the board should request a ruling on the applicability of the law to the community board's executive meeting. If we overturn a procedure that has been used for many years there should be absolute clarity on the OML. He reiterated what P. Friedman said that the Executive Committee does not finalize any matter pending before the board. Further, the minutes of the executive committee meeting have always been public and are always available.
- Chair Fanuzzi's final comments were that since the decision of the Executive Committee would permanently alter the way that Community Board 8 operates, the board is owed a written clarification of the law. He will ask the Executive Director of OML to make a ruling on this issue and forward the ruling to the members of the Executive Committee immediately.
- S. Froot then requested if the Riverdale Review staff member could excuse the executive committee and allow the Committee to continue to hold its regular meeting without the press present with the agreement that we would then commit to return to her with a comment on this ruling before the next monthly meeting.

- M. Lam explained that she had previously queried the Community Board on the status of the Executive committee meeting and checked with the Borough President's office to see if she could attend this meeting prior to coming and they had said she could attend.
- R. Fanuzzi stated that he had not received notice prior to the meeting that a member of the Riverdale Review planned to attend the December Executive committee meeting.
- M. Lam voluntarily left the meeting.

2. Treasurer's Report – P. Friedman

- No Report

3. District Manager's Report – N. Stent

- The Board office has its annual High School Intern from the Riverdale Neighborhood House. She is a junior at MS368. One of her job duties is to review the website and match agenda's and minutes and check for errors. She will also file and log attendance emails into the Patron Mail system for the e-newsletter.
- The Borough Presidents' Bronx District Managers Task force has met regularly since September and monthly in late October and November. A report should be forthcoming in January.
- Endor Gardens on West 253rd Street and Fieldston Road is a community garden started many years ago by a Riverdale resident. It fell into disrepair when the resident moved. N. Stent brought the Riverdale Country School on board and they committed to maintaining the site during the year. Board member Laura Spalter also organized a clean up of the site.
- Facebook is now on the board's webpage. Any questions can be directed to D. McShane, Chair of the Technology Committee.

4. Committee Reports

A. "Friends of Report" – P. Friedman

- P. Friedman gave a PowerPoint presentation on the "Friends of CB8". It will also be presented to the board next week.
- D. Padernacht asked if the board sponsors an event and receives monies from the event will that constitute a conflict of interest.
- R. Fanuzzi stated that there are several COIB opinions on the matter of conflict of interest and fundraising included in the report on this very issue.
- R. Ginty stated that it is a real concern when the community board is the direct financial beneficiary of an event that the board voted to support. Her request is to ask the Conflict of Interest Board for a formal approval on it. She feels that this effort is not the mission of the board and does not see the need to fundraise nor divert member resources from committees. Further fundraising is not listed among the duties of board members. She does not find a compelling need to raise funds. The board has functioned without raising funds and it should continue this way. Appointing a board member from each committee would dilute the standing committee memberships. Board members currently are required to serve two committees plus the board and land use, to expect board members to be on 3 committees may be difficult.
- S. Froot thinks there are legitimate concerns and it should be discussed further.
- S. Villaverde pointed out that if a few vendors applied for a permit to close a street and we previously had direct financial gain from one of those vendors how does the board decide who to choose? This may be a problem.

- M. Khury – The committee wanted to bring a resolution that would finalize the work of P. Friedman over the past year and wanted to bring “Friends of CB8” report to a final consensus so the board could decide whether or not to support a “Friends of CB8”. If the board votes for it to exist the special committee would then write specific guidelines.
- R. Ginty said this can also be a standing committee but that would require bylaw changes.
- S. Balicer acknowledged the work of P. Friedman and the special committee but he does not see the need for fundraising.
- A Friends of CB8 Report and a resolution were distributed and will be presented at the next board meeting.

B. Public Safety – A. Creaney reported on behalf of Arlene G. Feldmeier

- A. Creaney presented two resolutions from the Public Safety Committee.
- Some members of the Executive Committee questioned why the Corporate Change for the Lounge at 4685 Manhattan College Parkway was approved by the committee when the board previously recommended the business be closed. They were also puzzled because the former manager of this establishment would now be the owner. There was opposition to this approval.
- On December 4, 2012 a letter was written to the board by the owner of Ibiza Lounge (established for over 10 years in the community) who was also a past board member. He is asking for a personal apology by Public Safety Chair Feldmeier because he felt dissatisfied and disrespected at the committee meetings despite both NYPD support and Public Safety committee approvals of a renewal of his liquor license. A meeting will be arranged to meet to discuss his concerns with the Board chair and vice chair and Public Safety committee chair.

C. Traffic & Transportation – D. Padernacht

- A resolution was presented on the procedures for street activity permit applications submitted to Bronx Community Board No. 8 for review. There was a discussion on whether specifics of the current procedure, whether the procedure should be changed, whether the resolution should be more specific as to what specific committees would review events, what are the timelines, if it would impact the applicant and event to have committees and board review, or if the current process for the past 30 years should remain. The resolution will be presented at the December 2012 board meeting.
- R. Fanuzzi reported that SAPO wrote to the board and stated that it currently waits 30 days for the CB to comment on applications. Once 30 days have passed, SAPO begins reviewing and processing the applications while working with the applicant on the event. Any board recommendations made after the first 30 days may not be able to be considered. B. Bender made the point that whatever committee is considering an event, it has to be within the 30 day window to make a decision. He believes the procedure should remain as it currently is without delaying applicants because events are usually publicized early and they need decisions by the community board as soon as possible. Any later could dilute the power of the board to have an impact on the event.
- M. Khury emphasized the importance of prompt submission of committee minutes.

D. Aging – A. Creaney reported on behalf of A. Cohen

- The Aging Committee approved a resolution that the New York State Office of the Aging (SOFA) Social Adult Day Services should require all Social Adult Day Service Providers to comply with the SOFA standards. This resolution will be presented at the next board meeting.

E. Economic Development – S. Villaverde

- The renewal for an unenclosed sidewalk café was approved for Salvatores of Soho, 3738 Riverdale Avenue, by the Economic Development Committee. The resolution will be presented at the next board meeting.

F. Miscellaneous

- J. Pilsner referred the Executive Committee chairs to read Section VI of the bylaws which explains the rules for board members and community committee members' attendance at committee meetings as well as procedures for recording attendance and votes.
- The Chairman waived review of all committee meeting reports because of the late hour.

Meeting adjourned at 9:55PM

Respectfully submitted by,

Diane Bay
Community Associate

Reviewed by:

Joyce Pilsner
Secretary