



BRONX COMMUNITY BOARD 8

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Laura Spalter, Chairperson

Ciara Gannon, District Manager

OFFICERS:

Vice Chairperson
Bob Bender

Secretary
Robert Jacklosky

Treasurer
Vacant

NOTICE OF BOARD MEETING

The regular Board Meeting of Bronx Community Board 8 will be held via Zoom on **Thursday November 10, 2022, at 7:00 PM. Please note change in date.**

Join Zoom Meeting: <https://us02web.zoom.us/j/2114033690>

Join Zoom Meeting by Phone: +16465588656

Passcode: 2114033690#

COMMITTEE CHAIRS:

Aging
Lisa Daub

Budget
David Gellman

Economic Development
Nicholas R. Fazio

Education, Libraries & Cultural Affairs
Sylvia Alexander

Environment & Sanitation
Dr. Camelia Tepelus

Health, Hospitals & Social Services
Omar Murray

Housing
Stephen Vazquez

Land Use
Charles G. Moerdler

Law, Rules & Ethics
Martin Wolpoff

Parks & Recreation
Deb Travis

Public Safety
Edward Green

Traffic & Transportation
Kelli Buford

Youth
Julia Gomez

AMENDED AGENDA

1. Public Gallery Session
2. Report from the Bronx Borough President's Office
3. Report from the 50th Police Precinct
4. Chairperson's Report
5. Treasurer's Report
6. District Manager's Report
7. Report from the NYC Department of City Planning
8. Roll Call
9. Election of Board Treasurer
10. Resolution to Renew Hybrid Resolution (May 10, 2022)
11. Committee Reports:
 - a) Traffic & Transportation
 - b) Youth
 - c) Aging
 - d) Budget
 - e) Economic Development
 - f) Education, Libraries & Cultural Affairs
 - g) Environment & Sanitation
 - h) Health, Hospitals & Social Services
 - i) Housing
 - j) Land Use
 - k) Law, Rules & Ethics
 - l) Parks & Recreation
 - m) Public Safety
 - n) Special Committee on Hudson River Greenway
 - o) Special Committee on Racial Equity
 - p) Special Committee on Veteran Services
12. Resolution Offered by Board Member: Resolution Implementing a Fair, Equitable and Transparent Process for Determining Committee Composition in case of Size Limitation by Committee Chairs (Bylaws amendment, Dr. Camelia Tepelus)
13. Discussion of Executive Committee Meeting Minutes of November 2, 2022
14. Approval of Board Meeting Minutes of October 13, 2022
15. Miscellaneous Business

Laura Spalter
Chairperson



Pursuant to recent NYS legislation signed by Governor Kathy Hochul (Bill S1150A), The Community Board is required to post material to be discussed at a public meeting. Please know that the material below has not been voted on or discussed by the full board at this time.

DRAFT
Hybrid Resolution Renewal
November 2, 2022

Whereas, On May 10, 2022 Bronx Community Board 8 passed a resolution (attached) in accordance with New York State’s Open Meetings Law that authorizes **Bronx Community Board 8 and its Committees to adopt the Hybrid Model at their discretion** in order to promote public participation via virtual meetings; and

Whereas, a condition stated that this resolution be reviewed by the Board after six months; and

Whereas, under state law the Hybrid Model requires that board members must attend meetings in person unless qualifying for a virtual exemption under extraordinary circumstances; and

Whereas, the Laws, Rules, and Ethics committee and officers are engaged in establishing criteria and process for members seeking to utilize this exemption; and

Whereas, while the Board has experienced success in using the Hybrid Model from our office, the ability to fully implement the Hybrid option has been hampered in outside venues by inadequate technology (Wifi) and lack of technical support; and

Whereas, to date implementation and feedback regarding the Hybrid Model has been extremely limited due to the Mayor’s Emergency Executive Order No. 210 that permits community board meetings to continue to be held remotely on a month to month basis;

Therefore, Be it Resolved that Bronx Community Board 8 renews its May 10, 2022 resolution extending our adoption of the Hybrid Model with the condition that the resolution be reviewed in six months by a vote of the Board to take place in June, 2023.

May 10, 2022
Hybrid Resolution

Whereas, the New York State Legislature has passed, and Governor Hochul has signed, new legislation concerning implementation of the Open Meetings Law, which will remain in effect through June 1, 2024; and

Whereas, Part WW of Chapter 56 of the Laws of 2022 mandates that as of June 9, 2022 all community board members must return to attending meetings in person unless the Board chooses the Hybrid Model option, which allows an exemption for Board members with extenuating circumstances, such as illness, disability, caretaking responsibilities, or any other significant or unexpected factor which precludes the member's physical presence at such meeting, to participate via videoconferencing; and

Whereas, under the Hybrid Model board members who are exempt from attending meetings in person, may vote offsite via videoconferencing; but will not be counted as quorum, and

Whereas, a board member appearing virtually must at all times be able to be heard, seen and identified; and

Whereas, In the event that a board member attends virtually the name and specific reasons for virtual attendance will be noted in the monthly minutes; and

Whereas, public engagement has increased significantly over the past two years, and the Hybrid Option allows for full participation at meetings on the part of the public via video conferencing; and

Whereas, Bronx Community Board 8 held a duly advertised public hearing on May 10, 2022 as required; and

Whereas, the Hybrid Model, which allows for remote public participation presents many technical challenges absent professional information Technology (IT) support as well as evening staff support; and

Whereas, Community Board 8 committees may or may not choose to implement the Hybrid Model at their discretion so long as the public notice specifically advises the community when the hybrid model will be utilized;

Therefore, be it resolved, that Bronx Community Board 8 and its committees at their discretion adopt the Hybrid Model in order to provide the public, including those with disabilities, the ability to attend and participate remotely with the condition that the Board reviews its efficacy in 6 months when at such time a vote on its renewal will take place.

Therefore, be it further resolved, that Bronx Community Board 8 will endeavor to implement the Hybrid Model after research, investment in appropriate technology, and training of board members in its use have been completed.

Therefore, be it further resolved, that public meetings of the board or its committees that utilizes video conferencing will be appropriately publicly noticed and include physical locations and remote links with directions on how to participate pursuant to the new Open Meetings Law.

BRONX COMMUNITY BOARD NO. 8 RESOLUTION

Submitted for the November CB8 full Board meeting by Dr. Camelia Tepelus (CB8 Chair of Environment & Sanitation)

Implementing a Fair, Equitable and Transparent Process for Determining Committee Composition in case of Size Limitation by Committee Chairs (Bylaws amendment)

WHEREAS, all appointed CB8 members serve on the Board as volunteers, with equal rights of participation, and are equally entitled to choose the committees where they seek to serve during the course of the year;

WHEREAS, CB8 values a diversity of opinions coming from all ethnic, cultural, racial and socio-economic backgrounds of its members, as a guiding principle in representing and serving the CB8 district needs as mandated by the NYC Charter;

WHEREAS, in CB8 several instances were reported of Committee Chairs asking the Board Chair to deny individual CB8 members membership in specific committees, based on a bylaws interpretation of Committee Chair "discretion" (word not found in Bylaws), exclusion requests which were both approved and denied by current and former CB8 Board Chairs;

WHEREAS, exclusion of individual members based on unspecified criteria, related to individual Committee Chairs personal, subjective preferences (the 'liking' /or not of individual members) undermines a healthy, authentic debate on topics, causing hesitation, if not reluctance of expressing authentic views, under the potential risk of exclusion from committee in the future, at the individual will/'discretion' of a Committee Chair;

WHEREAS, exclusion of individual members based on unspecified, subjective Committee Chair personal preferences has a deterrent role on members exercising their right to free speech, with committee members expressing views constrained by the potential threat of exclusion by Committee Chairs, if presenting information unwelcome or undesired by the Committee Chair;

WHEREAS, this proposal was presented for feedback and input at the CB8 Executive Committee meetings on September 7, October 6, November 2, 2022, for a 1st time to the LRE meeting of September 12, 2022, followed by full Board meeting of October 13 2022, when it was referred back to LRE where it was discussed on October 31, 2022,

WHEREAS, the NYC Charter Chapter 70 Section 2800 "Community Boards" was amended with 72.59% of the popular vote cast on November 6, 2018, creating term-limits for community board members to 8 years (four times 2 year appointments, followed by a mandatory 2 year break), for all appointments or reappointments after April 1, 2019, consistent with the term limits of City elected officials (Council Members, BP, Mayor, Public Advocate, Comptroller)

Final Report of the 2018 New York City Charter Revision Commission, Pages 75-76:

[...] the absence of term limits has created opportunities for, at times, the repeated re-appointment of the same members for long periods, even decades. As a result, not all community boards reflect, in membership or leadership, the diversity of the communities they serve. This disparity becomes particularly pronounced as the demographics of communities change over time, leading to boards that are perceived as being out of step with the needs and desires of their communities. [...] All community boards should be able to take advantage of the full range of human resources in the communities they serve. [...] term limits ensure that new ideas are given a platform to be evaluated, fresh voices are given the opportunity to be heard, and new leaders are given the opportunity to serve their communities. [...] New members and leaders bring diverse backgrounds, experiences, and perspectives to the table, leading to decision-making that is informed, creative, responsive, and rigorously tested. Inclusive decision-making may also strengthen public confidence in community boards, and attract more interest among potential applicants who see community boards as a place where all are welcome."

WHEREAS, the CB8 Bylaws current Article VI, Section 2, was last reviewed in 2015, prior to the recent changes of the NYC Charter, provides that size of a committee may be limited by its Chairperson in consultation with the Board Chairperson:

"The committee chairpersons in consultation with the Chairperson of the Board shall determine the size and membership for each committee."

To Board members,

Below please find the draft procedures to be included in the CB 8 Operations manual concerning our implementation of videoconferencing drafted by LRE, with special appreciation to Steve Froot and Dan Padernacht, and reviewed by the Exec committee. To be sure, real-life experiences, over the next several months of implementation, may call for modifications. Your input is welcome.

**Bronx Community Board 8 Procedures for Member Videoconferencing
Pursuant to Public Officers Law § 103-a**

In compliance with Public Officers Law (POL) § 103-a(2)(a), Bronx Community Board 8 (the “Board”), following a public hearing, authorized by resolution on May 10, 2022, the use of videoconferencing as described in POL § 103-a.

The following procedures are hereby established to satisfy the requirement of POL § 103-a(2)(b) that any public body which in its discretion wishes to permit its members to participate in meetings by videoconferencing from private locations – under extraordinary circumstances – must establish written procedures governing member and public attendance.

1. Board members are expected to be physically present at all meetings of the board and their assigned committees unless such member is unable to be physically present at the designated public meeting locations due to extraordinary circumstances.
2. For purposes of these procedures, the term “extraordinary circumstances” includes disability, illness, caregiving or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting. An “extraordinary circumstance” implies a unique, singular occurrence. Multiple requests by the same Board member are unlikely to be granted.
3. Community Board 8 does not have a facility at its disposal that can accommodate a full public meeting, and for which there are the technical resources and/or personnel to ensure that all public meetings can be videoconferenced. Thus, we rely on our community neighbors to host most of our meetings. Not all host venues can provide the necessary technical resources and/or personnel. Thus, With the public notified, some board and committee meetings will be in-person only. Additionally, under our operating resolution, some committees may choose to operate exclusively in an in-person fashion.
4. If a member is unable to be physically present at the designated public meeting locations and wishes to participate by videoconferencing from a private location due to extraordinary circumstances, the member must notify the Board Chair or other officer of the Board designated by the Board Chair (in the case of a Board meeting) or Committee Chair or Vice Chair (in the case of a committee meeting) of such request as early as possible, but no later than 12:00-noon on the day of the scheduled meeting to enable for proper notice to the public to be given. A requestor must receive a written (email) approval prior to the scheduled meeting. In the event a requestor is unable to reach the appropriate decision-maker, the request shall be considered to have been denied. No more than one-fourth of the number of either Board members or

committee members required to achieve a quorum for the conduct of business shall be approved to participate by videoconferencing from a private location. No request shall be granted if the maximum number of approved requests has been reached. There is no process for appeal.

5. If there is a quorum of members participating at a physical location(s) open to the public, the Board may properly convene a meeting. A member who is participating from a remote location that is not open to in-person physical attendance by the public (i.e., a private location) shall not count toward a quorum of the Board or of a committee, as the case may be, but may participate and vote if there is otherwise a quorum of members physically present at a location(s) open to the public.
6. Except in the case of executive sessions conducted pursuant to POL § 105, the Board shall ensure that its members can be heard, seen, and identified at all times while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. Videoconference participants may not use filters or other means to block their faces. This shall include the use of first and last name placards physically placed in front of the members or, for members participating by videoconferencing from private locations due to extraordinary circumstances, such members must ensure that their full first and last name appears on their videoconferencing screen.
7. The minutes of the meetings involving videoconferencing based on extraordinary circumstances pursuant to POL § 103-a shall include which, if any, members participated by videoconferencing from a private location due to such extraordinary circumstances.
8. As soon as reasonably practical following the approval of a request to participate by videoconferencing from a private location due to extraordinary circumstances, the public notice for the meeting shall be updated to inform the public: (i) that extraordinary circumstances videoconferencing will (or may) be used, (ii) where the public can view and/or participate in such meeting, (iii) where required documents and records will be posted or available, and (iv) the physical location(s) for the meeting where the public can attend.
9. The Board shall provide that each open portion of any meeting conducted using extraordinary circumstances videoconferencing shall be recorded and such recordings posted or linked on the Board's website (www.nyc.gov/bronxcb8) within five business days following the meeting, and shall remain so available for a minimum of five years thereafter. Such recordings shall be transcribed upon request.
10. If members of the Board are authorized to participate by videoconferencing from a private location due to extraordinary circumstances, the Board shall provide the opportunity for members of the public to view such meeting by video, and to participate in proceedings by videoconference in real time where public comment or participation is authorized. The Board shall ensure that where extraordinary circumstances videoconferencing is used, it authorizes the same public participation or testimony as in-person participation or testimony.
11. Open meetings of the Board conducted using extraordinary circumstances videoconferencing pursuant to the provisions of POL § 103-a, when requested, shall utilize technology to permit access by members of the public with disabilities consistent with the 1990 Americans with Disabilities Act (ADA), as amended, and corresponding guidelines, For the purposes of this guideline, "disability" shall have the meaning defined in Executive Law § 292.

12. The in-person participation requirements of POL § 103-a(2)(c) shall not apply during a state or local declared emergency pursuant to Executive Law § 28 or a local state of emergency proclaimed by the mayor pursuant to Executive Law § 24 if the Board determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board to hold an in-person meeting.
13. These procedures shall be conspicuously posted on the Board's website, (www.nyc.gov/bronxcb8).