

BRONX COMMUNITY BOARD NO. 8

MINUTES OF BOARD MEETING HELD ON DECEMBER 11, 2012 AT RIVERDALE TEMPLE 4545 INDEPENDENCE AVENUE

PRESENT: R. Abbott, S. Alexander, S. Balicer, R. Bender, S. Catechis, A. Cohen, B. Contant, A. P. Creaney, P. Ellis, R. Fanuzzi, P. Friedman, S. Froot, M. Galvin, R. Ginty, M. Goodman, M. Heller, M. Khury, G. O. Koppell, D. Kornbluh, I. Ladimer, D. Lennon R. Pochter-Lowe, C. G. Moerdler, A. Moore, P. Mullen, D. Padernacht, L. Parker, K. Pesce, J. M. Pilsner, S. A. Piscitelli, R. Press, J. M. Reyes, X. Sanchez, L. Spalter, A. A. Spett, S. Villaverde, M. Wolpoff, H. Young

ABSENT: A. G. Feldmeier, B. Fettman, D. Kirksey-Floyd, M. Ginzburg, N. Graham, T. Lim, S. Marquez, D. McShane, P. Reyes, G. Santiago, I. W. Stone

STAFF: N. Stent – District Manager
D. Bay – Community Associate
P. Manning – Community Associate

GUESTS: J. Dinowitz – Assemblyman
R. Fedderman – rep. Congressman Eliot Engel
R. Martos – Office of Assemblyman Jeffrey Dinowitz
C. McShane – rep. Bronx Borough President Ruben Diaz
A. Sandler – Office of Councilman G. Oliver Koppell
K. Wolfe – rep. State Senator Jeffrey Klein
J. Zaccaro, Jr. – rep. Councilman Fernando Cabrera
L. Acevedo – NYPL Jerome Park Branch
R. Barbier – NYPL Riverdale Branch
Capt. K. Burke – 50th Precinct, NYPD
P.O. M. Ramos – 50th Precinct, NYPD
L. Davis
F. De Lasantos – Teen 16
G. Feliciano
M. Lam – Riverdale Review
M. Lopez
L. Manning
P. Moerdler
A. Riveccio – Teen 16
T. Shelton – KRVC Development Corp.
C. Stanton

Chairman called the meeting to order at 7:35 PM.

1. Public Gallery Session

- A. Cliff Stanton discussed the resolution set to come before the Board concerning new Street Activity Permit procedures. He stated that a process involving both committee and Board review would make the application more difficult and cause delays within the Community Board's 30-day window timeframe for response.
- B. Linda Manning spoke in support of street festivals and the importance of the community participating in these events. She urged the Board not to deter the opportunity for these interactions with any process change extending the timing of review of the Street Activities Permits procedure and asked the Board to vote against the SAPO resolution.

- C. Rebecca Barbier announced activities at local libraries. In addition to other programs, Jerome Park Branch library features an open computer lab; Spuyten Duyvil Branch shows films on Saturdays, and has a wonderful teen program; Riverdale Branch also features open computer lab, words with friends, e-Reader help, toddler story time and more.
- D. Tracy Shelton expressed opposition to the Street Activity Permits process being channeled through Committee and Board. She thought the proposed process could jeopardize meeting the requirement of the Community Board's 30-day timeline for response and have a negative impact on community members planning the events. T. Shelton also delivered cards and letters with 100 signatures opposing the change.
- E. Felipi De Lasantos and Anthony Riveccio announced Teen 16 project which is a volunteer group promoting awareness of applications for SCRIE (Senior Citizen Rent Increase Exemption) for eligible New Yorkers who are 62 or older where the rent totals more than one-third of their income. Call Mr. Riveccio at 347-745-5005 for more information.

2. Chairman invited Captain Kevin Burke to address the Board.

Captain Burke reported on the arrest for a cold case homicide from 1993 of a young female from Yonkers whose body was found on Liebig Avenue in North Riverdale. Recently 50th Precinct detectives matched DNA evidence with a male suspect living in Yonkers. Upon arrival in the apartment another body was found on the suspect's bed. Other unsolved crimes are being connected to the suspect who by all accounts appears to be a serial killer. The 50th Precinct has received six new police officers who are assigned to the 4:00 PM to 12:00 AM shift; an arrest of an 18 year old was made in front of 49 West 225th Street for holding a loaded semi-automatic gun; gun shots were recently fired from the street into The Lounge, located at 4685 Manhattan College Parkway.

3. Chairman invited Assemblyman Jeffrey Dinowitz to address the Board.

Assemblyman Dinowitz advised he organized a meeting with Con Edison and residents of seven buildings in South Riverdale to discuss the area's problem with power outages and the advantage of burying the power lines. The Assemblyman will continue his tradition of Town Hall meetings and will host three series of meetings on senior issues related to all levels of government as follows: December 17th – 11:00 AM to 12:00 PM, Riverdale Senior Center, 2600 Netherland Avenue; December 19th – 1:00 PM to 2:00 PM, 5625 Arlington Avenue, and December 20th – 1:00 PM to 2:00 PM, Van Cortlandt Senior Center, 3880 Sedgwick Avenue. He discussed the June 2012 expiration of the co-op tax abatement legislation and consequences if legislation is not extended by year's end. The Assemblyman thanked all those who contributed towards Hurricane Sandy assistance drive through his office.

4. Chairman invited Councilman G. Oliver Koppell to address the Board.

Councilman Koppell advised that the District Office was very involved with Hurricane Sandy. He complimented Verizon for its prompt action to restore service. However, he expressed dissatisfaction with Con Edison's response. He informed that the Governor will hold hearings concerning Con Ed's slow response. The City Council is involved with the Budget and the \$600 million medallion sale pending impact. With regard to the coops/condos tax rebate matter, the City has the assumption that the State will restore legislation. The Councilman attended a rally at DeWitt Clinton High School to protest against the planned closing. The City is also facing an increase in MTA fares and bridge tolls. The Councilman voiced his support on the Street Activity Permit resolution.

5. Approval of regular Board Meeting Minutes of November 13, 2012

Approved unanimously with 1 abstention: Dana Lennon

6. Discussion of Executive Committee Meeting Minutes of December 5, 2012

Under the District Manager's report, S. Alexander stated that D. McShane is incorrectly titled as chair of the Technology Committee when in fact there is no such committee. Chairman Fanuzzi advised that he is a "consultant."

R. Ginty inserted a word change in the Friends of Community Board 8 Report as follows: "R. Ginty said this can be a standing committee that "would" require bylaw change."

The minutes were accepted as revised.

7. Report from the Bronx Borough President's Office – C. McShane

- Borough President Ruben Diaz, Jr. urges Bronx residents to apply to their local Community Board. Applications will be accepted for all 12 boards from city residents who reside, work, or have professional or other significant interests in the Bronx. Applications are available at the Borough President's community board office, local community board office and online at bronxboropres.nyc.gov. The deadline for submission is February 8, 2013. For further information call the Borough President's office at 718-590-3914. Reappointment applications have been mailed to current community board members for 2013.
- Local officials and BOEDC have coordinated with Equity One to recruit Bronx residents for employment. Equity One development is expected to create hundreds of new jobs. Bronx Borough President Ruben Diaz, Jr., City Councilman G. Oliver Koppell, Assemblyman Jeffrey Dinowitz, and Bronx Community Board No. 8 have announced that their offices, along with the Bronx Overall Economic Development Corporation and the NYC Economic Development Corporation, will join Equity One to recruit potential construction related employees for the Broadway Plaza development at Broadway and West 230th Street.
- On November 15th, Bronx Borough President Ruben Diaz, Jr., along with officials from the Wildlife Conservation Society's Bronx Zoo and students from P.S. 205 kicked-off the Borough President's Annual Toy Drive to benefit Bronx Military families at the Zoo Center.
- The Borough President's Annual Chanukah celebration will be held on December 12th at 1:00 PM, at the Bronx County Building, Veterans' Memorial Hall. RSVP 718-590-6116
- Borough President Ruben Diaz, Jr. extends his best wishes for a happy and healthy holiday season and best wishes in 2013. He thanks Chairman Fanuzzi, all the members of Community Board 8, District Manager Stent, and office staff for all of their work during 2012 and looks forward to great accomplishments in the New Year.

8. Chairman's Report

- With regard to the inquiry to the NYS Open Meetings Law (OML) regarding the Executive Committee meetings, Chairman Fanuzzi read the following response from the Executive Director of OML into the minutes:

"This to confirm the advice offered during our conversations that the Executive Committee to which you referred constitutes a "public body" required to comply with the Open Meetings Law.

As indicated in the attached opinions previously rendered, the legislative history of that statute clearly indicates that a committee or subcommittee consisting solely of members of a governing body is itself a public body. Further, even though there may be no specific reference to a quorum, §41 of the General Construction Law has for more than a century imposed quorum requirements on

any entity that carries out a governmental duty that consists of three or more members. In brief, based on §41, a quorum is a majority of the total membership of a public body, notwithstanding absences or vacancies. If, for example, a community board consists of 51 members, its quorum would be 26. If a committee of a community board consists of 7, its quorum would be 4, and a gathering of 4 or more members of the committee in their capacities as committee members would constitute a meeting of the committee.”

- Chairman announced that he is serving as the new chair of the Croton Facility Monitoring Committee (CFMC), and welcomes the Committee Chairs of Environment and Sanitation, and Parks and Recreation to attend meetings of the CFMC.

9. Treasurer's Report

No report.

10. District Manager's Report

N. Stent referred to Executive Committee minutes for her report and highlighted that the Facebook icon is now available on the Board's web page.

11. Report of Friends of Community Board 8 Special Committee – P. Friedman

P. Friedman presented to the Board the four years of research on the functioning and aim of the Committee in a Power Point presentation. He presented a resolution.

Discussion ensued on the resolution regarding the membership of the Friends Committee. S. Froot offered a friendly amendment to change section 2 regarding composition of the committee to be limited to four Board members selected by the Chairperson. C. Moerdler offered a modification only changing section 3. The question was called for a vote on the modified resolution:

WHEREAS, the Board passed a resolution at its September 11, 2012 meeting appointing a “Friends of Bronx Community Board 8” special committee on an interim basis consisting of Board Vice Chair Maria Khury, Board Treasurer Philip Friedman, Law, Rules & Ethics Committee Chair Rosemary Ginty and Health, Hospitals & Social Services Committee Chair Steven Froot; and

WHEREAS, this interim special committee was charged with the responsibility to determine how best to proceed regarding the “Friends of Bronx Community Board 8” and to formulate a resolution for the full Board's consideration; and

WHEREAS, the interim special committee held a meeting on October 9, 2012 to finalize a proposed resolution for the Board's consideration;

NOW, THEREFORE, BE IT RESOLVED THAT,

1. The Board shall establish “Friends of Bronx Community Board 8” as a special committee of the Board pursuant Article VI, Section 5 of the Bylaws.
2. Friends of Bronx Community Board 8 shall be composed of the Board Treasurer and one member from each standing committee of the Board (with the exception of the Budget and Land Use committees), such members to be appointed by each Committee Chair, and the chairperson of Friends of Bronx Community Board 8 shall be elected by and from among its thirteen (13) members.

3. Friends of Bronx Community Board 8 shall not raise funds by soliciting from individuals, businesses or organizations in which engage or have engaged in any business or commercial activity in Bronx Community Board 8.
4. Any funds raised by Friends of Bronx Community Board 8 shall not be expended to meet the usual and customary annual, recurring expenses of running the Board, including the Board's staff costs (salary expenses) and the costs of running the Board office (other than salary expenses).
5. Whatever structure ultimately is devised for Friends of Bronx Community Board 8 shall, to the greatest extent possible, achieve the following goals:
 - (a) ensure that any funds raised by Friends of Bronx Community Board 8 that are not spent within the Board term in which those funds are raised do not revert to New York City general funds; and
 - (b) ensure that decisions as to how funds raised by Friends of Bronx Community Board 8 are expended are made by a vote of the full Board.

Vote: 13 in favor, 21 opposed, and 3 abstentions

In Favor –

B. Contant, A. P. Creaney, R. Fanuzzi, P. Friedman, S. Froot, M. Goodman, M. Khury, I. Ladimer, D. Lennon, R. Pochter-Lowe, P. Mullen, L. Parker, J. Reyes

Opposed –

R. Abbott, S. Alexander, S. Balicer, R. Bender, S. Catechis, A. Cohen, P. Ellis, M. Galvin, R. Ginty, M. Heller, D. Kornbluh, A. Moore, D. Padernacht, J. Pilsner, A. Piscitelli, R. Press, X. Sanchez, L. Spalter, A. A. Spett, S. Villaverde, M. Wolpoff

Abstention –

C. G. Moerdler, K. Pesce, H. Young

11. Committee Reports

- A. Economic Development – S. Villaverde

The following resolution was presented:

RESOLVED, Community Board No. 8 Bronx approves Salvatores of Soho, Incorporated **RENEWAL APPLICATION** for an Unenclosed Sidewalk Café with 17 tables and 42 seats at 3738 Riverdale Avenue.

Vote: 36 in favor, 0 opposed, and 1 abstention

In Favor –

R. Abbott, S. Alexander, S. Balicer, R. Bender, S. Catechis, B. Contant, A. P. Creaney, P. Ellis, R. Fanuzzi, P. Friedman, S. Froot, M. Galvin, R. Ginty, M. Goodman, M. Heller, M. Khury, D. Kornbluh, I. Ladimer, D. Lennon R. Pochter-Lowe, C. G. Moerdler, A. Moore, P. Mullen, D. Padernacht, L. Parker, K. Pesce, J. M. Pilsner, S. A. Piscitelli, R. Press, J. M. Reyes, X. Sanchez, L. Spalter, A. A. Spett, S. Villaverde, M. Wolpoff, H. Young

Abstention –

A. Cohen

- B. Environment and Sanitation - L. Spalter reported on behalf of S. Marquez. The next Committee meeting will be held on December 19th, at the Board Office, at 7:00 PM. There will be a guest speaker from the Department of Sanitation.

C. Health, Hospitals and Social Services – S. Froot

1. Alec Diacou, Yes the Bronx, was guest speaker at the November Committee meeting. He discussed promoting road races and recommends more activity in parks as a way to practice good physical health and ward off obesity and certain diseases.
2. The Committee's next meeting will be held on December 17th, at St. Stephen's United Methodist Church, at 7:30 PM.

D. Housing – S. Balicer

The November Committee meeting was dedicated to a Housing Court Forum. It was well attended, and hugely successful. He thanked all Board members who supported and attended the meeting. Special thanks were extended to P. Ellis for taking the lead with planning the meeting, and P. Mullen for her diligent marketing work.

E. Land Use – C. G. Moerdler

1. The next meeting will be held on January 7, 2013. The Committee will address Hebrew Home for the Aged plans for the former Passionist Retreat House at 5801 Palisade Avenue. Daniel Reingold, the Home's Administrator will attend.
2. There has been no reply from the Landmarks Preservation Commission with respect to Fieldston Historic District's Rules. This will also be on agenda.

F. Law, Rules and Ethics – R. Ginty

1. The Committee did not meet in November due to Thanksgiving falling on the meeting day.
2. The next meeting will be held on December 27th, at Riverdale Mental Health Association, at 7:00 PM.

G. Libraries and Cultural Affairs – R. Abbott

The Committee will hold its next meeting on December 13th, at the Board Office, at 7:00 PM.

H. Parks and Recreation – B. Bender

The next Committee meeting will be held on January 23, 2013.

I. Public Safety – A. Creany, Vice Chair reported on behalf of A. G. Feldmeier

The following resolutions were presented:

1. Re: Application for Renewal of a Liquor License

WHEREAS, applicants for liquor license renewals, Raine Lounge, Ibiza Lounge, Fusion Café D/B/A The Barbeque Pit, Café Blue, Santa Fe Restaurant, and Café Kappock, either appeared before the November 15, 2012 meeting of the Public Safety Committee of Community Board 8, or contacted the committee, and;

WHEREAS, applicants presented satisfactory information, resulting in unanimous committee approval vote;

THEREFORE BE IT RESOLVED, that Community Board 8 favors granting of **RENEWAL APPLICATIONS** for liquor licenses for the above mentioned establishments

Vote: 34 in favor, 0 opposed, and 2 abstentions

In Favor –

R. Abbott, S. Alexander, S. Balicer, R. Bender, S. Catechis, A. Cohen, B. Contant, A. P. Creaney, P. Ellis, R. Fanuzzi, P. Friedman, S. Froot, M. Galvin, R. Ginty, M. Goodman, M. Heller, M. Khury, D. Kornbluh, I. Ladimer, D. Lennon R. Pochter-Lowe, A. Moore, P. Mullen, D. Padernacht, L. Parker, K. Pesce, J. M. Pilsner, S. A. Piscitelli, R. Press, J. M. Reyes, X. Sanchez, L. Spalter, S. Villaverde, M. Wolpoff, H. Young

Abstentions –

A. A. Spett, C. G. Moerdler

2. Re: Application for Approval of a Corporate Change

WHEREAS, applicant Mr. Upshaw, former manager of 4685 Lounge Inc., D/B/A The Lounge at 4685 Manhattan College Parkway, and his attorney Bruno Gioffre, appeared before the November 15, 2012 meeting of the Public Safety Committee of Bronx Community Board 8 and presented information relating to their desire for board approval of an ownership change to him despite pending disciplinary action against the former owner before the New York State Liquor Authority, and given the attorney's assurance that such approval would be timely, and following a unanimous committee vote,

THEREFORE BE IT RESOLVED, that Community Board 8 favors approving a corporate change for this establishment.

Vote: 0 in favor, 37 Opposed, and 0 abstentions

Opposed –

R. Abbott, S. Alexander, S. Balicer, R. Bender, S. Catechis, A. Cohen, B. Contant, A. P. Creaney, P. Ellis, R. Fanuzzi, P. Friedman, S. Froot, M. Galvin, R. Ginty, M. Goodman, M. Heller, M. Khury, D. Kornbluh, I. Ladimer, D. Lennon R. Pochter-Lowe, C. G. Moerdler, A. Moore, P. Mullen, D. Padernacht, L. Parker, K. Pesce, J. M. Pilsner, S. A. Piscitelli, R. Press, J. M. Reyes, X. Sanchez, L. Spalter, A. A. Spett, S. Villaverde, M. Wolpoff, H. Young

J. Traffic and Transportation – D. Padernacht

1. The minutes for October and November have been distributed. He called attention to important issues in the minutes.
2. The following resolution was presented:

WHEREAS, the Street Activity Permit Office of the City of New York is required to notify the Community Board in which a street activity permit application has been submitted for street fairs, block parties, farmer's markets and clean-ups which are to occur within that Community Board;

WHEREAS, pursuant to RCNY Title 50 Section 1-04, the Community Board shall forward its recommendation for approval, approval with conditions or denial of a street activity to the Street Activity Permit Office;

BE IT RESOLVED, that the street activity permit application for street fairs, block parties, farmer's markets and clean-ups submitted to Bronx Community Board No. 8 for review shall be directed by the Chair of the Community Board to an appropriate committee for approval, approval with conditions or denial of a street activity; and

BE IT RESOLVED, that the street activity permit application for street fairs, block parties, farmer's markets and clean-ups, after reviewed by the relevant committee, shall be submitted to the Community Board for approval, approval with conditions or denial of a street activity.

Discussion ensued. The vote was called.

Vote: 23 in favor, 13 opposed, and 1 abstention

In Favor –

S. Alexander, S. Catechis, A. Cohen, A. P. Creany, P. Ellis, P. Friedman, M. Galvin, R. Ginty, M. Goodman, M. Heller, D. Kornbluh, I. Ladimer, R. Pochter-Lowe, C. G. Moerdler, P. Mullen, D. Padernact, K. Pesce, J. Pilsner, A. Piscitelli, R. Press, J. Reyes, X. Sanchez, M. Wolpoff

Opposed –

R. Abbott, S. Balicer, R. Bender, B. Contant, R. Fanuzzi, S. Froot, M. Khury, D. Lennon, A. Moore, L. Parker, L. Spalter, A. A. Spett, S. Villaverde

Abstention –

H. Young

K. Youth – L. Parker

The next Committee meeting will be held on December 26th, Board office, at 1:00 PM.

L. Aging – A. Cohen

1. Refer to minutes. The following resolution was presented:

RE: NYS Office for the Aging (SOFA standards)

WHEREAS, Social Adult Day Services provide vital aid and support to seniors and their care givers; and

WHEREAS, the populations that rely on Social Adult Day Services are particularly vulnerable; and

WHEREAS, recent changes in the Medicaid Program have enabled new "for profit" Social Adult Day Service providers to establish Social Adult Day Centers in the Bronx; and

WHEREAS, there are no specific New York State licensing requirements for Social Adult Day Service providers; and

WHEREAS, the New York State Office for the Aging issues standards governing many services provided to seniors (the SOFA standards) and that currently Social Adult Day Service providers are not required to meet these standards;

THEREFORE BE IT RESOLVED, that the New York State Office of the Aging require all Social Adult Day Service Providers to comply with the SOFA standards.

Vote: 37 in favor, 0 opposed, and 0 abstentions

In Favor –

R. Abbott, S. Alexander, S. Balicer, R. Bender, S. Catechis, A. Cohen, B. Contant, A. P. Creaney, P. Ellis, R. Fanuzzi, P. Friedman, S. Froot, M. Galvin, R. Ginty, M. Goodman, M. Heller, M. Khury, D. Kornbluh, I. Ladimer, D. Lennon R. Pochter-Lowe, C. G. Moerdler, A. Moore, P. Mullen, D. Padernacht, L. Parker, K. Pesce, J. M. Pilsner, S. A. Piscitelli, R. Press, J. M. Reyes, X. Sanchez, L. Spalter, A. A. Spett, S. Villaverde, M. Wolpoff, H. Young

M. Budget – B. Contant

No report.

N. Education – S. Alexander

The next Committee meeting will be held on January 29, 2013.

Meeting adjourned 10:30 PM.

Respectfully submitted by,

Patricia Manning
Community Associate

Reviewed by,

Joyce M. Pilsner
Secretary