

**Minutes**  
**LAW, RULES & ETHICS COMMITTEE**  
**September 12, 2016**  
**Board Office**

Meeting called to order at 7:05 PM

Attendance

**Present:** Martin Wolpoff, Chair, Sylvia Alexander, Philip Friedman, Rosemary Ginty, Irving Ladimer, Charles Moerdler, Diego Santiago (Arrived late), Herb Young, Dan Padernacht (ex-officio)

**Absent:** Noah Friedman

**Guests:** Robert Press

1. Approval of June Minutes

Unanimously approved. Arising from the minutes Chairman distributed copies of a letter from Bill Stone in which Bill questioned the ability of a board member to abstain without cause. Chairman noted that, aside from the article concerning upstate elected board members, and the basic fact that it is generally discouraged, there was never an absolute prohibition to abstaining. In October, the chairman plans to review with the board the voting guidelines when he presents the updated Ethical Guidance Manual.

Arising from the minutes, the following letter was shared with the committee.

September 2, 2016

Dear Marty,

This is written to you as Chairman of the Law, Rules and Ethics Committee. Since I will not be a member of the committee this year, I am following your suggestion to offer suggestions on the June minutes. As you are aware, I have been very critical of the decision to forbid abstentions without cause. Paragraph 2 of the Community Board's voting guide says "Votes may be positive, negative, abstentions or abstentions noted "for cause-".-Nothing could be more specific than the previous sentence allowing a member to abstain without cause. Why is the committee and the Community Board wasting so much time and effort on this matter?

I would like ask that the Law, Rules and Ethics Committee recommend to the Executive Committee that they emphatically put this matter to rest by stating that an abstention without cause is an acceptable method of voting.

In addition, please provide a copy of this letter to all Law, Rues and Ethics Committee members and include it in the minutes-

Thank you.  
Sincerely,

**Bill**  
I William Stone

2. Welcome to new members

Both Noah Friedman and Diego Santana had not yet arrived

3. Selection of Vice-Chair

Chairman announced that he had asked Herb Young if he would accept. Mr. Young agreed.

4. Meeting dates for LRE meetings

11/14, 12/12, 1/9, 2/13, 3/13, 4/10, 5/8, 6/12 – Thus far, there will be no meeting in October (Columbus Day).

5. Findings from COIB

Chairman distributed materials concerning findings against Joseph Finnerty of the water board for violations concerning fundraising for Mayor De Blasio and Kings County District Attorney Kenneth Thompson for receipt of improper meal expenses from the funds of the Kings County District Attorney's Office.

6. City Council legislative update

1. Rosemary Ginty offered an updated legislative actions spreadsheet. Discussions centered on June's meeting when Kate Theobald of Councilman Cohen's office represented the councilman for a discussion of Council Intro 1135 which calls for the creation of Neighborhood Support Teams. Such teams would have limited folios of responsibility and be assisted by a soon-to-be-created Mayoral appointee. The LRE committee unanimously believed that the creation of such an entity was duplicative of the work already done by community boards and the Mayor's Community Assistance Unit. The Chairman wrote the Council Member expressing appreciation for Ms. Theobald's attendance and reiterating our objections. However, the Intro was approved and signed by the Mayor in August
2. Mr. Cohen contacted the board office on Monday, requesting a statement of support by Wednesday for an Intro he had introduced concerning the illegal use of All-Terrain Vehicles (ATV). Given the latest experiences concerning establishing play streets and approval of liquor licenses by committees not previously involved in such decisions, it was agreed that since there could not be a Parks and Recreation committee meeting on such short notice, there should not be an official community board position.

7. Review of bylaws

Chairman advised that three issues have come to committee concerning our revised by-laws:

1. Should our bylaws identify penalties for bylaws infractions – laid over to November.
2. Role of Treasurer - Over the past several months there has been concern over whether the bylaws adequately lay out the job description for the board treasurer. Specifically as a result of the City's imposition of its new Financial Management System (FMS), the role of treasurer has been expanded and made more complicated and cumbersome. Three board members have access and authorization codes (Pat Manning, as District Manager, Dan Padernacht, as Board Chair and Phil Friedman, as Treasurer). Phil Friedman has expressed the opinion that the bylaws delimit the role of treasurer, while the board leadership believes that the role of treasurer, by definition, entails the new responsibilities. Following discussion, Dan offered a proposed amendment. Following discussion and amendments, the following proposed amendment was approved.

*The Treasurer is the Chief Financial Officer of the Board. The Treasurer shall monitor board finances, maintain the Board's financial records and oversee budget modifications and expenditures. The Treasurer shall submit a written report to the Board each month and shall approve all payments of the Board, pursuant to methodologies prescribed by the City of New York. If the Treasurer is incapacitated another individual selected by the Chair may approve the payments of the Board. In the absence of the secretary, the Chairperson may designate any other officer of the Board to act as secretary on a temporary basis. In addition, the secretary shall have such powers and perform such duties as shall be assigned to the secretary by the Chairperson of the Board.*

The resolution was approved as follows:

**In Favor:** (8) Martin Wolpoff, Chair, Sylvia Alexander, Rosemary Ginty, Irving Ladimer, Charles Moerdler, Diego Santiago, Herb Young, Dan Padernacht (ex-officio)

**Opposed:** (1) Philip Friedman

Protocol calls for the resolution to be brought before the executive committee and then passed at two meetings of the full board.

3. Community members

Robert Press has requested appointment as a community member on the LRE committee. Chairman advised Mr. Press that the bylaws designate that the executive, Land Use and LRE committees to be made up exclusively by board members. Mr. Press added that bylaws also identified the budget and nominating committees as also being limited to board members. However, he felt that the bylaws were in error, and that the LRE committee, originally the law committee had been limited to lawyers. Since the membership was expanded to non-lawyers, it could also be expanded to include community members.

Mr. Press also asked the chair to look at the City Charter, page 317 Ch 70, i.

*i. Each community board may create committees on matters relating to its duties and responsibilities. It may include on such committees persons with a residence or significant interest in the community who are not members of the board, but each such committee shall have a member of the board as its chairperson. Except as otherwise provided by law, meetings of such committees shall be open to the public.*

Chairman shared the exchange of emails with Mr. Press:

On Aug 22, 2016 10:20 AM, "[BX08@cb.nyc.gov](mailto:BX08@cb.nyc.gov) (CB)" <[BX08@cb.nyc.gov](mailto:BX08@cb.nyc.gov)> wrote:

Hi Bob,

I thank you for your past service on the Laws, Rule and Ethics Committee (LRE) and have found your knowledge and resourcefulness to be an invaluable asset on this committee, as well as to the full board. Since the Borough President has not re-appointed you to the Board, you have formally requested community member status on the LRE committee. I am in possession of the written request you presented to me at the June meeting.

At that time I pointed out to you the citation from Board 8's bylaws that states membership on the Law, Rules and Ethics Committee shall consist of those Appointed Board Members who are attorneys at law and other interested Appointed Board Members.

You indicated that our bylaws were in contradiction to the City Charter that indicates a requirement that all committees be open for community membership; including the executive committee. Based on your premise, the Board would also be prohibited from limiting the number of community members on any committee. I indicated that I would research your position and respond to you prior to the reconvening of the committee following the summer hiatus.

I have done some research and determined the following from the Community Assistance Handbook, citing the Charter

Non-Board Members on Committees - The Charter permits community residents who are not Board members to serve on Board committees. For me the key word is Permits. There is no mandate and there are no parameters.

Thus, I have concluded that the Board's bylaws are in compliance with the City Charter when it limits community membership on the Land Use, LRE and Executive committees.

However, please note that I welcome your attendance and, when size of non-member attendance and topic under discussion permit, I will welcome yours and other attendees to participate.

I hope you can enjoy and relax in the remaining days of August.

Sincerely,  
Marty Wolpoff

C: Dan Padernacht  
Rosemary Ginty  
Charles Moerdler

**From:** Robert Press [[100percentbronxnews@gmail.com](mailto:100percentbronxnews@gmail.com)]  
**Sent:** Monday, August 22, 2016 10:34 AM  
**To:** [BX08@cb.nyc.gov](mailto:BX08@cb.nyc.gov) (CB)  
**Subject:** Re: FW: Letter to Bob Press with corrections

Thank you Mr. Wolpoff, but I will move forward with this item to the NYC Corporation Council. I will also report on this in my column.

My only other question would be, why was Mr. Moerdler sent this? I could see the boards Vice-Chair, but no other member is listed. This makes no sense, unless of course Mr. Moerdler was involved in this decision.

If you say the by-laws are correct Mr. Moerdler should have been removed from the board after violating the attendance requirement. I guess we will have to let this matter be brought before the Borough President. I am sure he would not want this to come out in an election for higher office.

**From:** Martin Wolpoff <[martin.wolpoff@me.com](mailto:martin.wolpoff@me.com)>  
**Date:** August 22, 2016 at 12:03:40 PM EDT  
**To:** robert press <[100percentbronxnews@gmail.com](mailto:100percentbronxnews@gmail.com)>  
**Cc:** Dan Padernacht <[dpadernachtcb8@gmail.com](mailto:dpadernachtcb8@gmail.com)>, "Rosemary R. Ginty Esq." <[rosemary.ginty@gmail.com](mailto:rosemary.ginty@gmail.com)>, "Charles G. Moerdler" <[cmoerdler@stroock.com](mailto:cmoerdler@stroock.com)>, [bx08@cb.nyc.gov](mailto:bx08@cb.nyc.gov)

**Subject: Re: Letter to Bob Press with corrections**

Bob,

For the record, although I had wished to keep Chuck posted on this issue, since I greatly respect his opinion, I have not had any input from him concerning this matter; he has been out of the country for an extended period.

Further, your premise appears to be that committee chairs of any committee, based on your reading of the City Charter, are mandated to accept any, and all community members who may apply. That cannot be correct.

And, while there is no requirement that a community member applicant be offered any rationale for not being automatically accepted on any committee, in addition to the issue concerning the by-laws, as you demonstrated at the last Land Use meeting and in your letter, one of my considerations is that you have great difficulty separating your roles as an objective reporter of the news and provocative maker of the news. I find that you are conflicted in these roles.

Apparently, one who disagrees with you cannot be your friend.

Marty

Chairman asked if any committee member wished to challenge the chair. There were none.

4. Report from Civics Committee

Chairman shared a draft letter to community organizations that will come from the committee. Civics session will concentrate on roles and responsibilities for citizens with a focus on the role of the community board and their areas of public interest.

Dear \_\_\_\_\_,

I write to you today hoping that we can agree on the benefits of a joint opportunity. Several years back, Mr. Irving Ladimer, a member of Community Board No. 8, concerned over the need for community members to know more about the rights and responsibilities of citizenship, teamed up with State Senator Gustavo Rivera. Together, they presented "Civics" sessions at a number of local libraries. A subcommittee of the Board's Law, Rules and Ethics Committee has been meeting in an attempt to continue and expand on Irving's effort.

As we deliberated, we came up with many possible topics, as well as many concerns for such an effort. For example, in our desire to inform community members, we cannot accurately project venues, audiences, attendees prior knowledge or their interests. While we wanted to encourage citizenship and voter registration, we wanted to make sure there was not the slightest appearance of support for any individual's candidacy. While we wanted to educate, we do not want to appear pedantic or obscure, and while we wanted to make a difference, we didn't want to provide information already known by our possible attendees or too esoteric as to bore or prove to be of no interest.

We have decided to offer a limited number of sessions focusing, although not exclusively, on the role and function of Community Board 8 and some of the local issues in which we are currently involved. In addition, we have joined with the Campaign Finance Board and will conclude our sessions with voter registration assistance.

If you believe that we can provide a service for you and your client population, please contact me at Community Board No. 8 so that we can discuss when and how we can schedule such presentations.

Thank you,  
Martin Wolpoff  
Chair  
Law, Rules and Ethics Committee

5. Report on Ethical Guidelines Manual update  
Committee members were given that latest draft of the revised EGM. They were asked to review and comment so that the EGM could be presented to the executive committee and the board in October.
6. Diego Santiago, a new member of the committee was welcomed.
7. Meeting adjourned 8:50

Respectfully submitted,

Martin Wolpoff  
Chairman, LRE

With additional notes provided by  
Herb Young  
Vice-Chair, LRE