

## BRONX COMMUNITY BOARD NO. 8

### MINUTES OF THE LAW, RULES & ETHICS COMMITTEE MEETING HELD ON NOVEMBER 10, 2014 AT RIVERDALE MENTAL HEALTH ASSOCIATION

#### **Attendance:**

Committee Members Present: Martin Wolpoff, Chair, I. William Stone, Vice Chair, Sylvia Alexander, Margaret Donato, Robert Fanuzzi, Philip Friedman, Rosemary Ginty, Maria Khury, Irving Ladimer, Demetrius McCord, Dan Padernacht (ex-officio), Robert Press, Julie Reyes, Sergio Villaverde

**Absent:** Steve Balicer, Dana Lennon, Amy Moore, Anthony Piscitelli

1. Meeting was called to order 7:05 pm, a quorum being present.
2. Minutes for the October meeting were approved with one abstention (Demetrius McCord) for not being at the meeting.
3. Chair asked if there was a preference for changing the 7 PM start time. He advised there were meeting date errors as previously distributed, a corrected list was distributed. He also wondered if December meeting was necessary. The by-laws working group will meet on Thursday, December 4.
4. There was discussion of the distributed city council legislative review. The Chair noted that he shares the reviews with executive board members. He thanked Rosemary Ginty for preparing the review. He noted that two committee chairs have written to Rosemary thanking her for the reviews which they have used for their committees. It was noted that Local Law 46 was enacted lowering NYC speed limit from 30 to 25 MPH when not otherwise posted. The next city council stated meeting will be on Wednesday November 13<sup>th</sup>.
5. There was a review of the most recent COIB rulings.
6. Chair noted he shared the LRE OML proposal with executive board members with a request for their input. At the request of the committee at last month's meeting, the following three changes were made: the word "Draft" was watermarked on each sheet, a preamble notes proposal is a work in progress with further input requested and the website for the COOG's Q&A page provided. Chair also noted he sent a letter to COOG requesting clarification on quorum, the need for public notice for fact finding, negotiations with agencies, contractors, etc., the use of "emergency" meetings when a series of meetings are needed within time constraints, as well as clarifications on nominating committees. Letter copy was distributed.
7. The need for a Board Freedom of Information Law (FOIL) policy was raised. Chair distributed copies of the FOIL law. He asked members to review the law and offer comments at the next meeting. Board member S. Villaverde has requested the exact CB 8 policy. Board Chair Padernacht indicated plans to distribute a preliminary policy statement within the next few days. The LRE will review that statement at the next meeting. Board member R. Press described his request to the board office for a FOIL request last year. He

gave exact details for the specific item requested. He received an acknowledgment from the board office. However, during the wait period, Mr. Press was able to obtain the information elsewhere and withdrew his FOIL request. Chair noted that in an executive committee report last year, there was an added requirement that the seeker identify why they were making their FOIL request. Mr. Press added that he was asked that same question. The board chair, Dan Padernacht, mentioned the request for a FOIL policy, and that the board office now has a procedure in effect for FOIL requests. He added that a response should be made within 5 days, and unless more time is needed, up to 20 days. Chair Wolpoff mentioned that he, personally, would not be happy providing home floor plans, etc. that could be used for a possible felony.

8. New Business - Chair opened floor to non-committee members. There was a question as to why the chair waits until the end of the meeting for open discussion. The chair said that he was concerned that the committee be able to finish its meeting within a reasonable time frame, and that his committee, except for land use, is the largest board committee. He wants to be consistent and, if he allowed a single speaker, he had to open the floor for anyone to comment. He noted board policy at full board meetings limits the number of public members to speak only in the Gallery Session at the beginning of each meeting.
9. Returning to the agenda, there was a discussion on prerogative of the Board Chair and committee Chairs. Scope of discussion limited to concept of prerogatives and not toward any approval of the prerogatives taken. Committee could not identify any source that would delimit such prerogatives. Board chair said that he was going by the board's by laws in his prerogative of who he chooses as community committee members (ccm's). When asked about his statement of only 2 ccm's per committee, he felt there had been misinterpretations of what he had said, but expressed concern about the ratio of ccm's to board members on certain committees. He added that he has spoken to all committee chairs on the issue and that there is no limit to the number of ccm's.
10. There was a discussion of the minutes on Councilman Cabrera's appearance at the last committee meeting, and the perception of his grant to CB 8 last year. Chair said that while there were 17 abstentions on the resolution to allocate funds to GrowNYC, there were no negative votes. He added that, when he met with the District Manager and Greg Faulkner (Chief of staff to the Councilman), he emphasized that any perceived dispute over use of the funds were due to internal board matters and not directed at the councilman. The concept of the board forwarding City funds to a third party without any review, due diligence, use of a bid process or failure to use the funds for their intended purpose needed to be internally studied. Julie Reyes offered several dates of meetings minutes (6-5-13, 9-3, 10-20, 5-7-14, 4-19-13, 6-11-13, 12-10-13, and 4-13-13) at which the executive board or full board took up this matter. Chair reiterated his and the concern of others about the board's role. Board Treasurer P. Friedman mentioned there had always been ambiguity as to the purposes for which the councilman gave the funds to the board and why the board had the ability to give it to other entities. He added that the money was earmarked for this contract. The treasurer also mentioned that there are required forms that were not filed in conjunction with the disbursement of tax monies. This was in violation of the COIB rules and that even if the councilman wished to give the funds directly, he too would have had to fill out the required forms. The Community Board should be held to no lower standard. The treasurer concluded by saying that he checked with GrowNYC and found no problems, but there are 40 board members for whom due diligence was not done. He wanted to know why GrowNYC was chosen for the contracts, as there was no clear decision.

The treasurer went on to say that it appeared that the contract with GrowNYC was signed before the board voted on the resolution to approve it. He said that he had two copies of the contract, both dated April 18, 2014 on the first page. The signature pages of both copies have a place for the former board chair's signature. However, where one copy has the signature, on the other copy it is filled in with a title and date in different color ink. The treasurer said that the copy with only the former board chair's signature was distributed at the June Law, Rules and Ethics Committee meeting, while he recently received the second copy from the board office. He questioned if the contract was signed before the board voted its approval. Chair asked the board chair to review this matter with the District Manager, former chair, and report back to the committee if further action may be needed.

11. Chair announced there would be no December meeting, and that the December 4th date would be for the By-Law committee only.
12. The meeting was adjourned at 8:35 PM.

Respectfully submitted  
Martin Wolpoff, Chair  
Law, Rules and Ethics Committee

Minutes prepared by the chair were based on notes taken by Anthony Piscitelli (September), Bill Stone (October) and Robert Press (November).