

BRONX COMMUNITY BOARD NO. 8

MINUTES OF THE LAW, RULES & ETHICS COMMITTEE MEETING HELD ON OCTOBER 25, 2012 AT RIVERDALE MENTAL HEALTH, 5676 RIVERDALE AVENUE – 2ND FLOOR CONFERENCE ROOM

Committee Members present:

Rosemary Ginty, Chair
Sylvia Alexander
Arlene G. Feldmeier
Patricia Mullen
Dan Padernacht
Joyce Pilsner
Anthony Piscitelli
Robert Press
I. William Stone

Board Members present:

Robert Fanuzzi

Others present:

Miawling Lam, Riverdale Review

The meeting was called to order at 7:05 pm.

The minutes of the September 27 meeting were unanimously approved.

Bill Tracking

At the last committee meeting, there was a consensus that tracking city and state bill introductions and bill status for issues of importance to the work of the board's committees would be a useful effort. The Chair, Mr. Piscitelli and Mr. Spett offered to work on this.

The Chair distributed an excel sheet form that will be used to keep track of the bills. It included a hyper-link to connect to the complete bill language. The committee discussed it. Mr. Stone suggested we include a column for the committee to which the bill is referred.

Nominating Committee Guideline Proposal

The Chair stated that at the last meeting the committee agreed to consider the experiences of last year's Nominating Committee, three of whose members were present. Three issues were raised for consideration. The Chair raised the suggestions at the Executive Committee and the Board Chair said Law, Rules and Ethics should come up with specific proposals and language first.

Each of the issues was discussed. The following language was voted and unanimously adopted:

WHEREAS, it is in the best interest of the Community Board to achieve greater member participation in the nomination and selection of officers of the Community Board and chairpersons of its committees for the management of Community Board operations;

THEREFORE, BE IT RESOLVED THAT:

(a) When the nominating committee is elected, there will be a statement that all officer and chair positions are to be considered open and available for nominations.

(b) Within five (5) business days of the formation of the nominating committee, each current chair or officer shall notify such committee of his or her intention not to be considered for renomination. The nominating committee will then notify all board members of such position(s) within 24 hours of such notification.

(c) When a chair or officer position becomes vacant due to non-reappointment to the board, the district manager will notify the nominating committee and all board members within 48 hours of notification.

Old Business Follow Up

The district manager notified the committee chair that the previous changes to the Ethical Guidance Manual concerning the Nominating Committee rules have been made and they are now online. She also stated that in 2008 she organized all resolutions in one file drawer by year and committee.

Open Meetings Law (OML): The determination that the Law, Rules & Ethics Committee was open to the public pursuant to the OML was made at the last committee meeting. Copies of the OML were distributed to further review exceptions and requirements for executive sessions of the committee.

Franchise & Concession Review Committee ("FCRC") Legislative Proposal: A City Council bill to change the public hearing and notice requirements for matters before the FCRC was introduced by Councilmember Koppell on October 11, 2012 as Intro 948. The committee agreed to a resolution supporting the passage of the legislation to come before the board and unanimously adopted the following:

WHEREAS, in February 2011 the Department of Parks & Recreation (DPR) presented to the Parks & Recreation Committee (the Committee) of Bronx Community Board No. 8 (the Board) a plan for a seasonal ice-skating rink in Van Cortlandt Park; and

WHEREAS, that plan subsequently became a Request For Proposals that was subject to Local Law No. 78 governing franchises and concessions, which requires that the Board be informed of the terms and conditions of the proposed agreement "no later than fifteen (15) days immediately prior to the date of the public hearing" by the Franchise Concession and Review Committee (FCRC); and

WHEREAS, rules governing the Board require ten (10) days notice of a public hearing on a matter; and

WHEREAS, there was insufficient time for public notice and therefore insufficient opportunity for public input with regard to the ice-skating rink; and

WHEREAS, the Board had resolved in June, September, October, November and December to hold public meetings to present its opinion to the FCRC and passed resolutions empowering the Committee to act in the name of the full Board in that regard; and

WHEREAS, on October 11, 2012 the City Council introduced legislation (Int. No. 948) to change the public hearing and notice requirements of the FCRC to allow sufficient time for community board review of proposals including a public meeting;

THEREFORE, BE IT RESOLVED that Bronx Community Board #8 supports Int. No. 948 and urges the City Council to hold a committee hearing and adopt the proposed legislation.

The committee also reviewed draft letters to Councilmember Koppell thanking him and his legislative staff for their work on this issue and a letter to Speaker Quinn and Councilmember Gale Brewer, as chair of the Government Operations Committee urging them to schedule a hearing on the bill and adoption. There will also be letters to Bronx community boards transmitting the resolution and requesting their support.

Other Business:

Street Activity Permit Office (SAPO) Rules: The new SAPO Rules effective December 22, 2011 were circulated and discussed as it governs the community board's participation in and recommendation concerning street activity permits applications. The discussion centered on Section 1-04 (f) that states:

(f) The community board shall forward its recommendation for approval, approval with conditions or denial of a street activity permit application to SAPO for further processing, and shall notify the applicant in writing of such recommendation. If the community board has recommended approval with conditions or denial of a street activity permit application, it shall also notify the applicant of the applicant's opportunity to comment on such recommendation to SAPO.

(1) In the event that the community board recommends approval with conditions or denial of the permit application, an Applicant shall have five business days from the receipt of the notification by the community board of its recommendation to file written comments with SAPO.

(2) If the board recommends denial and the Applicant fails to file written comments within the time provided, then the application shall be deemed denied. If the board gives an approval with conditions, failure to file comments by the Applicant shall be deemed acceptance of such conditions by the Applicant.

Some committee members had been unaware of the SAPO Rules and the requirements of the law.

Mr. Padernacht reported on a resolution pending before the Traffic & Transportation Committee that re-states the law as stated in the SAPO Rules and resolves that permit applications be submitted to the relevant committee and subsequently voted by the board. The resolution will be on the committee's November meeting for consideration.

Ms. Pilsner expressed concern over sufficient time to consider applications, particularly over the summer. It was suggested that current procedures used for Land Use Committee and the Public Safety Committee for summer meetings could be used if necessary.

There will be no November meeting due to the Thanksgiving holiday. The next meeting and its location will be announced at a later date.

The meeting adjourned at 8:40 pm.

The chair thanks Mr. Press for assisting with the minutes of the meeting.

Respectfully submitted,

Rosemary Ginty
Chair,
Law, Rules and Ethics Committee