

**Community Board 12, Manhattan
Business Development Committee
Meeting Minutes
Tuesday, February 4, 2020 7:00 PM**

Attended:

Domingo Estevez, Chair
Tanya Bonner, Asst. Chair
Waldys Cruz
Sara Fisher
Francisco Lopez
Rud Morales
Bruce Robertson

Absent:

Ashley Fernandez (Excused)

Public Member:

Invited Speakers in Attendance:

Angela Fernandez, NYS Commissioner, NY State Division of Human Rights; Chris Mohr, Manager of Contract Services, The Port Authority of NY & NJ; Veronica Smith, External Relations Executive, Government & Community Relations – New York, The Port Authority of NY & NJ

Meeting called to order at 7:09 p.m. with quorum.

Welcome:

Chair Estevez announced that Evelin Collado, Legislative Director for Council-member Ydanis Rodriguez was scheduled to provide updates to the Committee on the Small Business Jobs Survival Act (SBJSA) and on Hookah legislation – but cancelled at the last minute.

Report:

The Port Authority of NY & NJ to report on supplier

diversity contracting opportunities 2. Estevez invited Smith and Mohr of The Port Authority of NY & NJ to report on supplier

diversity contracting opportunities with the agency. Hardcopies of the presentation were distributed to the Committee members.

Smith stated coming before the Community Board is a continuation of a promise the agency made back in December at one of their supplier diversity events at the George Washington Bridge Bus Station: to inform the community about the many opportunities

Minutes prepared by: Tanya Bonner

available, and that there are resources and staff available to assist people in accessing those opportunities. Mohr said one-on-one communication has been key to them success in getting the message out that people can do business with the Port Authority, and that work is available in one's area of expertise. Mohr encourages community and local businesses to attend the next supplier diversity event at the Port Authority Bus Terminal in April. Flyers with the exact date and time will be shared. Mohr emphasized that the mission of diversity and inclusion is an agency priority, and that diversity and inclusion means not only in a diverse workforce, but also in contracting opportunities (construction, maintenance, technology, etc.). The Port Authority's goal of 12 percent (minority) and 5 percent (women-owned) subcontracting goals was increased in

February 2018, when the Board of Commissioners almost doubled those goals to 20 percent (minority) and 10 percent (women-owned). And this past November, the Port Authority has included Service-Disabled Veteran-Owned Businesses to their roster, and have set a goal of 3% of contracts to businesses within this category. Mohr outlined the requirements for small businesses to qualify for the M/WSBE subcontractor program, including that a business has to be at least 51 percent owned and controlled by a minority or a woman, and being located in either New York or New Jersey. Additionally, there are different dollar thresholds (an average of three-year gross receipts) that businesses can't exceed - depending on their line of business. The Port Authority's Office of Diversity & Inclusion is key in Port Authority achieving its diversity goals, by providing vital services, including certifying firms, ensuring increased utilization of certified firms in PA contracts, and developing policy recommendations.

Once a business is certified with the Port Authority, the company will gain exclusive access to Port Authority prime contracting opportunities. Other supportive resources include the Mentor-Protégé Program (for construction contractors), discounted or free project management and technology training courses, networking events, and free online directories of MWSBES. Businesses can get further information, apply for certification and check for current contract opportunities at www.pnynj.gov. Mohr provided some helpful tips for interested businesses, including visiting the website daily for new awards and the importance of registering on the website as a "vendor" in order to receive information on opportunities as they become available. Key subcontracting opportunities are in areas such as pest control, refuse removal, recycling & disposal, facility/janitorial/cleaning, technology, construction. And there is a small business MWSBE set aside for janitorial small businesses, with a special list for only those certified for those contracts.

Lopez asked what is considered a "minority," and Mohr responded that this includes African-Americans, Hispanic, Asian/Pacific Islander, Asian/Indian and Native American. Fisher inquired about when the Port Authority diversity goals were updated prior to the most recent update, expressing that the goals still seem low to her. Mohr responded that it had been at least 10 years, and that goals are reviewed on a quarterly basis to assess progress. Fisher followed up to ask Mohr for the Port Authority's definition of a "small business." Mohr gave examples based on lines of business, such as construction firms' three-year gross receipts not exceeding \$36.5 million on average, and an

architectural engineering firms' receipts not exceeding \$7.5 million. Bonner asked whether there are some minority groups the Port Authority experiences more challenges in securing MWSBE contracts than others, and Mohr stated he would have to get that information for the Office of Diversity and Inclusion, but did note that it was particularly difficult in get technology MWSBEs than other services. Morales said she has had a wonderful experience doing contracts with Port Authority, and has completed two projects at George Washington Bridge as an MWBE. Estevez extended an offer for the Port Authority to table at the Committee's upcoming procurement event in May.

New York State Human Rights Division

Estevez then introduced Fernandez to discuss key protections in the Human Rights Law for commercial tenants/leases. Fernandez distributed one-pagers outlining the law's protections for them to Committee members.

Fernandez said she wanted to take deeper dive in the law to see what protections are in place for commercial tenants, as the law also protects them. She said people are discriminated against and don't know they were discriminated against, so people have to know about the law. Discrimination is not only about race, but can be in many other forms such as age, arrest record, creed, disability, gender identity/expression, marital status, sexual orientation. Fernandez said landlords, tenants, subtenants, managing agents, real estate brokers and their agents and employees must all adhere to the Human Rights Law. Fernandez gave several examples of what commercial tenant/lease discrimination can look like, including refusal to sell, rent, or lease commercial space or land based on any of the social identities she previously noted.

Fernandez then discussed protections in place for public accommodations. The law states public accommodations must serve everyone. Challenges around African-Americans not being served in restaurants, hotels, and in a whole host of other public accommodations spearheaded legal efforts in this area. This means that restaurants, bars, barbershops, etc., must ensure they are following the public accommodation law. She outlined the places of public accommodation for which the law applies, and then outlined what is considered prohibited discriminatory conduct, including denying goods or services to individuals based on any of the social identities.

Fernandez stated her agency's process involves investigating the complaint and deciding if there is probable cause. The agency also provides free attorneys.

Bonner asked what can be done to educate businesses in this community that they put themselves in legal liability by not responding appropriately to the diversity of people who might come into their facilities. She said since moving into the community more than 15 years ago, she is not treated very well in a lot of places based on who she is. Fernandez said that is a challenge for her agency about how to reach businesses with this type of information because her agency doesn't have resources for public marketing campaigns. But her agency is happy to come to Chamber of Commerce meetings and other places where businesses may be in attendance. Fisher wondered if the Corner Project has a claim because she feels they are discriminated against for the type of people their agency serves. Fernandez said the agency would have to look at the

population being served, and emphasized that the agency could come in and file a claim. Estevez wanted to know the difference between “public” and “private” accommodation facilities. Fernandez explained that even though a restaurant is a private business, it serves the public. And she said some gray areas are private clubs, where there have been issues with Jews and African-Americans being denied membership.

Committee Business

Estevez began the “Committee Business” portion of the meeting, starting with “partnership and resources” to discuss what projects/initiatives/events the Committee

could collaborate with other organizations on instead of recreating the wheel. Cindy Matos, a Board Member and member of the Board’s Licensing Committee who is also from the Inwood Merchants Association informed the Committee about an upcoming networking event the Association is having. An intense verbal exchange ensued between Matos and Morales after Morales complained that the Association is operating out of the office of the Washington Heights Business Improvement District (BID) and Morales accused Matos of voting in the Licensing Committee in favor of giving her business “to someone else.” Estevez asked Morales to have a private conversation with Matos, as there was hostile rhetoric toward Matos from Morales. Estevez characterized Morales’ statements as a “personal rant,” admonishing the “back and forth.” Matos explained that the purpose of the upcoming Association event is to engage with business owners who may want to consider being a part of the Association as paying members. She explained the purpose of the Association is to function as an advocacy group that will represent as many businesses as are enrolled. Committee members discussed potential implications of Hookah legislation in the absence of Collado. Fisher weighed the dual concerns of Hookah smoking being a public health concern with how legislation could negatively impact businesses who sell Hookah. Cruz questioned the focus on Hookah in the Washington Heights/Inwood community since Hookah is common in places like Queens. And he emphasized the need to destigmatize Hookah, and disproportionate impact on the Latino community, as this culture embraces Hookah as a leisure activity. Estevez recommended a Hookah discussion at the next meeting to address the health and legislative issues more thoroughly. He will reach out to the Commissioner of Nightlife to discuss attending this meeting to discuss Hookah and other concerns. Then Bonner presented about the Census recruitment event she co-hosted on January 25th with Census 2020 representatives at CLOTH Technology & Workforce Center in Washington Heights. Bonner said she spoke with Census representatives in early January about what they needed from their Census partners, and she was told they need people to apply for Census 2020 jobs. And Bonner, who did not conduct this event in conjunction with the Community Board, showed photographs from the recruitment event, where she stated over 20 people attended the event where community members learned about the importance of the Census and to applied on-the-spot for Census jobs. Bonner stated she has been in discussions with the Northern Manhattan Coalition for Immigrant Rights (NMCIR) about doing a similar recruitment event in Inwood, as the deadline to apply for Census jobs is at the end of February. Fisher suggested holding a recruitment for Census jobs at the February 25th General Meeting, and Estevez and other Committee members

indicated support for the idea. Bonner said ideal recruitment event locations are those with computers, or good computer access for portable laptops or tablets. Lopez asked about people being afraid to take the census. Bonner said the Census is starting them full-scale education campaign in March, and addressing those fears will be part of it. Bonner stated that the Census is asking their partners (including the Board) to help educate communities in March, and the question is how will the Board assist in this education campaign. She noted all of the free materials the Census provides to help in education/marketing campaigns. Fisher said the Census should be a priority for every

Board committee, but it is not making it to committee agendas. Estevez stated he is unsure why the Board did not apply for Census partner funding to do work around the effort.

Announcements

In “Announcements,” audience member Joshua Goldberg appealed to the Committee and Board to readdress the issue of what he described as live sciences researcher tenants being driven out of their commercial space by Columbia University. Goldberg emphasized the importance of this work in the community by announcing that one of the previous tenants in his former research work space – Intracellular Therapies, Inc. - has developed the first drug to treat schizophrenia in 50 years. He wonders why the Board, that was once a champion of the activity in that building, has abandoned that support. Bonner noted that Goldberg had come before the Health and Environment committee and provided extensive documents pertaining to the tenant issue, but then nothing was done by the Board. Estevez said at a future meeting, he wants to explore this issue broadly in the context of gentrification, displacement, and real estate greed. But Robertson said the issue is very specific, and he agreed that this issue has come before the Board and nothing was done to address it.

6. Robertson made a motion to adjourn the meeting. But there was no second, as Morales and other Board members expressed the desire to add “Old Business” and “New Business” to the agenda. A motion was made by Fisher to vote on the matter. It was seconded by Bonner. The vote was unanimous.

Fisher wanted to discuss the Board’s use of discretionary funding. Estevez expressed that this was not the purview of the Committee, but of the Treasurer. He suggested if committee members come with ideas of any expenditures they would want, the Committee could come to the Executive Committee with recommendations. Cruz suggested revisiting Board Member Ayisha Ogilvie’s idea to hire or work with transcription schools that could take minutes for Board meetings. Cruz felt that as all are flawed with bias, this could help eliminate the possibility of certain items being written in a way to favor someone or something over another. It would also ease the burden of notetaking during meetings so Board members can be fully present to discussions in real time.

New Business

A “New Business” discussion then began around an email that had been sent earlier in the day by Morales to the Committee, the Board Chair, and the office of the Manhattan

Borough President alleging conflict of interest on the part of the Board's 2nd

Vice-Chair,

Isidro Medina, who is also the Executive Director of the Washington Heights BID and the Chair of the Board's Licensing Committee.

The Committee then entered into a discussion about the issue as presented by Morales. She summarized the major issue in a court filing document being that the Licensing Committee decided that she was not the rightful owner of her business, and that the Committee had no jurisdiction to determine the rightful owner. Estevez expressed his confusion about how the matter is under the purview of the Business Development Committee and his trepidation about tackling a matter in which all the facts are not clear. The Committee has no jurisdiction to hold Medina accountable, even

if the Committee chose to raise the conflict of interest issue. He feels that Morales was using the Committee to bring personal issues – and that this presented its own conflict of interest issue. Estevez acknowledged he had not read her email. And Morales felt that it was not understood that her lawyer had written the letter. But Estevez took issue with a document that sought litigation – feeling this personalizes the matter.

Morales said the issue is worth the Committee tackling because other businesses have gone through similar situations with this conflict of interest, but that she is lucky to have the resources to hire an attorney to fight for her. Bonner asked Morales what are some of the other businesses that illustrate a conflict of interest issue, and Morales named Playroom and Fantastic Restaurant & Lounge (now closed). Morales alleged that Playroom had \$95,000 in fines at the time the establishment came before the Board for a vote, but the Licensing Committee did not reveal this information and that it was noted in Board minutes that Medina stated Playroom is part of the Washington Heights BID. Morales also took issue with the Inwood Merchant Association steering committee members also being on the Board Licensing Committee. She feels the intention of the Association to raise funds from businesses while also being on the Licensing Committee as leaving businesses vulnerable.

Estevez said he would rather Morales had come before the Committee as an individual giving a report on the issue as she sees it, rather than raising it as a Committee member. He feels it a concern that Morales is using her access to the Board and her title as a Community Board Member to bring this issue regarding her business. Fisher feels Morales concerns about conflict of interest are valid, comparing it to Board Member Steve Simon not serving as Chair of the Parks & Cultural Affairs Committee while also working for the Parks Department. Lopez noted that he was told he was thinking about being on the Board that he could not join the Licensing Committee because of his relationships with nightlife. Bonner noted this issue of a conflict of interest in regard to Medina's dual BID/Licensing Committee role is not new and has come up many times before in various Board meetings and when he ran for 2nd

Vice-Chair of the Board in

2018 – and didn't start with Morales. The problem, Bonner said, is that the issue was

Minutes prepared by: Tanya Bonner

never addressed and resolved. Estevez stated he is okay with discussing the issue – but not Morales’ letter, as he still feels that is a personal matter. Robertson asked Morales if Medina had recused himself from any actions in the decision having to do with her business. Morales said no he had not. Robertson stated that is a real issue and it appears that it is not just impacting Morales. Bonner also noted that the BID is allowed to conduct merchant organizing under the Neighborhood 360 grant, so she doesn’t see a conflict in the BID doing that type of work with the Inwood Merchant Association. Estevez asked what are the tangible next steps and what businesses would the Business Development Committee name in bringing these issues of conflict of interest. Estevez said his continued concern is the mixing of the personal with the business, and that he wants it to be about the experiences people are having around the issue and not about Morales’ letter. Cruz said he was concerned the Committee was trying to address conflict of interest by being in conflict of interest, and feels someone other than

Morales should present issues businesses as a whole have been having around conflict of interest. Lopez expressed concern about the Merchant Association that businesses could be “bribed legally” by having the same people taking money from them on behalf of the Association also being on the Licensing Committee.

Estevez stated that the general feeling is that members want a resolution regarding conflict of interest, but remains confused about whether addressing conflict of interest is within the purview of the Committee. Bonner suggested possibly a resolution asking for the Board to hold a hearing on the matter. Robertson said Morales is entitled to be heard about what happened with her business. Committee members began discussing wording for a resolution that could be written up and submitted for a vote at the next General Meeting. Fisher suggested wording that calls on the MBPO to evaluate the potential conflicts of interest with Medina’s dual roles. Estevez stated the Committee wouldn’t need a resolution, as they could just email the MBPO to take such action. Morales stated that a resolution is needed. Fisher stated that she should would think that Medina would want the matter looked at so he can say he’s clean. Cruz wants it handled in a way that will get clarity.

Fisher made a motion for the Committee to craft a resolution that would refer the matter to the MBPO to evaluate the potential conflict of interest. Fisher and Bonner would write the resolution. It was seconded by Robertson. The final vote was:

5 yes: Tanya Bonner, Waldys Cruz, Sarah Fisher, Francisco Lopez and Rud Morales
1 abstain: Domingo Estevez

The meeting adjourned at 10:11 p.m.

(After the meeting 2 members of the committee sent an email to the committee to change their vote from yes to abstentions via email. The committee members were informed that committee business cannot be handled over email and that they would have to wait until the General or Business Development committee meeting to amend minutes.)

Minutes prepared by: Tanya Bonner