

FULL BOARD MEETING MINUTES

Steven Brown, Chair

July 14, 2022 at 5:30pm via Zoom

The Meeting can be viewed in its entirety on YouTube, <https://www.youtube.com/watch?v=aesy53rUjQE>

Present: Barbara Adler, Jay Adolf, Andrew Albert, Linda Alexander, Richard Asche, Steven Brown, Elizabeth Caputo, Courtney Clark Metakis, Joshua Cohen, Christian Cordova, Kevin Corte, Ken Coughlin, Louisa Craddock, Mark Diller, Beverly Donohue, Sheldon Fine, Miranda Goodwin-Raab, Madelyn Innocent, K Karpen, Doug Kleiman, Blanche Lawton, Sara Lind, Ira Mitchneck, Klari Neuwelt, Michele Parker, Seema Reddy, Andrew Rigie, Madge Rosenberg, Melissa Rosenberg, Peter Samton, Susan Schwartz, Roberta Semer, Ethel Sheffer, Erana Stennett, Kristina Villarini, Benjamin Wu, and Howard Yaruss. **Absent:** Daniela Alvarado, Kristen Berger, Page Cowley, Catherine DeLazero, Robert Espier, Sonia Garcia, Audrey Isaacs, Natasha Kazmi, William Ortiz, Polly Spain, and Anthony Thomas

The Full Board of Community Board 7/Manhattan met on Thursday, July 14, 2022 on the Zoom online platform. Chair Steven Brown called the meeting to order at 5:32 pm after the Secretary confirmed a quorum was present. The following discussions were had, and actions taken.

Steve Brown introduced the background to the resolution that is our sole order of business for this evening. We are aware that we have to address the recent revisions to the Open Meeting Law passed by the NYS Legislature that require each entity to pass a resolution affirming their decision to adopt the option to hold hybrid meetings. Without such a resolution, only fully in-person meetings will be allowed. In conversations with the Manhattan Borough President's office, it was agreed that we should vote on a resolution similar to the draft language they provided. Ten or eleven of the twelve Manhattan Community Boards have already done so. This larger resolution will replace the smaller one we did at the last Steering Committee meeting. As of today, if we do not pass a resolution by Aug 15, all our full board, committee and task force meetings must be in person. The resolution is based on what the law says and on the interpretation of the Borough President. If Board members wish to suggest amendments, please wait until the end of the discussion.

Elizabeth Caputo, Chair of the In-Person and Remote Task Force: Thank you to the task force and Board members for bearing with all the changes. We had a draft resolution that came from the Borough President's office and worked back from that with "tweaks". A lot of details on how the full board and committees will meet, are not included in the resolution tonight. Those details will be fleshed out in the fall. The resolution before you differs from the Borough President's draft in the following ways:

- In Section 3b, we removed the requirement for a doctor's note.
- In Section 3d, we require that detail will be forthcoming from future task force meetings. Also, we state that it is the recommendation of the task force that rules, when they are developed, be consistent across committees.
- In Section 4, we made the language more general around providing a reason for virtual attendance in the minutes
- In Section 4b, we removed language that was more demanding about ensuring that remote attendees were visible 100% of the time.
- We added Section 5, language proposed by Mark Diller, stating that we would continue to define procedures for implementing hybrid meetings.

The goal is to pass something so we can hold hybrid meetings after August. We heard today that the State extended its Emergency Declaration to August 15 enabling fully remote meetings until that date.

Madge Rosenberg: Can we vote if we attend virtually? Steve Brown: Only those who are excused can vote, per the law.

Courtney Clark Metakis: I don't think this resolution is workable. I feel for the next Board Chair having to decide who should be excused. I will vote no. Elizabeth Caputo: I don't think that the same people should be excused consistently, leaving the same 25 people to attend in person. Doug Kleiman: I would remind Courtney that, without a vote, all our meetings must be in person.

Andrew Rigie: Has anyone looked at the membership of committees? BCI has difficulty making quorum on Zoom. Steve Brown: Quorum will be a challenge. We have from 7-8 members up to 13 members on committees. It may be we will have to rejigger a few committees, moving a few people around.

Christian Cordoba: If you can't plan to be at meetings in person, you might have to consider leaving the Board.

Peter Samton: I am the oldest board member – 87 years old. I have difficulty hearing and seeing. Attending online is a great advantage for me. There are some people who do need to attend online. I would like the opportunity to continue to do it this way.

Ethel Sheffer: We have a workable resolution. It includes the criteria and we have to move forward. Will there be problems? Yes. The resolution is the product of many iterations. In September and October there will be some glitches that are unique to this board. We can begin to work them out later. Please, let us pass this tonight. This has to happen now for this board to function, not perfectly yet, but decently and well.

Mark Diller: There are significant issues yet to be hashed out – who decides and what the criteria are, how to make sure that the right people, not just the first in line, get the opportunity to participate remotely. We will get to those issues and work them out. Tonight, we should not let the perfect be the enemy of the good. This is a workable resolution that will preserve our options. Many of the issues being brought up were with us before Covid and before Zoom. There were times when we had to scramble for a quorum. That is not different than it ever was. We should vote “yes” tonight.

Louisa Craddock: Thanks to Elizabeth and the task force for taking on this thankless task. Concerning privacy, this draft says that the minutes must set forth the reason for virtual attendance. There are members with chronic illnesses or caretaker responsibilities. I don’t wish that to be in the minutes. I would like to propose that a blanket reason is given and that it is not specific, which would violate my privacy.

Klari Neuwelt: I would vote against this resolution as is, but it could easily be fixed. Changes made to the Borough President’s draft are fine. The draft was sloppily and ambiguously written. Section 3 can readily be fixed. It purports to be the circumstances under which some currently unnamed person or committee will provide an excuse in advance, presumably for each separate meeting, though that is not stated. I do not understand this to mean a blanket excuse as opposed to each separate meeting. It is not clear whether 3A, Circumstances “shall” – (Jay’s preferred term) be extraordinary applies to all circumstances further listed in 3b. The language should be fixed so it is clear that every excused absence should be under the rubric of extraordinary circumstances. If you have caregiving responsibilities every month, that is not an extraordinary circumstance that should give you an excuse not to attend. I also have trouble with the idea of advanced age as giving you a free pass because of Covid.

Ken Coughlin: I also think “unexpected” should precede all the circumstances in 3b. I want to stress that this is a rough draft. It is too bad that the Legislature required a quorum in person, but we have to live with it. The task force will work out the details in September, which should be strict enough to prevent abuse of the option to attend remotely. If we do not pass this, we will have only in-person attendance and I may have to leave the Board or take a medical leave of absence.

Richard Asche: I look forward to attending meetings in person. I have been going to work and I believe it is a reasonable risk. The Upper West Side has one of the highest positivity rates in the entire City. While the positivity rate is so high, it would be improper to require any board member to attend in person. One possibility is to postpone the requirement for an in-person quorum until October to see whether the positivity rate goes down or that there be a trigger to implement this resolution when the positivity rate becomes 5 percent or less. Would rather vote with these changes but will vote for the resolution without them. I hope that the task force stays in existence and that we can possibly amend the resolution at a later point.

Benjamin Wu: This is required rather than optional. If we are required to have this minimum level of in-person participation, we may have meetings postponed or cases where we don’t know how many people are coming. It is concerning that attendance will become more of an operational issue. We will need to set more specific guidelines, such as that members have to attend half the meetings in person or something like that. We should set less open-ended guidelines to make sure we don’t have a logistical issue.

Kristina Villarini: While circumstances were different for our application, some of the newer members might take a pause and look at the circumstances we are now in. The world has dramatically changed. To not address that and have some parameters built in around those circumstances feels disingenuous. Members of the Board are trying to set the standard and model good behavior for our colleagues and our neighbors. I have concerns about putting an undue burden on members presumed to be healthier, presumed to be younger and the assumptions we would have to make for certain

people to meet these requirements. I want to get to a resolution but I do have concerns about the notion that when we applied, we knew that meetings would be in person. I want to acknowledge all the work that has gone into getting to this point.

Steve Brown opened the floor for members to suggest friendly amendments to the resolution and asked Elizabeth Caputo to accept or refuse them.

Jay Adolf: In 3a, change “should” to “shall” as the statute is not discretionary, but mandatory. Elizabeth accepted the amendment.

In the next-to-last paragraph, change the awkward draft to read: “Be it further resolved that Community Board 7 / Manhattan shall comply with the State or local government declaration of emergency which includes suspension of the Open Meetings Law and permits the use of videoconferencing to conduct its meetings.” That phrase is directly from the statute and should replace the text of that paragraph in the draft. Elizabeth accepted Jay’s text as a friendly amendment.

Klari Neuwelt: In order to make it clear that any excuse is for a single meeting, insert “for any meeting” after “participate from remote locations” in Section 3. Elizabeth: Accepted as a friendly amendment.

Klari Neuwelt: Rewrite Section 3 in total to read:

3. The circumstances or specific circumstances or conditions under which members will be permitted to participate from remote locations for any meeting are as follows:

a. Circumstances shall qualify as extraordinary. Examples of extraordinary circumstances include permanent or unexpected disability, illness, unexpected caregiving responsibilities, unexpected work travel, unexpected weather conditions that prevent safe travel conditions for those with accessibility needs, and medical conditions creating vulnerability to COVID.

b. Decisions about which members ... **[This subparagraph has not changed, but it is now numbered "b".]** Elizabeth accepted the changes as a friendly amendment.

Blanche Lawton: Is there a timeframe for this Open Meeting Law Ch 56 or is it in perpetuity? Max Vandervliet: the law sunsets in 2024. Blanche: The restrictions in the law are punitive to those who cannot attend meetings and create second class board members.

Ken Coughlan: I propose that we eliminate the two references to the reason for virtual attendance at 4 and at 4f. Elizabeth did not accept the change, explaining that it was important to leave the text as close as possible to the Borough President’s draft and that there would be time to amend this later. We have tried to keep the language as general as possible when stating the name and reason for virtual attendance. We omitted the word “specific” that was in the Borough President’s draft.

Ken Coughlan: Can we add the word “general” in 4f so it reads “and set forth the general reason justifying such attendance.” Elizabeth Caputo: Accepted as a friendly amendment

Richard Asche: Is advanced age a medical condition which makes it more likely that one would catch Covid or be more seriously ill? Elizabeth: Any number of us have these concerns. This is not the meeting to discuss them. Richard: Then I propose that we remove the word “medical”. If someone my age wanted to sit it out until the positivity rate reached a reasonable level, that should be a reasonable excuse. The word “medical” excludes age. Elizabeth: This item was intended for people who have a pre-existing medical condition, and the language should stay. We will discuss the issue in September.

Roberta Semer: I would like to compliment the task force. The law is convoluted and difficult to work around. And I would like to call the question.

Doug Kleiman: I have a proposed amendment. After “shall include” add “but not necessarily be limited to”. Elizabeth: I do not accept the amendment now. It is something we can discuss going forward.

The resolution as amended passed: 29-5-0-0

Steve Brown then announced that he would be stepping down from the board for personal reasons at the end of July. Andrew Rigie, First Vice Chair, will serve as interim Chair until the October Full Board meeting, when a new Chair will be elected. Members then expressed their thanks and respect to Steve and their appreciation for his leadership over the last several years. The consensus was that he provided a steady hand in difficult times and is leaving the Board and the district office in a strong place. Andrew Rigie committed to support the Board during this transition and wished Steve and his family the best.

The meeting was adjourned at 7:01pm.

STRATEGY & BUDGET COMMITTEE MINUTES

July 12, 2022

Roberta Semer, Chair

Present: Roberta Semer, Chair; Beverly Donahue, Mark Diller and Anthony Thomas. **Staff:** Max Vandervliet.

1. Roberta Semer reported that she has reached out to all the committees for their budget requests and district needs. They should all be finished by the end of the month. She asked Max to work with the Public Safety Task Force for their information
2. It was decided to organize the Capital and Expense priorities in early August and to arrange for a public hearing in mid-August if possible.
3. Budget and Strategy Committee members will start looking at specific District Needs and data.
4. Beverly Donohue reminded members to ask the committees for letters of support, photos, etc.
5. Steering will vote on the Budget Priorities in September, and the Full Board will vote at the October Full Board Meeting.

Next Meeting August 9th at 11:00 am

BUSINESS & CONSUMER ISSUES COMMITTEE MEETING MINUTES

Linda Alexander and Christian Cordova, Co-Chairpersons

July 13, 2022 at 6:30 p.m. via ZOOM

The Meeting can be viewed in its entirety on YouTube, <https://www.youtube.com/watch?v=x2lloggkfsOQ&t=2487s>

Business & Consumer Issues Committee of Community Board 7/Manhattan met via the Videoconferencing application Zoom. The meeting was called to order at 6:30 pm by Co-Chairperson Christian Cordova.

Present: Linda Alexander, Christian Cordova, Joshua Cohen, Madelyn Innocent, Doug Kleiman, Andrew Rigie, and Anthony Thomas. **Non-Committee Board Members:** Seema Reddy. **Absent:** Erana Stennett.

New Application to the SLA for two-year liquor license:

1. **Mid-Park at 65th Street, The Heckscher Ballfield in Central Park. Panda Bubble Tea CP, LLC d/b/a The Ballfields Café.**

Presenting for the Applicant: Owner Bin Liu, 546Bin@gmail.com; Michael Kelly, KellyMLK136@gmail.com;

- This is a seasonal permit for an applicant who is expanding from beer and wine to full bar service.
- Will continue to serve light outdoor fare, sandwiches, etc.
- He has operated the concession since 2019, which was temporarily closed in 2020 and 2021 because of the pandemic.

After due deliberation, the resolution to **approve** was adopted:

Committee: 6-0-0-0. Non-Committee Board Member: 1-0-0-0.

2. **68 West 71st Street (Columbus Avenue.) Taylor Morabito d/b/a Friend of a Farmer UWS, LLC.**

Presenting for the Applicant: Owner Taylor Morabito, Taylor@FriendofaFarmer.com;

- Long established Gramercy Park restaurant opening second unit on UWS for lunch and dinner service and brunch service on weekends.
- Hours of operation: 9 a.m. to 10 p.m. 7-days/week.

After due deliberation the resolution to **approve** was adopted

Committee: 6-0-0-0. Non-Committee Board Member: 1-0-0-0.

3. **206 West 79th Street (Broadway – Amsterdam Avenue.) 206 West Restaurant Corp. d/b/a To be determined.**

Presenting for the Applicant: Owner Taylor Cusumano, Taylor@Paesani-NYC.com; David Gabay, David@SydanGroup.com;

- Currently operating as Coppola and the new owner will continue to serve traditional Italian cuisine.
- The restaurant's name will be Paesani
- Hours of operation: Noon to 10 p.m. Sunday through Thursday; Noon to 11 p.m. Friday and Saturday.

After due deliberation the resolution to **approve** was adopted

Committee: 6-0-0-0. Non-Committee Board Member: 1-0-0-0.

New and Temporary Retail Permit Applications:

4. **27 West 72nd Street (Columbus Avenue – Central Park West.) New and Temporary Retail Permit application to the SLA for a two-year liquor license by Empellon 72nd, LLC d/b/a TBD.**

Presenting for the Applicant: Owner Morris Terzi, MT@JtreHoldings.com; Owner and Chef Alex Stupak, Alex@Empellon.com;

- Formerly occupied by Dallas BBQ, the space is a retail condominium owned by JTRE Holdings. The new tenant in the space will be Empellon, a Mexican-cuisine restaurant brand with five units in NYC.
- The F&B operator of the Empellon group, Alex Stupak, also presented.
- Hours of operation: Sunday through Thursday, Noon to 10 p.m.; Friday and Saturday, Noon to 11 p.m.
- The restaurant is anticipated to open in first quarter 2023.

After due deliberation the resolution to **approve** was adopted

Committee: 6-0-0-0. Non-Committee Board Member: 1-0-0-0.

5. **102 West 86th Street (Columbus Avenue.) New and Temporary Retail Permit application to the SLA for a two-year liquor license by G&A 86, Inc d/b/a To be determined.**

Presenting for the Applicant: President Chun Qin Chen, GA86Inc@gmail.com; Connie Zhang, ConnieZhang1128@yahoo.com;

- The former La Mirabelle space will now become Red Peony.
- The cuisine will be Shanghai-focused with dim sum and some Cantonese choices.
- The operators have another restaurant at 24 West 56th Street.
- Hours of operation: 11 a.m. to 10 p.m. 7-days/week.

After due deliberation the resolution to **approve** was adopted

Committee: 6-0-0-0. Non-Committee Board Member: 1-0-0-0.

6. **914 Columbus Avenue (West 105th Street.) New and Temporary Retail Permit application to the SLA for a two-year liquor license by The New Ranchito Latin Fusion Restaurant, Inc. d/b/a Racho Latin Fusion.**

Presenting for the Applicant: Bob Santana, CityWideLicandLegal@aol.com;

- The applicant operated Ranchito on Amsterdam, a popular neighborhood restaurant, for over a decade.
- The applicant signed the lease on the current space shortly before the pandemic and is just completing renovation.
- He plans to open this new unit by late summer.
- The operating plans include live music, karaoke, and recorded music, so the Committee requested the owner provide a sound attenuation plan that includes details about soundproofing materials and a sound limiter at the next full board meeting.
- The restaurant has traditionally had breakfast, lunch and dinner services, as well as a late-night service oriented to workforce, such as cab drivers, law enforcement, etc.
- Hours of operation: 7 a.m. to 4 a.m., Monday through Sunday.

Comments:

- Peter Arndsten said the operator was always respectful of his neighbors at the previous venue and that the music was well contained inside the space.

*After due deliberation the resolution to **approve** was adopted*

Committee: 7-0-0-0. Non-Committee Board Member: 1-0-0-0.

7. **New Business.**

- Doug Kleinman led a discussion on the pressing need for better enforcement of unlicensed retail businesses illegally dispensing cannabis.
- Peter Arndsten discussed challenges with the Open Street program. In addition, the topic expanded to a complainant concerned about live performances outside of Dive Bar 106. Arndsten will speak to the owner but has not heard of any other complaints about the music.

The meeting ended at 7:32 p.m.

PRESERVATION COMMITTEE MEETING MINUTES

K Karpen and Michele Parker, Co-Chairpersons

July 21, 2022 at 6:30 PM via ZOOM

*** Please note, meeting minutes will be forthcoming. ***