

**COMMUNITY BOARD 9  
890 NOSTRAND AVENUE  
BROOKLYN, NY 11225**

**MINUTES OF THE COMMUNITY BOARD MEETING  
HELD ON NOVEMBER 19, 2013  
MIDDLE SCHOOL 61 AUDITORIUM  
400 EMPIRE BOULEVARD, BROOKLYN, 11225**

**Members Present**

Pastor Robert Ambrose  
Fred Baptiste  
Simone Bennett  
Rev. Phyllis Brown  
Warren Phillip Berke  
Aldith Clarke  
Veta May Clarke  
Josette Coicou-Brioche  
Shirley Dor  
Edmund Fanning  
Charlene Gayle  
Rabbi Jacob Goldstein  
Sylveta H. Gonzales  
Myra Holmes  
Brenda Hutto-Lucas  
Laura Imperiale  
Maurice Jean-Baptiste  
Demetrius Lawrence  
Dwayne Nicholson  
Rosemarie Perry  
Mary Rollerson-Blackett  
Roosevelt Rose  
Brenda Scott  
Rabbi Joseph Spielman  
Victoria St. Clair  
Jacqueline Welch

**Members Absent**

Amy Albert – sick  
Stuart Balberg  
Michael Cetera, AIA – sick  
Shelia Foster-Golding  
Flavia Francis  
Cedieu Gouin  
Theopia Green  
Rabbi Nachum Gross  
Tessa Hackett-Vieira  
Aron Hershkop  
Ruby Hodge

**Members Absent**

Daniel Ingvoldstad  
Jacqueline Love  
Samuel Marmulzsteyn – sick  
Frank Nicholas  
Gerald President  
Diana Richardson  
Karlene Robinson  
Chanina Sperlin  
Yvonne Straker – sick  
Timothy Thomas  
Evelyn Williams

**Elected Officials/Agency Representatives Present**

Debra Lesane – Kings County Hospital Center  
William Boone – Medgar Evers College  
Andrea McKoy – Hon. Karim Camara  
Val Henry – SUNY Downstate Medical Center

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**PUBLIC SESSION**

**Review application submitted to the Department of Transportation by Mr. Winston Williams, Blackstreet Van Lines, Inc., to increase their fleet of commuter vans. Blackstreet Van Lines currently has 16 authorized vans; the company is proposing to add 16 additional vans to their fleet.**

**Transportation Committee – Edmund Fanning**

Mr. Edmund Fanning, committee chairperson, reported that the committee met and recommends the Board's support for Mr. Williams' application.

Mr. Winston Williams stated that he is the owner of Blackstreet Van Lines, operating in this district from 2001 to the present. Mr. Williams said that he currently has sixteen vans operating in the district and would like to have more vans. He has a good operating record. He has been getting a lot of requests to enlarge the service, to increase his fleet to provide more service in Brooklyn. He has no violations. He would like to continue serving the people of Brooklyn.

### **Questions and Answers**

**Question:** Inaudible. **Answer:** The service is within the Flatbush Avenue area.

**Question:** Inaudible. **Answer:** It is difficult to control individuals. I might get complaints that an individual stops at a certain bus stop. When I get the complaints, then I take action. I give the driver a warning, and then take action.

**Question:** Inaudible. **Answer:** That wouldn't happen as they mostly operate on Flatbush Avenue.

Chairman Jacob Goldstein thanked Mr. Williams for his presentation.

**Review SLA application submitted by Mr. James Mamary for a Liquor, Wine and Beer License, as well as licensed outdoor space (Garden/Grounds) for proposed Restaurant, DJ Oyster, Inc., 504 Flatbush Avenue, Brooklyn, NY 11225.**

### **Public Safety Committee – Rosemarie Perry**

Ms. Rosemarie Perry, committee chairperson, reported the committee met with Mr. Mamary. He is an accomplished restaurant owner who already has a restaurant in the community on Lincoln Road between Flatbush and Ocean Avenues. Mr. Mamary explained his plans for the space. The committee agreed that this restaurant would be a great improvement in the community and recommends the Board support for the application.

Mr. James Mamary stated that the plans are for an Oyster Restaurant. It will be a full scale restaurant catering to mostly an older crowd. The restaurant will be providing an atmosphere where one can relax. There will also be a small outdoor space in the backyard. The restaurant will also provide services for private parties. Parking for the restaurant is around the corner

### **Questions and Answers**

**Question:** Where are the other locations? **Answer:** Downtown Union and Smith Street, there's also one in Prospect Lefferts Gardens; and one on Newkirk Avenue and Argyle Road called the Ox Cart Tavern; as well as a bagel store on Cortelyou Road called Catch the Bagel. I hope to open the restaurant in the spring.

**Question:** Inaudible. **Chairman Goldstein:** I am sure he will be happy to come back and tell us of the opening date and invite us.

**Question:** Inaudible. **Answer:** There is no age limit. It is a bar and restaurant. There will be entertainment. There will not be minors allowed.

**Chairman Goldstein** thanked Mr. Mamary for his presentation.

**Josh Rinesmith, Partner, Warshaw Burnstein, LLP, will present the application submitted to the Board of Standards and Appeals under Calendar No. 285-13-BZ. The applicant, Planet Fitness, seeks to permit the**

**operation of a physical culture establishment (PCE) (health club) within the existing building premises at 495 Flatbush Avenue, Brooklyn, NY 11225 (Phat Albert Building).**

### **Representing the ULURP Committee – Edmund Fanning**

Mr. Fanning reported that the ULURP committee met and reviewed the application. The committee agreed that the community could use a physical culture establishment, and recommends the Board's support for the application.

Mr. Josh Rinesmith stated that the application is for a special permit for a fitness center on Flatbush Avenue. The first floor will be used as the reception area and the second floor will have 17,000 square feet for the fitness equipment.

The reason why we are here tonight is because this type of facility falls under the same requirements, so in order to operate we have to apply for a special permit. Planet Fitness operates approximately twenty-five facilities in New York City. They offer various membership options and operate twenty-four hours a day. In addition to hiring from outside the district, hiring will also be done from within the community. The facility will be opened in February; hiring will begin in January.

### **Questions and Answers**

**Question:** Will the gym occupy the entire Phat Albert building? **Answer:** The Phat Albert building is a two story building which has approximately 40,000 square feet. Planet Fitness will occupy a little under half of the total.

**Question:** Inaudible. **Answer:** I am not sure but we are in the Phat Albert building.

**Question:** Inaudible. **Answer:** We are next to the car wash, or where the car wash was, yes.

**Question:** You mentioned about hiring from within the community what about personal trainers? **Answer:** We do have personal trainers who will be able to show the members how to do the exercises.

**Question:** What are some of the jobs? **Answer:** There will be people at the front desk, managers etc. Hopefully, these positions will be filled by people from the neighborhood.

**Chairman Jacob Goldstein** thanked Mr. Rinesmith for his presentation.

**Mr. Pierre Andrea Devaud, Director, Navigator Program, Brooklyn Chamber of Commerce, will introduce /provide information for Small Businesses, Individuals and Families on NYState of Health, the new Official Health Plan Marketplace for all New Yorkers wishing to purchase Health Insurance. Mr. Devaud will also provide information on approved "Navigators" who can assist the community with accessing the system and signing up for health insurance.**

Mr. Devaud thanked Community Board 9 for inviting the Brooklyn Chamber of Commerce to clarify some of the information that is out there about the Affordable Care Act. The Brooklyn Chamber of Commerce has a long history of working with businesses, providing solutions to their needs.

One might wonder what the Chamber of Commerce has to do with the Affordable Care Act. The Chamber has a lot to do with helping the people of Brooklyn make sense of the Affordable Care Act. The Chamber received funding from the federal government to register navigators to help members of the public figure out this whole thing. There is a lot of misinformation out there from the media, some right, some wrong. I hope I can clear up any questions you might have.

On October 1, 2013, folks were able to take advantage of the Affordable Care Act. They were allowed to access the health exchange through New York State of Health. This is an online marketplace where individuals, families and small businesses can sign up for affordable health insurance. Just as you comparison shop on other websites for other things, you would have the opportunity to assess what insurance you or your family may be eligible for. For businesses, what level of tax credit you might be eligible for or can benefit from. Over the next two years the State of New York anticipates about one billion people signing up for health insurance since the creation of the new health care exchange.

In Brooklyn, we have a lot of work to do. There are four hundred thousand uninsured people living in Brooklyn. The demographic we are serving is diverse, so we have staff who speak several different languages. The State has gone out of its way to write materials in different languages. The materials presented here tonight are written in English, Spanish, Creole, etc.

There are a couple of dates to keep in mind; the earliest is January 1, 2014. In order for you to get a health insurance policy you need to sign up by December 15, 2013. Another important date to remember is December 15<sup>th</sup> this is the first open enrollment date. How many people have insurance through a job, you might want to change policy, different employers do give that option. Under the first Affordable Care Act, you had up until March 31, 2014 to select. At the end of 2014, 2015 you will be dealing with the traditional two months November and December. For this first enrollment year you have up to March 31<sup>st</sup> to enroll in an insurance plan for 2014.

Let me tell you this, I was approached by an older couple today. They are about 65 years or older, they were curious about the Affordable Care Act. Let me say this, there are provisions in the Affordable Care Act which address the older population. The health insurance exchange in New York targets people below age 65. So, if you are 65 and over and someone calls you to update your Medicare policy, this is not the opportune time to update your policy, this is the time to call the police on them. Remember if you have Medicare, you do absolutely nothing. As I said before call the police and report it if anyone calls you regarding changing your policy.

**Chairman Goldstein** – There are a lot of things to bear in mind. In this community there are older people who need this information. Please, pass it on.

Folks under the age of 65 years who do not have insurance, or, if you currently have insurance and the cost is more than 9.5 percent of your modified adjusted gross income, you have to look into the market place to buy into an insurance that will be less than 9.5 percent of your gross income. For people in management positions or in a company that pays for your plan, if it is more than 9.5 of your gross income you have a right to opt out of that plan. So it is not only for those without insurance but also for those who are paying higher than the 9.5 percent.

What can you get out of the New York Health website? Depending on your income level, you are qualified for different levels of coverage. The income guidelines for Medicaid is a little higher. If you were low income but not low enough to qualify for Medicaid with the new law you will qualify, if you make a little less money you may be eligible to receive a subsidy. People have misconceptions that, if they acquire an insurance policy under the Affordable Care Act, then they are getting some type of cooperative insurance plan. You can get various plans, there is a wide network. By getting insurance through the marketplace you are not compromising anything.

The Brooklyn Chamber's job is help facilitate the community with the purchase of health insurance through the New York State marketplace. Lastly, each of the plans that are available to you through the insurance

health exchange in New York, or any other state within the country, has ten essential benefits. Specifically, the ten essential benefits include things like, drugs, lab coverage, emergency treatment, operations, etc.

If you are an individual receiving \$45,000 or less you will receive some sort of help from the government to pay health insurance if you are a family of four and receiving \$45,000 or less you will be eligible to receive some help from the government. When you go onto the website it is up to you if you want to take the subsidy every month or you want to hold back and take the entire subsidy when you file your taxes. If I were an individual living in Brooklyn making \$20,000 a reasonable policy I could get is \$79 per month.

Necessary numbers everyone should have are: New York State Department of Health (855) 355-5777, six days per week and the Brooklyn Chamber of Commerce (718) 875-9300. There are still health insurance brokers who are paid through a company on a commission basis as such they will encourage you to pay through the company they represent

**Chairman Goldstein:** I really want to thank you for this information. I have heard some things about health insurance, but you have clarified a lot of things, I now we have a clearer understanding of what is all about.

### **Questions and Answers**

**Question:** Inaudible. **Answer:** I believe that's a good question, I would appreciate speaking to you aside. I believe you might be eligible for some coverage. I don't want to mislead you; I would rather speak to you personally.

Also, if you know of anyone who is in need of assistance or you yourself, please feel free to take my card. We have locations at the libraries and staff to help you. Flatbush Avenue Library, Bedford Stuyvesant, Downtown Brooklyn, Church Avenue, there are locations throughout the Borough that will be able to service you.

**Question:** What about individuals who do not want to sign up at this time? **Answer:** By law it is an individual mandate. So if you do not sign up by March 31, 2014, there will be a tax fine of \$95 or one percent of your income, whichever is greater. So it is your choice to acquire or not to acquire health insurance.

**Chairman Goldstein:** If there are veterans in this room, please contact the United States Department of Veterans Affairs to find you about the Affordable Care Act. I received a letter that there are some things that I would be eligible for under this act.

**Chairman Goldstein** thanked Mr. Devaud for his presentation.

### **BUSINESS SESSION**

The business session began at 8:35 pm with twenty-six members present.

Chairman Goldstein informed that the Secretary, Ms. Shelia Foster-Golding, was out of the country. Chairman Goldstein also asked the board members to stand and observe a moment of silence for our long-standing board member and friend Mr. Carl Morgan, who passed away recently. His passing is a loss to the community; he was always present at meetings.

### **Minutes of the October 2013 Meeting.**

The minutes of the October 2013 meeting was presented for correction and adoption. A motion to adopt the minutes was made by Laura Imperiale and seconded by Dwayne Nicholson. The minutes were accepted.

### **District Manager's Report – Pearl Miles**

Pearl Miles wished everyone a safe and happy Thanksgiving.

### **Committees' Reports**

#### **Economic Development Committee – Warren Berke (See written report)**

#### **Environmental Protection Committee – Timothy Thomas**

In the absence of committee chair, Tim Thomas, District Manager, Pearl Miles reported that the committee is requesting that the Board supports sending a letter to the Department of Sanitation asking them to focus on reconstructing a state-of-the-art sanitation garage in Community District 9 at the city-owned site, 356 Winthrop Street.

In addition, the committee also recommends the Board to send letters to the local elected officials to provide the necessary funding for the building of the garage.

#### **Health and Social Services Committee – Pastor Robert Ambrose (See written report)**

#### **Youth and Social Services – Amy Albert (See written report)**

#### **Transportation Committee – Edmund Fanning (See written report)**

#### **ULURP Committee – Michael Cetera (See written report)**

### **Chairman's Report**

**Chairman Goldstein** reported that the Armory on Bedford Avenue which was used by the State of New York has been transferred back to the City of New York. It is on a fast track for development. The Armory was opened last week for people to come in and express ideas about what they would like to see for that location. An RFP was issued by the New York City Economic Development Corporation for a developer for the property. The deadline is in January 2014. Following the choosing of a developer, any plans for this site must come before the Community Board. We wait to hear what this developer has to say when it is presented to the Board.

#### **Vacancy on Executive Committee – Treasurer**

**Chairman Goldstein** notified that Mr. Morgan's passing created a vacancy on the Executive for a Treasurer. This announcement was inadvertently omitted from the October Community Board meeting. The vacancy must be filled within two months of the existence of the vacancy. Board members interested in running for the office of Treasurer, please submit your name to the Community Board office. Elections will be held at the December 17<sup>th</sup> meeting.

**Chairman Goldstein** informed that board member Michael Cetera was absent due to illness. The Chairman also acknowledged the following persons representing agencies and elected officials: Debra Lesane representing Kings County Hospital, William Boone representing Medgar Evers College, Val Henry representing Downstate Medical Center and Andrea McKoy representing Assemblyman Karim Camara.

### **Voting Items**

#### **Blackstreet Van Lines application to DOT**

Motion to support Mr. Williams' application to the Dept of Transportation to increase his fleet by 16 vans was made by Ed Fanning, seconded by Dwayne Nicholson. **Voting:** 26 Yes; 0 No's; 0 Abstentions.

**Liquor, Wine and Beer application/licensed outdoor space – 504 Flatbush Avenue, Brooklyn, NY.**

Motion to support the application submitted by Mr. Mamary for a Liquor, Wine and Beer License; and licensed outdoor space was made by Maurice Jean-Baptiste and seconded by Jacqueline Welch. **Voting:** 26 Yes; 0 No; 0 Abstentions.

**BSA Calendar No. 285-13-BZ – premises at 495 Flatbush Avenue, Brooklyn, NY**

Motion to support the application was made by Pastor Robert Ambrose and seconded by Josette Coicou-Brioche. **Voting:** 26 Yes; 0 No's; 0 Abstentions.

**Letters to the Department of Sanitation and elected officials regarding the Sanitation Garage**

Motion made by Ed Fanning, seconded by Warren Burke that the Community Board 9 sends a letter to the Department of Sanitation requesting that the agency focuses on constructing a state-of-the-art garage for Community District 9 at 356 Winthrop Street, Brooklyn. **Voting:** 26 Yes; 0 No's; 0 Abstentions.

Motion made by Jacob Goldstein, seconded by Fred Baptiste, that the Community Board send letters to elected officials requesting funding for the construction of a sanitation garage for Community District 9. **Voting:** 26 yes; 0 No's; 0 Abstentions.

**626 Flatbush Avenue**

Motion made by Jacob Goldstein, seconded by Simone Bennett that the Board sends a letter to the state indicating opposition to the funding provided to the developers for the construction of a 23 story building at 626 Flatbush Avenue.

**Removal of Board Members for non-attendance at meetings**

- **Dr. Cedieu Gouin** – Chairman Goldstein stated that a letter was sent to Dr. Gouin and it was returned by the post office. In addition, since being appointed to the Board, Dr. Gouin has failed to attend a single regularly scheduled meeting of the Board. The Executive Committee met and recommends removal of the member. Motion for removal was made by Edmund Fanning, seconded by Robert Ambrose. **Voting:** Yes – 26; No – 0; Abs – 0.
- **Charlene Gayle** – Chairman Goldstein stated that a letter was sent to Ms. Gayle regarding her non-attendance at 16 of 23 regularly scheduled meetings of the board. Motion for removal was made by Fred Baptiste seconded by Rosemarie Perry. Ms. Charlene Gayle said she was sorry for her absences due to her various activities in the community. **Voting:** 13 Yes; 5 No's; 6 Abstentions.

Chairman Goldstein said that a letter will be sent to the Borough President notifying him of the removal from membership on the board of Ms. Charlene Gayle and Dr. Cedieu Gouin.

**Announcements**

- Invitation from Nancie Katz, Seeds in the Middle to the Run 2B Healthy event on December 14, 2013. For additional information contact Nancie Katz at (718)750-4202 or (917)756-4202.

- Full Gospel Assembly Thanksgiving Day Luncheon on November 28, 2013, at 836 Franklin Avenue between Union and President Streets, as well as 131 Sullivan Place between Bedford and Rogers Avenues.

Chairman Goldstein wished everyone a Happy Thanksgiving and a Happy Hanukkah. This is the first time in 125 years that Hanukkah and Thanksgiving have fallen on the same day.

### **Adjournment**

Motion to adjourn was made by Fred Baptiste and seconded by Dwayne Nicholson. The meeting adjourned at 9:30 p.m.

**Respectfully submitted**  
**Shelia Foster-Golding**  
**Secretary**  
**December 17, 2013**