

Alida Camp
Chair

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The City of New York
Community Board 8 Manhattan
Small Business Committee Meeting
Wednesday September 30, 2020 - 6:30PM
This meeting was conducted remotely via Zoom

Minutes

Present: Gayle Baron, Michele Birnbaum, Alida Camp, Sarah Chu (co-chair), May Malik, Valerie Mason (co-chair), Greg Morris, Jane Parshall, Barbara Rudder, Cos Spangoletti, Russell Squire, Marco Tomayo

1. Review of City's Guidelines for In-Door Dining and Outdoor Dining:

New Rules: As of today, restaurants are permitted to have limited indoor dining with the following restrictions:

- a. No bar service, 25% capacity, post service outside restaurant, tables 6-feet apart, patrons wearing mask except at table, contact info must be provided by the table guests for tracing purposes, temperature checks before setting.
- b. There will be 400 enforcement personnel, state police task force and others.
- c. State/City will revisit rules on Nov. 1, 2020.
- d. Restaurant needs specific ventilation specs, simple air purifiers with HEPA filters
 - i. Rockwell Group has been working with restaurants to come up with design for outdoor spaces in partnership with DineNYC. They have put a kit together online. Pro bono project and being deployed at restaurants and bars.
www.rockwellgroup.com
 - ii. Some low-tech ideas like partitions to separate tables, putting host stands outside.
- e. City Agency Speakers regarding New Indoor Dining Guidelines:
 - i. **Pauline Ferrante, DOH ("PH").**
 1. Increased rates in COVID parts of the city, so need to take extra precautions.
 - a. Core Four Rules:
 - i. Stay home.
 - ii. Face covering.
 - iii. Washing hands.
 - iv. Maintain physical distancing.
 - b. Inspections:
 - i. Restaurants will not receive a timeframe for inspections.
 - ii. No talks about fines at the moment – education.

ii. Eric Parker, Dept. of Small Business Services (“EP”)

1. Small Business Services has transitioned to providing services, including courses and financing online.
2. Put together a multi-agency task force to provide early guidance to businesses.
3. 1-888-SBS-4NYC for restaurants who are trying to comply.
 - a. Call number for Virtual compliance consultation.
 - b. Free PPE.
4. <https://www1.nyc.gov/nycbusiness> for full list of services.

iii. Tanjila Rahman, Dept. of Consumer and worker Protection (“TR”)

1. Contact us at nyc.gov/workers.
2. Designate entrances/exits for patrons and workers
3. Temp of patrons at door.
4. Collection of tracing information.
5. All employers need to keep a daily log of health screens of employees
6. Under Paid Sick and Safe Leave – use for themselves or family members. Days based on size of business.
7. Worker protection hotline.
8. Restaurants may use enclosed outside space towards indoor space. Do not need to renew sidewalk café licenses at this time.

f. Q&A from Public and the Board:

i. Judy Schneider:

1. Are sidewalk cafes free now?
 - a. **TR:** All fees were refunded and not accepting renewals and reapplications until further notice
2. Mask enforcement: Which agencies are responsible for mask/social distancing enforcement?
 - a. **PF:** NYPD not used for social distancing enforcement. In some communities as a public health agency, we are aware of racism as a public health crisis – yes, there will be other agency staff DOHMH, H&H, asking people to comply.

ii. Alida Camp:

1. Nov 1st – How will you revisit these guidelines? Will it be dependent on neighborhood, Borough infection rate?
 - a. **PF:** At this point, we don’t know what criteria the Mayor and Governor will review. Assume its based on daily infection indicators. If we hit a threshold – let’s say 5% everything will go back to lockdown, potentially pausing the indoor dining – but we don’t know what that rate will be yet.
2. Do partitions between tables make up for lack of 6ft.? Are there rules about condiments/sugar packets/salt and pepper shakers?
 - a. **PF:** Document that restaurants need to affirm before they can do it. Indoor – tables need to be 6 ft. Outdoor – patrons need to be 6 ft. apart.
 - b. **TR:** Physical barriers between patrons, even if you do, still need people 6 ft. apart.
3. Can bars that are serving food serve food indoors if they call it dining?
 - a. **EP:** Yes but check with us to be certain.

- iii. *Matt Bauer:*
 - 1. 25% capacity is based on certificate of occupancy. Any way to work with DOB to get those certificates? It is tough when multiple tenants on one floor.
 - a. **EP:** DOB is overseeing this. Small businesses – fastest way is to hire an engineer. Guidance is being on at this time.
- iv. *Colleen UES Restaurant Owner, fine dining:*
 - 1. People have wine + dessert, after dinner drink – we turn away a lot of business because we are worried, they will order a full meal. Or if someone buys food and another buys a bottle of wine and inspector comes and sees only the bottle. When can people sit with a drink while they wait?
 - a. **TR:** Following state guidelines, need update from Governor on that. We agree, there is a lot of room for interpretation.
 - b. **VM:** Not supposed to have open liquor drinks on the sidewalk, that's why the need for food.
 - c. **EP:** Not sure about dessert, but some restaurants do appetizers which count as a meal.
- v. *Marco Tomayo:*
 - 1. Call DOB to speed up applications for Certificate of Occupancy. It's just a simple calculation.
 - 2. Indoor dining – 80% recycled – should try for 100% fresh air – want AC to come from outside air.
 - a. **PF:** The purpose of all these guidelines is to minimize the risk – 25% improves fresh air, etc. We need to be conservative about the number of people, contacts, etc. The guidelines help us to do our best so businesses can reopen and there is not rampant community transmission.
- vi. *Cos Spagnoletti:*
 - 1. We are putting such a burden on restaurants – so many rules and they change every day. Can all agencies come together and come up with one guide? Some buildings do not have a CofO.
 - a. **EP:** City is still working on CofO calculation for businesses
 - b. **VM:** Seems like that is the value of these on-line consultations so you can customize an answer
 - c. **EP:** Yes, Re: OCC. Tricky and doesn't fall under our agency.
 - d. Indoor Dining Guidelines Webinar: <https://youtube/5X-wYxyRj30>
 - e. **TR:** We do work together. Mayor's office of nightlife is a resource for bars and restaurants.
- vii. *Colleen:*
 - 1. Restaurant owners want to put tables outside an adjacent closed business and the landlord has asked for a percentage of earnings, is that Okay?
 - a. **EP:** Conducting business off your property not legal without consent of applicable landlord.
 - b. **PF:** It is our understanding that DOT has stated that a restaurant may use adjacent outdoor space with the consent of the applicable landlord provided, that, no adjacent landlord can charge the restaurant for use of the space. There must be a formal written agreement and the restaurant owner should have

a copy on-hand so that it can be easily provided to inspectors when they come to the premises.

Old Business: None
New Business: None.

Meeting adjourned.

Sarah Chu & Valerie Mason, Co-Chairs.