

# The Grapevine Newsletter

I heard it through the Grapevine...

## Notes from the March 12, 2024 Berkowners, Inc. Board Meeting

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**Directors Attending:** Walter Chadwick, Wanda Chin, Cecilia Durbin, Peggy Russell, and William Walter. Also present: Superintendent Carlos Riviera and Joe Doren (Metro Management).

1. The meeting was called to order at 6:32 pm.
2. The minutes of the February 13, 2024 meeting were corrected and approved.
3. **Superintendent's Report (Mr. Rivera)**
  - Fifteen (15) of the garden teak furniture chairs are beyond repair; the cost of replacement will be researched. Light sanding is being done on the other working chairs.
  - The painting of incinerator/compactor closets is proceeding, with 4 floors remaining in 78 and then will continue work at 77.
  - Final measurements by Tindel have been completed; dies have been ordered.
  - Big Apple Compactor has completed repairs to the compactor machine nose cones in 78, then will proceed to 35.
  - Concrete interior ramp on B-side 35 needs to be repaired. As a return line is embedded in the concrete, the concrete crumbles every winter. Mr. Doren will research installing a diamond steel plate to cover the ramp.
  - Construction work in apartments:
    - A68 /77 - NY Contracting finishing up tile work in shower stall pan and painting bathroom.
    - B55 /77 - NY Contracting replacing bathroom floor, converting flushometer to tank.
    - B65 /35 – bathroom completed, kitchen renovation in progress.

B34 /35 (Treasury unit) - kitchen and bath have been demolished, prepping for skim coat.

- LED bulbs were installed in the big chandelier in the 77 building today, as a sample. The sample hallway dome light appears too bright; a filter will be installed to see if they soften their brightness.

Mr. Rivera left the meeting at 7:32 pm.

#### **4. Manager's Report (Mr. Doren)**

- 3% maintenance increase went into effect on March 1, 2024
- Marin and Montayne are working on the FY 2023 audit
- Past due invoices were paid to Mr. Lister, approx \$40K
- A53 / 35 market rate lease expires 7/31/24, a \$100/month increase (about 5%) was recommended for a one-year renewal.
- A non-resident shareholder owning unsold shares has inquired about purchasing a second unit that would be his primary residence. There was discussion that shareholders are prohibited from owning two individual units. This has been sent to counsel for review.
- The last remaining Environmental Control Board violation from 2008 in 77th St has been removed, with no financial penalty; there are 3 remaining DOB violations.
- There was discussion of anticipated required Local Law 11 work, and estimated costs, which will include \$200K for construction administration and \$300K per building for actual work. We will first need to engage an engineer to prepare plans and specs.

#### **5. President's Report (Mr. Chadwick)**

- A11 /35 auction. The coop corporation was the ultimate winning bidder at a March 5th auction of investor-owned shares, which had \$24K of past due maintenance, for a purchase price of \$232K. This is a junior 4, currently occupied by a rent-regulated tenant. Cash of approximately \$200K will be needed to close, in about 30 days.
- Care Committee. This Committee formed as a result of a homeless person who was found sleeping on the 6th floor in 35 in November 2023. The

Committee submitted a proposal for a protocol for all shareholders. Given various concerns of staff and shareholder responsibilities and liability issues, the Board decided to decline the proposal.

- As reported by Mr. Rivera, Tindel windows are being manufactured, with estimated installation date starting in May. Current contract price is \$4,810,680, reflecting increased pricing for inflation and for panning required by Landmarks Preservation Commission.
- The Board discussed the required communication and time frames for the upcoming annual shareholder meeting, which is being held on May 21, 2024, including the call for candidates for Board seats, language for change to the proprietary lease for a proposed transfer fee, town hall dates, agenda items and proxy mailing. The deadline for candidate submissions will be March 31st; there will be three open seats.

#### **6. Treasurer's Report (Ms. Chin)**

- Total corporation reserve funds \$6,161,152; reserves managed by Board, total \$6,011,152

##### Chase Bank

Checking and savings balances total \$69,858.17 (a/o 02/29/24)

- This balance was up \$15,000 from the prior month as this same amount was transferred from RJFS account on 2/26/24 and was then transferred to Metro operating account on 3/4/24 to cover renovation deposit for B34/35th Avenue. Current balance a/o 3/7/24 is \$54,858.39

##### HAB Bank

\$154,111.22 (a/o 01/31/24)

##### RJFS account

As of 02/29/24, market value was \$5,797,777.80; balance showing full value of investments held to maturity was \$5,876,782.30, composed of:

- \$876,782.30 Cash (spread among primarily 4 banks)
- \$250,000 CD (one bank, full value shown)

- \$4,750,000 USTreasuries (three, full value shown)

During the month of February 2024:

- four bank CDs matured (total \$1,000,000);
- \$300,000 of Metro managed window assessment funds were transferred to RJFS;
- three new bank CDs were purchased, \$250,000 each, each with a 5.25% rate, maturing 7/1/24, 9/4/24, and 9/6/24

As of 03/07/24, market value was \$5,802,182.80, with cash of \$126,857.91, four bank CDs, and three USTreasuries.

Upcoming maturities are: a \$250,000 bank CD on 4/5/24, and two USTreasuries totalling \$3.15 million on 5/30 and 6/13/2024.

We will continue to invest short-term and ladder maturities based on anticipated payments of the windows contract, with the next payment expected around June 2024.

#### Reserves managed by Metro

\$104,090.58 in window assessment account (a/o 03/07/24)

\$46,097.66 in beautification fund (a/o 01/31/24)

### **7. Communications Committee (Ms. Durbin)**

- Resident and shareholder volunteers are working on refreshing the website.

### **8. Transfer Fee Committee (Mr. Walter)**

- A presentation is being prepared for shareholders. There will be three upcoming opportunities for shareholders to attend meetings to learn and ask questions about the proposed transfer fee: two virtual Town Halls, to be held March 27 and April 30. and an in-person drop-in in the 77 Community Room on April 11th.

### **9. Admissions Committee (Ms. Russell)**

- A subcommittee of this Committee has developed a “welcome” packet for new residents, and is in draft form, for Board review and comment. The Board was asked to consider a budget for a welcoming gift.

The meeting was adjourned at 9:15 pm.

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## **Proposed Transfer Fee on Shares Sold Transfer Fee Town Hall and Additional Info**

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Thank you for the very active Transfer Fee Town Hall discussion last week. For those that couldn't attend, below is the information for accessing a recording of the meeting and the presentation slides.

[Town Hall Meeting Recording](#) - Recording Password: I5?\$PL4c

[Town Hall Slides](#)

The Board of Directors has also prepared a document of frequently asked questions from both the coop mailing list and the town hall. Duplicate or similar questions have been consolidated to keep the document as succinct as possible.

[Transfer Fee Frequently Asked Questions](#)

### **Second Zoom Town Hall**

Tuesday, April 30 at 7:00pm

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### **Questions or Concerns about a Transfer Fee?**

Email the Board, and we will bring a response to the Town Halls  
[berkboard@gmail.com](mailto:berkboard@gmail.com)

The Town Hall will have ample time for Q&A, but if you want your question addressed sooner in the meeting, here's a great way to jump the line.

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# **BERKELEY ANNUAL SHAREHOLDERS MEETING**

Convening In Person

## **Tuesday May 21, 2024**

### **6:30pm**

The Jewish Center of Jackson Heights

37-06 77th St.

A more formal announcement will come by mail soon

Please put this date in your calendar

If you will not be able to attend, please **decide to whom you will give your proxy vote!**

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## **What to Expect at the Annual Shareholders Meeting**

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### What will happen at the Annual Shareholders Meeting?

We will start letting people sign into the meeting at 6pm. There will be 3 tables set up (1 for each building) with a volunteer shareholder sitting at each. Find your building table and sign in. This way your shares will be counted towards quorum.

At the meeting itself, board members and others with information about the running and governance of the co-op will give reports on what has happened with the co-op in the last year and what is planned going forward.

Items that might be of particular interest:

- An update on the windows project from our architect, Doug Lister and our President Walter Chadwick.
- Our CPAs, Marin & Montanye will be discussing our FYE 2023 financial statements
- A financial report from our treasurer, Wanda Chin
- An update on other improvements and projects at the co-op by our president, Walter Chadwick
- Hear from our property manager Joe Doren of Metro Management
- Announcement of the vote on the proposed transfer fee

This is also a forum for shareholders to respectfully discuss our shared home and investment as well as to ask questions and for clarifications and offer ideas to make our shared home better.

### **What is quorum and why does it matter?**

To quote directly from our By-Laws:

*"At all meetings of shareholders in order to constitute a quorum and to permit the transaction of any business except to adjourn a meeting, there shall be present either in person or by proxy the holders of a majority of the shares entitled to vote thereat. A majority of the shareholders present may adjourn a meeting to a subsequent day despite the absences of a quorum."*

What this means is that without a majority of the shares of the co-op represented at the meeting either in person or by proxy, we cannot hold an official election or any other kind of vote.

Last year, we achieved a quorum. 3 board seats are up for election this year, and 3 people are running.

- Cecilia Durbin (incumbent)
- William Walter (incumbent)
- Maxx Salat

You will receive copies of their resumes and/or letters of intent in the mail with your proxy ballot

### **What if we don't achieve quorum?**

If we do not achieve a quorum, we cannot hold an official meeting and cannot have an official election or any other kind of vote. The official meeting will be adjourned and the board members will continue an unofficial reading of reports. This means that all

board seats will be appointed by the previous board. It doesn't look good to potential buyers if we are not achieving quorum at our annual meetings.

**There are 3 people running for 3 seats. Why does it matter if I vote?**

It is true that there is not much mystery about the outcome of the board elections as far as who will be on the board. The big issue on the ballot this year is the Transfer Fee, as discussed elsewhere in the Grapevine. This is of great significance to our co-op and your vote matters very much.

If you are interested in running for the board in future years PLEASE DO SO!

You don't have to vote at all to be counted towards quorum, if you do not wish to.

**I can't attend the meeting, but wish to be counted towards quorum. Who can be my proxy?**

Again, to quote our by-laws:

*"Each shareholder of record shall be entitled at each shareholders' meeting to one vote, in person or by proxy, for each share standing in his name on the stock book at the time of the meeting. All proxies shall be in writing but need not be acknowledged or witnessed and shall be filed with the secretary at or previous to the time of the meeting. The person named as proxy need not himself be a shareholder of the corporation. All voting shall be viva voce, except that any qualified voter may demand a ballot vote, in which case the voting shall be by ballot, and each ballot shall state the name of the shareholder voting and the number of shares by him, and in addition, the name of the proxy, if such ballot is cast by a proxy. All elections shall be determined by a plurality vote, and unless otherwise specified in these by-laws or the certificate of incorporation, the affirmative vote of a majority represented at any meeting of shareholders shall be necessary for the transaction of any item of business and shall constitute the act of the shareholders."*

In short, anyone at the meeting can be your proxy. You may even choose Joe Doren, our property manager, if that's easy for you. However, if you choose Joe Doren, you must use option A or B. A Metro agent may not choose your candidates for you.

You may choose another Shareholder or a non Shareholder for options A, B or C. But that person MUST come to the meeting, inform the registrant that they are your proxy and sign in as such.



**Where do I turn in my proxy ballot?**

**There will be proxy ballot boxes in each laundry room.**

We'll take them over to the Jewish Community Center on the day of the Meeting so they can get counted. I would try to get your ballot in the box before 5pm, just to be safe.

You can also hand your proxy ballot to anyone attending the meeting.

**What if I don't receive or can't find my proxy ballot?**

Your proxy ballot will soon arrive in the mail in a manilla envelope from Metro Management in a packet with the official announcement of the meeting and the resumes of each of the people running for the board.

However, there is nothing specific to the particular proxy ballot that you receive. A photocopy from any of your neighbors will work equally well. Or email [Arlene Degraff at Metro Management](#) to request a copy.

If you're not sure you're getting mail from Metro Management, please email [Arlene Degraff](#), so she can help sort that out.

We really hope to see you in person at the meeting. If you can't make it or don't wish to come for any reason, PLEASE turn in our proxy ballot in the laundry room.

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**BERKELEY ARTIST PROFILE:** *No artist profile this month.*

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**CHILDREN'S CIRCLE**

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**Saturday, May 11th at 11:30 am**

Community Room/77th Street

All Berkeley families are welcome.

Hope to see you there.

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## **SPRING GARDEN UPKEEP**

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**Starting Friday April 19th, the garden grass areas will be blocked off for aerating and seeding.**

The lawns will be aerated and then the lawns will be roped off for a few weeks to let the grass seed germinate. Exactly how long depends on the weather as it will need to warm up to get the grass seed growing.

Thank you for your cooperation as we prepare for our beautiful spring and summer garden.

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## **SOUTH LAWN REDESIGN UPDATE**

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Hello Neighbors.

The South lawn has received a considerable amount of attention from our landscaper over the last several years, but, in the end, we still have a considerable amount of bare patches, particularly under the two trees close to the sunken garden. The board paid to sod the area first, and it didn't take. There were many attempts to seed with various types of grass seed, including clover, which did not take.

Last year the Board asked the Garden Committee to come up with ideas for the space and a small committee was formed. We came up with several design plans, but, in the end, we narrowed our focus to the shady side of the south lawn, with the intent to leave the grassier area in the light as is.

Our intentions were as follows:

- Maintain a pet friendly space. The Committee left the grassy end unmodified for pets. There is also a discussion about putting a bench down on the far end for pet owners, in addition to the bench on the side of the lawn closest to the sunken garden.
- Maintain a family friendly space. For the family perspective, we consulted with Cecilia Durbin. Cecilia was supportive of minimizing muddy and sodden zones and advocated for paths that allow people to cut through the south lawn from either gate to the building

entrance on the opposite side. She commented that a clear demarcation between planting bed and grassy area is easier for young children to understand and respect and asked if plantings would be poisonous or prickly.

- The Committee has gone back and forth about some kind of surface for under the table in the south lawn (and perhaps the other tables in the garden). There are benefits and drawbacks for all surfaces (chairs can fall backwards onto stone, stone can be thrown, tend to scatter, and must periodically be replenished, etc....) For now, we will leave as is.
- Plantings that were self sustaining and didn't need a lot of maintenance. Though a gardener could adopt the area, we didn't want the general maintenance of the beds to depend on it.

Our plan is to plant a mixture of ground cover and hardy plants in the three planting areas. Ground cover will be emphasized along the pathways. Internally around the table, we will plant a variety of hardy plants. Again, our intent was to focus on the shady areas of the garden. The new beds take up a rough estimate of 30% of the South Lawn

Before we can begin, there will need to be some soil remediation. Right now, there is a considerable amount of sand in the soil, which may explain why we had such difficulty growing anything there. We will hand till the soil in the beds with new peat moss/compost/soil

There is a muddy patch near the 78th Street exit. Though not originally a part of our plan, the Committee plans to address this area by adding more soil and more grass seed.

Our timeline is still evolving. We hope to have the soil tilled and upgraded by April 28. We need to arrange for purchase of the plants and then schedule a work day to plant. The Committee is hoping this can be done by June 2, a week before the Jackson Heights Garden Tour.

Ground Cover Selections (still under discussion):

Pachysandra, Vinca Vine (Periwinkle), Variegated Archangel, Dead Nettle, Creeping St. John's Wort (Not necessarily a ground cover)

Plant Selections (still under discussion):

Hostas (Various varieties), Coral Bells, Forest Grass, Ferns, Bone Flower, Foam Flower (Tiarella), heuchera americana

South Lawn Committee:

2023: Phillip Washburne, Max Meadows, Theresa Curley, Norma Markley, Hiroko Suda, Pamela Vossen. 2024 Additions: Katherine Howard, Maurice Garvey, Stephen Sandoval

Katherine Howard, Garden Committee Chair  
Phillip Washburne, Garden Committee Co-Chair

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## CARE COMMITTEE

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Dear Shareholders & Tenants,

Last winter on 2 occasions we had apparently homeless people seeking refuge from the cold in our buildings. This caused just alarm among residents. The police were called, and the people were escorted outside. On our listserv, there was concern about the incidents, including several people who wondered what could be done to help these apparently homeless people rather than just put them back on the wintery streets.

I reached out to Catherine Benoit, Penelope Falk, Katherine Howard, Judy Whiting and Pamela Vossenas. I asked if they might want to form an exploratory committee to see what the city has in place to help those experiencing homelessness. We named it the Care Committee, and they reached out to our local government, non-profits, and police.

The following is what their diligent work has found.

Walter

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### **Building Safety:** When Someone is in Need of Assistance

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This past winter, two individuals seeking shelter found their way into Berkeley cooperative common areas and were escorted out. In response to these incidents, a group of residents came together to look into how New York City agencies respond to situations like this. Our goal was to report back to our neighbors and provide some

guidance on what to do if this happens again.

**We learned that calling 911 is the best solution.** The NYPD has recently changed how it handles quality of life issues, and now assigns Neighborhood Coordination Officers to cover specific geographic areas in each precinct. Once a call to 911 is made, dispatchers will send NYPD officers (which may include Neighborhood Coordination Officers) to the location and they will ask the person to leave. They will let the person know that there are services available to them including emergency housing and health care. If they would like services, NYPD officers will contact Breaking Ground and transport them to Elmhurst Hospital to wait for Breaking Ground staff to arrive. Breaking Ground is the nonprofit agency that NYC contracts with to connect homeless individuals to services.

Neighborhood Coordination Officers will follow up later to see whether services were offered and accepted.

Two additional pieces of information:

When responding to a 911 call, NYPD will take individuals who are sick, injured or incapacitated directly to Elmhurst Hospital's Emergency Room. And if outside temperatures are at 32°F or less, the NYPD institutes a "Code Blue" and will find emergency shelter for homeless individuals and transport them there. On Code Blue nights, Elmhurst offers emergency quarters for homeless people to spend the night, and this is the location NYPD officers will likely access.

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## SCHEDULED BOARD MEETINGS

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In May, the Annual Shareholder's meeting on May 21 replaces the board meeting. The following Board meeting is June 11th . If you have a topic you would like to discuss with the board, please email them at [berkboard@gmail.com](mailto:berkboard@gmail.com).

**A REMINDER:** *Residents are always welcome to address board meetings about anything about the co-op they feel needs addressing. Please give the board 24 hours notice that you'd like to attend, and you'll be invited to the zoom meeting starting at 6:30pm.*

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Contributors to this newsletter were Walter Chadwick, Cecilia Durbin, Judy Whiting, Phil

Washburne, and Peggy Russell. If you'd like to contribute content to the Berkeley Grapevine, please email [bconwayb34@gmail.com](mailto:bconwayb34@gmail.com).

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