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**Date:** June 10, 2025 at 12:38:34 PM EDT

**To:** Bruce Mazer <[brucemazer.com](mailto:brucemazer.com)>

**Subject: RE: Requesting Advisory Opinion**

Good afternoon Mr. Mazer,

As Mr. Wolf advised, the Open Meetings Law governs meetings of public bodies, and that term is defined as:

any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body consisting of members of such public body or an entity created or appointed to perform a necessary function in the decision-making process for which a quorum is required in order to conduct public business and which consists of two or more members. A necessary function in the decision-making process shall not include the provision of recommendations or guidance which is purely advisory and which does not require further action by the state or agency or department thereof or public corporation as defined in section sixty-six of the general construction law.

(Public Officers Law Section 102(2))

If the information I reviewed is accurate (information posted on the EDC website and additional information I located on the [New York City Council](#) District 39 webpage), this Task Force has been given the authority to approve the NYC EDC's plan for redevelopment of the Brooklyn Marine Terminal. The task force consists of two or members performing a governmental function for the City (approval of the EDC plan) and, according to the information I have reviewed, this function is more than just the "the provision of recommendations or guidance which is purely advisory and which does not require further action by the ... department." The question of whether a quorum is required is generally governed by General Construction Law Section 41 which states, in relevant part:

Whenever three or more public officers are given any power or authority, or three or more persons are charged with any public duty to be performed or exercised by them jointly or as a board or similar body, a majority of the whole number of such persons or officers, gathered together in the presence of each other or through the use of videoconferencing, at a meeting duly held at a time fixed by law, or by any by-law duly adopted by such board or body, or at any duly adjourned meeting of such meeting, or at any meeting duly held upon reasonable notice to all of them, shall constitute a quorum and not less than a majority of the whole number may perform and exercise such power, authority or duty.

Given that the task force consists of three or more persons charged with a public duty to be performed by them jointly, in our view, a quorum is required to conduct its public business. Since a quorum is required, the task force contains that additional statutory element and, in our opinion, it is a public body that must comply with the Open Meetings Law. Meetings must be open to the public, notice of the date, time, location (and if required, link for virtual attendance), must be provided in compliance with Section 104 of the OML, and records scheduled to be discussed must be made available in compliance with Section 103(e) of the Law. There is no statutory obligation on the part of City agencies or public bodies hosted by City agencies to livestream their meetings.

Thank you for your inquiry.

Sincerely,

**Kristin O'Neill**

Deputy Director and Counsel Pronouns: she/her/hers

**New York State Committee on Open Government**

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