

Community Board 12, Manhattan
Minutes for the Housing and Human Services Committee Meeting
December 4th, 2014 – Office Meeting Space
530 West 166th Street – 6th Floor
New York, NY 10032

Committee Members Present (5): Richard Lewis (Chair), Yahaira Alonzo (Assistant Chair), Felipe Wityk Sanchez, Alyce Smith and Christina Burgess (Public Member).

Committee Members Absent, Excused (1): Lorena Jiménez-Castro.

Committee Members Absent, Not Excused (2): Jay Mazur and Ayisha Oglivie.

Guest Speaker (1): Lawrence Domenech (NYS OPWDD).

Public (5): Joel Yoffie, Mariel de la Cruz, Cheryl Miller, Dorothy Beeks and Rosday Messin.

Staff: Paola Garcia.

Welcome, Opening Remarks, and the Agenda. Richard Lewis as Committee Chair called the meeting to order at 7:17pm. Meeting was set to record to a digital audio file. Board Members introduced themselves as did members of the public present. A quorum was present after 8pm and for the duration of the meeting. Topics for tonight's agenda were outlined.

HHS Committee Chair's Report: News, Announcements and Updates

- Since the agenda was rather full and our guest speaker was present the committee voted to table agenda item number 6 (discussion on Immigration Reform and Immigrant services), item 7 (Legislative Needs in Housing) and parts of item 8 (Discussion and Assignments on the Vacant Lot Study and the next HHS Resource Festival). Item 5 on the district's infrastructure will be briefly reviewed in the chairs report.
- There has been an escalation of damage, the lack of resiliency and the need for repairs in the infrastructure in the southern tier of our district. The repair process can take up to six months or longer. This includes at least two large sink holes where vehicles were engulfed (recently a DSNY truck at West 158th Street and Edgecombe Avenue and some months ago a school bus with children aboard at West 164th Street and Broadway). There have been two gas line leaks and ongoing repairs at 935 St. Nicholas Avenue (A National Landmark building for Duke Ellington) and in the street on St. Nicholas Avenue from West 157th Street to West 158th Street. Last summer the park lights in the pathway along Legends Field (Southern part of Highbridge Park) were all out. It took several months for Con Edison and NYDC DOT to fix this situation. In addition, Street lights were out at West 155th Street and West 156th Street on St. Nicholas Avenue that required new electrical service runs, building new concrete pole bases, sidewalk and street repairs, and removal of the street light poles themselves.
- During this process there was little evidence of coordination between ConEdison and the NYCDOT on difference phases of the job. (e.g., attaching wires to fuses [DOT] or providing electrical service from the street [CE]). In addition, the 311 process of reporting and following up separate Con Edison generated ticket numbers and different 311 Service Repair Numbers needs to be streamlined. There have also been street light repairs at Edgecombe and West 155th street intersection and the West 155th Viaduct lights. One building at 914 St. Nicholas Avenue housing a faith based organization has been without underground electrical service for months. Also during the past residents at 525 West 156th Street, 165-175 Sherman Avenue, and 88 Seaman Avenue have been or are still without residential gas.
- There is no evidence that ConEdison has installed district wide monitoring systems as promised or some kind of managerial response system where requests can be made to vacuum underground vaults that house transformers or cleanout their manholes in the district. This may become an issue when salt and water mix as an aftermath of winter snow storms and power failures or fires in transformers may occur. There have been telephone service and telecommunications' outages in the street, hotspots and the Central Offices that serve our district. We urgently need to have our community board and or the office

staff in the field on a regular basis to discover, monitor, report and follow up on the infrastructure repairs and observable and pending problems.

- The chair reported that the proposed tenant organizing meeting on November 14th at 6:30pm with residents of 88 Seaman Avenue and several HHS committee members was postponed indefinitely at the request of the building's organizer. He claimed that there was considerable difficulty in getting a positive response from tenants to participate in such a meeting.
- On November 17th and at the request of the Board's Chair testimony was given by the HHS Committee Chair at the City Council's joint hearing of its Committee on Housing and Buildings and its Committee on Land Use. The purpose of the hearing was to provide oversight on the De Blasio Administration's plan on affordable housing for the next ten years. HPD and Department of City Planning Commissioners gave testimony and answer questions at this lengthy session. A written transcript on that testimony is available in the office and was reported at the Board's General Meeting, November 25th. See "Oversight – Building Homes, Preserving Communities: A First Look at the Mayor's Affordable Housing Plan <http://legistar.council.nyc.gov/MeetingDetail.aspx?ID=357309&GUID=3DCA680D-7431-4489-B8E4-18A8103DE34B&Options=&Search=> or the Video: <http://legistar.council.nyc.gov/Video.aspx?Mode=Auto&URL=aHR0cDovL2NvdW5jaWxueWMucGVnY2VudHJhbC5jb20vZmxhc2gvbWVkaWFfcGxheWVvYXZc5OGMuc3dmP3NlcnZlcj1ueWMtcnRtcC5wZWdjZW50cmFsLmNvbSZhY2NvdW50PW5jaWxueWMmdmlkZW9GaWxlbmFtZT1OWUNDLVBWLVUNLUNoYTE0MTEExNy0xMTQwMDgubXA0>
- **New York City's black upper-middle class is fading, while its populations of upper-class white singles and lower-income Hispanics are booming**, according to a new report that adds to concerns about a struggling middle class and growing income divide. "Between 2000 and 2010, neighborhoods dominated by the city's black upper-middle-class residents experienced an 18.9% population decline." This process is occurring in the southern tier where there has been this recent surge of changing populations. This is just another reason to push for more affordable housing and economic development in our district
- **John Banks**, the vice president of government relations for Con Edison will be the new president of the **Real Estate Board of New York**, a post held by Steve Spinola, who announced in the summer that he would retire next year after nearly three decades at the helm of one of the city's most powerful industry groups. At Con Ed, Mr. Banks has been one of the top executives involved in the utility's government affairs since 2002. He became the lead lobbyist for the state's largest utility when he signed on at the company after serving as chief of staff for the City Council.
- The chair attempted to get more information on the creation of a "**Housing Trust Fund**" where there is some kind of linkage with the HPD, the Columbia University West Harlem Agreement and the Baker's Field Benefit commitment.
- **Appeals court allows class-action suits over J-51 deregulations:** The state's highest court says tenants seeking overcharges from New York City landlords who removed rent controls on particular apartments while still getting tax breaks can bring class-action lawsuits for compensatory damages. The Court of Appeals, divided 4-2, is upholding three suits whose classes range from 53 to more than 500 current and former tenants. This case is about the J-51 program, which prohibits the deregulation of rent stabilized units in participating buildings. The state, which administers the tax exemption, had held that landlords could de-regulate apartments if the program was not the primary reason those units were de-regulated. A judge in this case held in an earlier decision that that decision had violated the law. Now, by allowing class-actions suits, the Court of Appeals has given tenants in these buildings a lot of power.
- **Schneiderman sues city landlord over oil storage:** NY State Attorney General Eric Schneiderman is suing New York City mega-landlord Florence Edelstein for what he said were 90 violations of state laws regarding the safe storage of heating oil at 25 properties she owns in the Bronx and Manhattan – Most of these properties are in Washington Height/Inwood. In July, the state Department of Environmental Conservation issued the 90 violations along with a \$113,500 penalty and ordered Edelstein to correct the problems and pay the fine, both within 30 days. Edelstein did neither, Schneiderman's office said.
- On November 13th the chair participated in a public session of **WALKNYC Way Finding** where aesthetic metallic street monuments with maps will be produced and located in our community district. The group needed our input to accurately place notation on important street addresses in our community district

(parks, monuments, museums, schools, landmarks, institutions, transportation info, etc.). These maps will be designed to encourage walking throughout our community and many are already deployed in many location of our city. A question was asked about future plans their deployment: What was the next step? With no answer forthcoming it was suggested that might consider a better vehicle of community engagement such as digital video kiosks.

The city and state governments are engaged more than ever in supplying free public Wi-Fi through a host of initiatives. Some have already been deployed and others are planned. Private funding has provided for free Wi-Fi in our city parks with one already operational at J. Hood Wright Park in Washington Heights. Recently, there has now been convergence of three governmental initiatives in an effort to bridge the digital divide and to distribute city-wide free Wi-Fi. NYS and the MTA have embarked on an ambitious plan for providing wireless in our subway platforms through their vendor, Transit Wireless [<http://www.transitwireless.com/>]. 47 of the 279 New York City subway stations have been equipped with SSID wireless in Phase One and Phase Two. Phase Three will extend into Washington Heights and work has begun on this phase at the West 155th St. stations and the West 157th St. stations.

A second initiative announced by the de Blasio administration is the provide free Wi-Fi by replacing all the street level public pay telephones (PPT) and installing street towers either with digital Advertising Units or Non Advertising Units. The advertising video units will have free Wi-Fi up to 1.5 Gbps and the Non-Advertising Units will have Wi-Fi at 100mbs. The primary reason the city is providing any these units as a franchise is for revenue generating purposes and not to bridge the digital divide some would hope for with a true city-wide free Wi-Fi system. The city hopes to accrue some \$200 million dollars in twelve (12) years under the proposed franchise agreement. There will be inequality in the distribution of these units called Personal Communication Systems (PCS) as downtown and midtown Manhattan are expected to get a major share of the faster units compared to the outer boroughs and poor communities in upper Manhattan that will get the slower units.

Washington Heights/Inwood currently has some 244 old public pay telephones operated by several companies with only two that are currently Wi-Fi capable. (see partial table below) The new franchise agreement awarded to a LINKNYC and a consortium CityBridge who will subsume all of these phones into one operation. A public hearing will be held on December 8th at the City’s Franchise and Concessionaire Review Committee to approve the proposed franchise agreement. All the Borough Presidents and the NYC Controllers Office have been critical of the plan that fails to allocate a sufficient number of the faster units to underserved communities, particularly in the outer boroughs. Community Board 12 will provide testimony at that time. See

www.nyc.gov/html/doitt/downloads/zip/Proposed-PCS-Franchise-Agreement-All-Documents.zip

Company Name	Borough	Building Number	Street Name
TITAN OUTDOOR COMMUNICATIONS, INC.	MN	3842	9 AVENUE
VAN WAGNER KIOSK ADVERTISING, LLC	MN	3782	10 AVENUE
TITAN OUTDOOR COMMUNICATIONS, INC.	MN	1941	AMSTERDAM AVENUE
TITAN OUTDOOR COMMUNICATIONS, INC.	MN	1952	AMSTERDAM AVENUE
VAN WAGNER KIOSK ADVERTISING, LLC	MN	1976	AMSTERDAM AVENUE
B A S COMMUNICATIONS, INC.	MN	1988	AMSTERDAM AVENUE
B A S COMMUNICATIONS, INC.	MN	2002	AMSTERDAM AVENUE
VAN WAGNER KIOSK ADVERTISING, LLC	MN	2017	AMSTERDAM AVENUE
VAN WAGNER KIOSK ADVERTISING, LLC	MN	2048	AMSTERDAM AVENUE
VAN WAGNER KIOSK ADVERTISING, LLC	MN	2081	AMSTERDAM AVENUE
TITAN OUTDOOR COMMUNICATIONS, INC.	MN	2097	AMSTERDAM AVENUE
TITAN OUTDOOR COMMUNICATIONS, INC.	MN	2100	AMSTERDAM AVENUE
TELEBEAM TELECOMMUNICATIONS CORPORATION	MN	2142	AMSTERDAM AVENUE
VAN WAGNER KIOSK ADVERTISING, LLC	MN	2181	AMSTERDAM AVENUE
TELEBEAM TELECOMMUNICATIONS CORPORATION	MN	2236	AMSTERDAM AVENUE
B A S COMMUNICATIONS, INC.	MN	2300	AMSTERDAM AVENUE
TITAN OUTDOOR COMMUNICATIONS, INC.	MN	2376	AMSTERDAM AVENUE
TITAN OUTDOOR COMMUNICATIONS, INC.	MN	2400	AMSTERDAM AVENUE
VAN WAGNER KIOSK ADVERTISING, LLC	MN	2416	AMSTERDAM AVENUE
TITAN OUTDOOR COMMUNICATIONS, INC.	MN	2430	AMSTERDAM AVENUE
B A S COMMUNICATIONS, INC.	MN	2450	AMSTERDAM AVENUE
VAN WAGNER KIOSK ADVERTISING, LLC	MN	2541	AMSTERDAM AVENUE

Source Documents Released at the Meeting.

The following source documents were distributed or made available at the meeting:

- Talking Points -Legislation Needs for Mental Health Laws (2014 – 2015) –(Available in the CB12, M Office)
- Governor Cuomo Announces Wireless Service and New “Transit Wireless Wi-Fi” in Queens and Manhattan Subway Stations” [<http://www.governor.ny.gov/news/governor-cuomo-announces-wireless-service-and-new-transit-wireless-wifi-queens-and-manhattan>]
- The Plan to Turn NYC's Old Payphones Into Free Gigabit Wi-Fi Hot Spots [<http://gizmodo.com/the-plan-to-turn-old-payphones-into-free-gigabit-wi-fi-1659688867>]
- New York City Residents Will Soon Be Able to Check Out Free Portable Wireless Internet Hubs [<http://online.wsj.com/articles/new-york-public-library-expands-free-wi-fi-program-1417489781>]
- Brooklyn Libraries Loan Out Free Wi-Fi Hot Spots [<http://www.dnainfo.com/new-york/20141202/bed-stuy/brooklyn-libraries-loan-out-free-wi-fi-hot-spots>]
- NY Site Selection Law (Available in the CB12, M Office)
- NYS Mental Health Law 41.34 (Available in the CB12, M Office)
- NYS Mental Health Law 33.02 Available in the CB12, M Office)
- List of NYS Legislative 2014 Bills on Developmentally Disabled Persons (Available in the CB12, M Office)
- Obama's immigration executive order: Here are the details [<http://politics.suntimes.com/article/washington/obamas-immigration-executive-order-here-are-details/thu-11202014-705pm>]
- Whitehouse Fact Sheet: Immigration Accountability Executive Action (Press Releases in English and Spanish - Available in the CB12, M Office)
- Does Immigration Increase Economic Growth? [http://www.manhattan-institute.org/pdf/e21_02.pdf]
- Obama hands NY a Medicaid bomb [<http://www.empirecenter.org/publications/obama-hands-ny-a-medicaid-bomb/>]

Presentation by Lawrence Domenech, NYS Office of People with Developmental Disabilities (OPWDD).

Mr. Lawrence Domenech appeared before the committee and gave an overview of the process of site selection and the law regarding the placement of people with developmental disabilities in community residences. A **Community Residence** (CR) or what is sometimes called a group home is any facility of 14 or fewer beds either operated by the State Office of Mental Health (OHM) or the Office of Mental Retardations and Developmental Disabilities (OMRDD). An **Individualized Residential Alternative** (IRA) is a type of community residence that provides room, board and individualized service options. There are two types: supervised and supportive residences.

A supervised residence provides 24/2/365 staff, while a supportive facility allows more independent living under periodic supervision. All supervised residences from one to fourteen beds and supported residences with four to fourteen beds must go through the site selection process. A sponsoring agency is the person, voluntary non-profit agency or governmental unit that plans to establish a residential facility.

He explained the community board's role in this process:

A sponsoring agency notifies the community board of its intention to place individuals in a residence in the community district. The board has forty (40) days to hold a hearing and to give its approval or disapproval for the placement.

There are now three criteria for approval or disapproval

1. Density or Overconcentration of Programs.

Oversaturation is what OPWDD calls the over concentration of facilities. He said the usual standard of 0.2 of a mile away was better suited to a borough more like Queens than Manhattan. He gave an example of density, e.g., two or three programs right next door would be considered dense. Density could also be defined as the number of programs outside a facility/building or the number of programs within a facility/building. As a rule of thumb in Manhattan six programs within four square blocks would be a reasonable limit. We also could use electoral districts and censuses tracts to define or map density and facility locations.

2. Changing the Character of the Neighborhood.

Any large amount of placements that overwhelms or changes the character of the neighborhood can be disapproved by the community board. Both OPWDD and the board are gatekeepers in this process. We can obtain up to date lists from DSS and OCFS to help determine this.

3. Building Violations, ADA Compliance and Hazards.

He made a special announcement that **the community board can now lawfully look at violations and hazards on the property requested for an OPWDD placement to make determinations on its fitness.** This step in the approval process has been accepted by the Commissioner as valid fact finding. It developed out of the committee's successful due diligence of a prior case that found a building's failure to make its property ADA compliant and cure hazardous conditions. He applauded our board for its due diligence and our activities as change agents that was unlike the actions of other boards in their OPWDD placement. Reviewing hazards makes common sense.

He reviewed our "OPWDD Placement Information Request Form" and found it acceptable and made some suggestions. We should include a section or question to be completed on "challenging behaviors" for the sponsoring agent's proposed clients and to ask more specific question on medications prescribed, social and behavioral issues such as excessive yelling, noise or excessive use of profanity.

He stressed it was very important to be consistent with the three criteria used in our determinations, particularly if a no approval resolution is given. The office of the Commissioner on an appeals hearing usually sides with the sponsoring agency.

He mentioned that most of the agency's OPWDD clients are now populations that have aged out of schools in Upstate NY and Pennsylvania. So there is a huge backlog for placement. Most sponsoring agencies try to place their clients near the homes of relatives. Community Board 12, M does not get that many placements during the year. The large agencies: HRC, YAI and PSH place their clients elsewhere.

To meet this demand many sponsoring agencies have opted to purchase property such as condominiums or private houses. OPWDD is trying to discourage this practice and to encourage agencies to pursue more rentals. The problem is the high purchase prices for condos and private houses. So now OPWDD has opted to have two independent property appraisals made so that they may better determine and adjust the true market value of the property. Given that scenario the sponsoring agency if they wish to purchase would have to pay the difference.

The real issue is that the sponsoring agency will own the property and Medicaid tax payer's dollars will be used to pay off a fifteen year mortgage.

The prevalence of youth with disabilities in long-term foster care mandates specific attention and action. Aging out of foster care is challenging for a variety of reasons, including lack of family/caregiver support, confusion about services, and lack of thorough, realistic planning. Foster youth with disabilities who age out of care require careful, coordinated planning. At the other age end of the spectrum there are elderly clients who may have live at home until their parents became decease or are terminally ill. Who will be their caregiver now? To better answer some of these questions we may need legislative relief to solve these problems. The HHS Committee will begin to have some talking points on these matters at future meetings.

Discussion and Resolution on the New York Public Libraries Mi-Fi Initiative and Lending System.

Recently, the New York Public Library (NYPL) announced it had acquired 10,000 Mi-Fi (My Wi-Fi) units for borough wide distribution from a \$1 million dollar grant from Google and other private development funds. This initiative marks the city's latest attempt to bring municipal Wi-Fi to following a franchise agreement to replace some 8,000 public pay telephones in the street with stationary digital kiosks with wireless Wi-Fi hotspots for advertising and non advertising.

These small mobile Mi-Fi hotspot units (about 6 inches x 4 inches x 1inch) act as your personal mobile broadband hotspot and goes wherever you go. With a Mi-Fi hotspot device, you can securely connect several devices using the same signal. You can surf the web, stream media and connect to social networks at fast speeds. Usually these Mi-Fi units are both Windows and Mac compatible.

The Brooklyn Public Library was given 3,000 of these units and that leaves a potential distribution of another 3,000 each to the Bronx and Queens with the remaining 1,000 to be divided up to Manhattan and Staten island.

The NYPL claims that these mobile Mi-Fi devices are intended for communities hardest hit by the digital divide, According to a report by the New York City's Controllars office 26.7 percent of household throughout the five boroughs lack access to the internet at home or elsewhere. The units will be available to cohorts in that group for example: school age children and their families, adults and seniors on very low incomes.

However, with the relative scarcity of these devices (potentially less than a 1,000 units and high demand) our community board should take a leadership role and make immediate requests for a substantial number of these units to be made available at our three local branches given our very high underserved population. The committee then discussed this matter further and approved a resolution for the immediate acquisition and fair distribution of a substantial number of these units for our district. **The resolution passed 5-0-0 (Y-N-A)** and will be present for consideration at the next general meeting.

Tenant Contacts and Organizing at Buildings on the Worst Landlord List.

The committee reviewed the latest public Advocates Worst Landlord's Watch List and chose several buildings to begin an outreach with tenants, provide them with tenant rights information and help them organize with the possibility of improving their living conditions. Matching names and addresses from the Board of Elections voter registration records will be used. The following buildings were chosen due to the same owner: 4996 Broadway (150), 238 Ft. Washington Avenue (153), 595 West 207th Street (137) and 725 West 172 Street (137). The number in parenthesis is the number of Housing Maintenance violations.

The meeting was adjourned at 9:28pm

**Respectfully Submitted by
Richard Lewis, Chair - HHS Committee
December 4th, 2014**