



## Community Board No. 5

Borough of Queens  
Ridgewood, Maspeth, Middle Village and Glendale  
61-23 Myrtle Avenue • Glendale, NY 11385  
(718) 366-1834  
E-mail: qnscb5@nyc.rr.com



Vincent Arcuri, Jr.  
*Chairperson*

Gary Giordano  
*District Manager*

### Minutes of Community Board 5 Public Meeting July 8, 2015

#### Board Members Present

Vincent Arcuri, Jr.; Tobias Sheppard Bloch; Robert Cermeli; Walter E. Clayton, Jr.; Peter Comber; Daniel Creighton; Henry Cross; Patricia Crowley; Thomas C. Dowd; Dmytro Fedkowskyj; Sarah Feldman; Steven Fiedler; Dorie Figliola; Caroline Fuchs; Patricia Grayson; Fred T. Haller, III; Robert Holden; Paul A. Kerzner; John J. Killcommons; Kathleen Knight; Michael LoCascio; John Maier; Lydia Martinez; Katherine Masi; Alexander Maureau; Eileen Moloney; Raquel Namuche; Margaret O’Kane; Michael O’Kane; Donald Passantino; Michael Porcelli; Theodore M. Renz; Luis Rodriguez; Lee S. Rottenberg; Walter H. Sanchez; David Sands; Carmen Santana; Lorraine Sciulli; Catherine Sumsky; Jean Tanler; Barbara Toscano

#### Board Members Absent

Karamjit Dhaliwal; Brian Dooley; Jerome Drake; Angela Giovanniello; Fred Hoefflerle; Connie Santos; Mercy Wong; Maryanna Zero

#### Elected Officials

NYC Council Member Elizabeth Crowley, 30<sup>th</sup> CD and Staff Deidre Feerick  
Dori Capace – NYS Comptroller Thomas DiNapoli  
Christopher Kaznowski - NYS Assemblyman Andrew Hevesi, 28<sup>th</sup> AD  
Mike Armstrong – NYS Assemblywoman Margaret Markey, 30<sup>th</sup> AD  
Anne Krzyzanowski – NYS Assemblywoman Catherine Nolan, 37<sup>th</sup> AD  
Carmen Ramirez - NYS Assemblyman Michael Miller, 38<sup>th</sup> AD  
Kevin Worthington – NYC Council Member Antonio Reynoso, 34<sup>th</sup> CD

#### Staff Present

Gary Giordano, District Manager, CB5 Queens  
Catherine O’Leary - CB5Q Staff

#### GUESTS

Robert Miller, Outreach, Safety & Training Supervisor, and Chris Kachmar, Tree Climbing Staff Supervisor  
U.S. Dept. of Agriculture – Asian Long-Horned Beetle Eradication Program  
Suzanne Catoggio, Chief of the NYPD’s Queens School Safety Division

Board Chairman Vincent Arcuri called the monthly Board Meeting to order at 7:35pm, following the Salute to the Flag. The Chairman asked everyone to remember the sacrifices of our Wounded Warriors, who have been seriously injured while serving on active duty in the military.

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The Board Chairman announced the first item on the Board agenda as:

**Presentation re: Asian Long-horned Beetle Eradication Program**  
by Robert Miller, Outreach, Safety & Training Supervisor and  
Chris Kachmar, Tree Climbing Staff Supervisor  
U.S. Department of Agriculture

Robert Miller said that August is a time of peak emergence for the Asian long-horned beetle, which was first discovered in the U.S. in 1996, likely arriving here inside wood packing material from Asia. With no natural predators, it threatens recreational areas, forests, and suburban and urban shade trees. He said that this beetle attacks 12 genera of trees, including birch, maple and elm, and if it were to become established in the United States, it could severely impact the timber, maple syrup, tree nursery, and tourism industries, as well as the environment. In addition, he said that public spaces, yards, and neighborhoods would take decades to recover from the de-forestation caused by this beetle.

Mr. Miller said that residents of Illinois, Massachusetts, Ohio, New Jersey and New York have experienced the devastation wrought by the Asian long-horned beetle where more than 130,000 trees have been lost in these states due to this invasive pest. He said that this beetle was first detected in Queens in 1997 and was last detected in Queens in 2009. This invasive species has been responsible for the removal of approximately 1,800 trees in Queens, mostly maple trees. He stressed the need for early detection of this beetle to stop the spread of this infestation, and cautioned everyone to buy and burn firewood at your destination and purchase it locally. He distributed maps showing the quarantine area in Queens, along with a Pest Alert Bulletin with detailed information about this pest.

Mr. Miller explained that the Asian long-horned beetle can be seen on trees, branches, walls, outdoor furniture, cars, and sidewalks and caught in pool filters. He encouraged everyone to inspect trees for signs of damage, which may include dime-sized, perfectly round exit holes in the tree. Other signs of infestation include oval depressions where the eggs are laid, sap seeping from these wounds, and sawdust-like material on the ground and branches. He described the beetle as being 1 to 1 ½ inches in length with small white spots on its black body, and long antennae banded in black and white that are longer than the beetle's body. He said that this month, USDA inspectors will begin surveying properties in the Ridgewood area. He said that USDA employees wear their photo IDs outside their front shirt pocket, and will canvass the Board area on a block by block basis. He introduced Chris Kachmar, the Tree Climbing Staff Supervisor on this project, and pointed out that he was dressed in his work clothes. He said that inspectors are prepared to climb up trees for a closer inspection, if they suspect that a tree is infested.

Kathy Masi asked if homeowners are given prior notice of these inspections. Mr. Miller said that teams of USDA inspectors canvass the area, inspecting trees from their vantage point on the ground with their binoculars. He said that they only request access to properties on a case by case basis, depending on their assessment of the risk of infestation. And, since the window of opportunity to detect the presence of the beetle is during the month of August, USDA inspectors work to complete their assignment as efficiently as possible. He said that normally, there wouldn't be sufficient time to mail literature about this program to individual property owners, and wait for a response. He encouraged everyone to tell their neighbors about the importance of this inspection program.

Walter Sanchez asked what residents should do if they see a tree that's possibly infested in their neighbor's yard. Mr. Miller asked everyone to report possible tree infestations to their hotline number at: 1-866-702-9938. He said that inspectors will not enter private properties without the property owner's permission.

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And, any trees that are infested with the Asian long-horned beetle that are on private property will be cut down and removed at no cost to the property owner, he said. For more information, he gave out their official website address: <http://asianlonghornedbeetle.com>.

The Board Chairman thanked Mr. Miller for his informative presentation.

## PUBLIC FORUM

Caitlin Shann, a Ridgewood resident, commented that there are more and more bars opening up in Ridgewood over the past year. She said that, for example, four new bars have opened along a 6-block stretch of Seneca Avenue in Ridgewood this year. She said she was concerned that local residents will be crowded out of their own neighborhood, particularly elderly or disabled residents. She requested that the community be notified about the new establishments that are applying for liquor licenses, prior to issuing their license.

Nancy Cooperman, a Registered Nurse at North Shore/LIJ and representative of the Queens Smoke-Free Partnership, spoke about the health hazards related to second-hand smoke. She said that there is no safe level of smoke in the air you breathe. She pointed out that second-hand smoke is particularly dangerous for asthmatics, who frequently have to be admitted to the hospital after their exposure to it. She urged the Board to support the proposed legislation, known as the Smoke-Free Multiple Dwelling Law.

Phil Konigsberg, a CB7Q Board member, gave a brief update on the status of his prior request for the Community Board's support regarding the adoption of proposed Smoke Free Multiple Dwelling legislation. He said that since last year, nine other Community Boards in Queens have passed resolutions in favor of this legislation, which would require property owners of multiple dwellings, including condos, coops and rental units, to disclose the building's smoking policy to current and prospective tenants.

Clark Fitzgerald requested the Board's support to establish a community garden in Ridgewood, on a lot that is located on Woodbine Street, between Woodward Avenue and Onderdonk Avenue. He said that for the past few months, volunteers have been clearing the weeds and debris from this lot. He said that he is interested in obtaining a lease for this site from the MTA, and asked supporters to sign the petition that is currently being circulated during tonight's meeting.

Peggy O'Kane asked for the Board's assistance in clearing the high weeds in the tree pits along Traffic Avenue between Woodbine Street and Menahan Street in Ridgewood. She said that the east side of Traffic Avenue is occupied by factories and warehouses, and the other side is all residential.

Stephanie Sauer, Caroline Stark and Mary Billyou, local Ridgewood residents and co-founders of the Friends of Rosemary's Playground, reminded everyone of their requests for improvements to the children's play equipment inside Rosemary's Playground on Woodward Avenue, between Madison Street and Woodbine Street. Ms. Sauer said that she was happy to see that the several maintenance issues have been addressed. She said that Council Member Crowley has allocated \$250,000 for improvements to the playground. The Board Chairman said that the Parks Committee will meet to discuss their requests for playground improvements at the next Committee Meeting.

Mike Porcelli, Jr., said that he objected to the rude and unprofessional manner that a local traffic enforcement agent showed him this morning, while issuing him a ticket for parking on the wrong side of the street, where alternate side parking restrictions were in effect. He said that he had just pulled up to the curb and was standing beside his car at the time. The Board Chairman referred him to Chief Diane Catoggio, at the NYPD's Queens School Safety Division, for advice on this matter.

On behalf of the 9/11 Memorial Committee, Alexander Maureau welcome everyone to join in prayer and

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remembrance services that are scheduled to begin at 12:30 PM in the Memorial Garden located in Forest Park's Dry Harbor Playground at Myrtle Avenue and 80 Street in Glendale, on Sunday, September 13<sup>th</sup>, 2015. He reminded everyone that 42 people from our communities of Maspeth, Glendale, Middle Village, Ridgewood and Woodhaven lost their lives in the World Trade Center Attack.

### **CHAIRMAN'S REPORT**

**Vincent Arcuri, Jr.**

The Board Chairman recognized the press corps in attendance at the meeting, and thanked them for reporting on Community Board matters and events.

### **MINUTES**

Board Chairman Arcuri asked Board members to review the minutes of the June 10, 2015 Board Meeting. Walter Clayton made a motion to approve the Minutes, seconded by John Maier. The minutes were accepted by voice vote.

The Board Chairman advised everyone that employees of National Grid have been working in our Board area recently, shutting off the square gas valves that are located in the roadway and replacing them with new valve boxes that are installed underneath the sidewalk at various locations.

### **LIQUOR, WINE and BEER LICENSE APPLICATIONS and RENEWALS**

The Board Chairman read aloud the list of establishments in the Community Board 5 area that are in the process of applying for liquor, wine and beer licenses since last month. Each Board member received a copy.

#### **New Liquor Licenses**

- 1) \*We Are 138 LLC d/b/a **Sweet Jane's** 64-02 68<sup>th</sup> Avenue, Glendale, NY 11385  
(formerly **Casey Jones Saloon**)
- 2) **Fonda Cubana Inc.** 913 Wyckoff Avenue, Ridgewood, NY 11385  
(formerly **Los Compadre Bar & Restaurant**)
- 3) **299 Wyckoff LLC** for 991 Wyckoff Avenue, Ridgewood, NY 11385

#### **Wine and/or Beer License Renewals**

- 1) **Sakura 7 Queens Inc.** 65-54 Grand Avenue, Maspeth, NY 11378
- 2) **Bella Lena Corp.** 64-02 Fresh Pond Road, Ridgewood, NY 11385
- 3) Karpenisi Donut Shop Inc. d/b/a **Fame Diner** 69-67 Grand Avenue, Maspeth, NY 11378
- 4) Tokyo 88 Inc. d/b/a **Sakura IV** 64-19 Myrtle Avenue, Glendale, NY 11385

\*Indicates outdoor seating area.

### **Demolition Notices**

The Board Chairman reported that there were no demolition notices delivered to the Board this month. He asked Board members to remain vigilant and to advise the Board 5 staff about any questionable construction work in the area, so they can investigate further.

The Board Chairman welcomed local elected officials and their representatives to address the Board.

NYC Council Member Elizabeth Crowley thanked all of the new and reappointed Board members for their service on the Board. The Council Member announced that in June, the Mayor and the City Council

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passed the City's Capital and Expense Budget for Fiscal Year 2016. She was happy to report that funding was allocated to hire 1,300 new police officers this year. And, she said that funding was restored to the NYC budget in order to keep all local public libraries open 6 days a week.

The Council Member also reported that an additional \$33 Million was allocated for youth programs, such as the Summer Youth Employment Program and After-School Programs throughout the city. The Council Member also announced that the City Council has adopted a Participatory Budget process this year, which involves allocating \$1 Million for capital improvements in each Council District, based on community input. In addition, she said that she announced that \$5.5 Million has been allocated for several capital improvement projects in local parks in her district.

Council Member Crowley also announced that she supports the community's request to establish a park on the vacant land that is adjacent to the Newtown Creek Aeration Facility in Maspeth. In closing, she said that she met recently with Thomas Prendergast, the MTA Chairman, to discuss a proposal that would bring light rail service to the Montauk Line in Queens. She said that the Department of Transportation has allocated funding for a feasibility study for this proposal.

On behalf of State Assemblyman Mike Miller, Carmen Ramirez announced that from 9am to 4:30pm on Thursday, July 9th, 2015, Assemblyman Miller and Assemblywoman Catherine Nolan will co-sponsor the no-cost digital mammogram screenings and clinical breast exams provided in a Mobile Care Clinic, that will be stationed outside the Ridgewood Older Adult Center at 59-17 70 Avenue, in Ridgewood. She said appointments are required. For more information, she welcomed calls to their office at (718) 805-0950. Flyers were distributed.

On behalf of City Council Member Antonio Reynoso, Kevin Worthington announced that the next Ridgewood Housing Matters Forum will be held on Monday, July 13th at 6 PM in the Food Pantry Room of St. Matthias Church, at 58-15 Catalpa Avenue in Ridgewood. He also reported that the Councilmember recently allocated \$190,000 for senior services, and youth and educational programs in Ridgewood. And, additional funds to plant 100 new trees in Ridgewood were allocated by Council Member Reynoso in this year's budget, he said. Flyers were distributed.

On behalf of Assemblyman Andrew Hevesi, Chris Kaznowski reported that regarding the applications to renew and expand the operation of freight rail service on railroad tracks that traverse the Board 5 area, the NYS Dept. of Environmental Conservation has extended the public comment period for the application process until August 9<sup>th</sup>, 2015. He said that the Assemblyman fully supports the Board's stand on this issue.

On behalf of NYS Comptroller Thomas DiNapoli, Dolores Capace reported that this year, their office has returned \$230 Million to New York State residents which had been secured in their search for unclaimed funds. She said that their office returns more than \$1 Million a day to residents across the state. There is reportedly more than \$14 Billion in lost and forgotten money dating back to the 1940s. She said that this money comes from old bank accounts, utility deposits, uncashed checks, insurance claims, stocks and other sources that have remained dormant for years. She said that anyone interested in searching for lost funds can call their hotline at 1-800-221-9311. Pamphlets were distributed.

Suzanne Catoggio, Chief of the NYPD's School Safety Division in Queens, announced that the department plans to open two new Youth Police Academy programs in Queens. She said that the 8-week program provides youth, aged 10 to 14 years old, an educational experience and athletic program that is personally supervised by current and/or retired police officers. She said that this program is slated to open at IS 77 Queens, located at 976 Seneca Avenue soon.

## **DISTRICT MANAGER'S REPORT**

### **Gary Giordano**

The District Manager reported that workers began milling the roadway of the Jackie Robinson Parkway this week, in preparation for resurfacing work that is scheduled this month. He said that guardrails and jersey barriers will be replaced as needed, as part of this roadway improvement project. Most of the resurfacing work will be completed at night between 11pm and 5am, when both lanes of traffic in one direction may be closed to traffic. Lighting and signs will also be replaced under this contract. He said that he expects work to be completed on this project by the end of calendar year 2015.

Regarding current capital improvement projects in the Board 5 area, the District Manager said that the contractor has begun work on the \$20+ Million project to replace the combined sewer and water mains on Calamus Avenue, between 69 Street and 74 Street, and in 69 Street, between Calamus Avenue and 47th Avenue. He said that new water mains have been installed. And, the contractor is waiting for the utility lines to be relocated, before work can begin on the installation of a 5 ft. by 8 ft. reinforced concrete box sewer in Calamus Avenue and in 69 Street this Summer.

The District Manager said that another major sewer and water main improvement project in the Board 5 area is scheduled to begin soon in the Penelope Avenue area, in Middle Village. He said that this project is expected to take 2 years to complete.

## **COMMITTEE REPORTS**

### **Executive Committee**

#### **Vincent Arcuri**

Board Chairman Arcuri reported that the Executive Committee has met to discuss adopting a new review process in connection with the liquor license applications. He said that this matter is currently under review, pending further investigation.

The Board Chairman also announced that the Executive Committee reviewed committee assignments and Board members will receive notifications from the Board office this month about their new committee assignments.

He gave the floor to District Manager Gary Giordano to report on the recent application that was submitted to the NYS Dept. of Environmental Conservation by One World Recycling, LLC and Coastal Distribution LLC to renew and modify their permit to allow the expansion of their rail transport business of hauling commercial solid waste and construction and demolition debris along the freight rail lines that traverse our Board 5 area in Queens.

The District Manager explained that subsequent to the Transportation Committee's meeting, the NYS Dept. of Environmental Conservation notified Board 5, Queens, that July 10th, 2015 is the deadline to submit public comment on the proposed expansion of freight rail transport of commercial solid waste and construction and demolition debris on rail cars on the freight rail lines that cut through the Board 5 area. He said that many times over the past 25 years, the committee has expressed concerns about the air and noise pollution, as well as public safety issues, related to the existing operation of the freight rail transport system.

Due to time constraints, the District Manager said that he prepared the following recommendation for the full Board's consideration at tonight's meeting. Copies of the recommendation were distributed to Board members. He said that this week, the Queens Borough President's staff informed him that the NYS Dept. of Environmental Conservation has extended the public comment period for this application

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for another 30 days, until August 9th, 2015. There being no plans to conduct a Board Meeting in August this year, the District Manager delivered the proposed recommendation, as follows:

**RECOMMENDATIONS RE: PERMIT APPLICATIONS OF ONE WORLD RECYCLING LLC (Permit No. 1-4720-01004/00006) AND COASTAL DISTRIBUTION LLC (Permit No. 1-4720-03667/00002) TO THE NY STATE DEPT. OF ENVIRONMENTAL CONSERVATION**

**WHEREAS**, according to proposed permit application information received from the NYS Department of Environmental Conservation: One World Recycling, located at 685 North Queens Ave. in the Village of Lindenhurst, town of Babylon, in Suffolk County is a permitted solid waste transfer station authorized to accept 370 tons per day (tpd) of commercial solid waste (CW) and construction and demolition (C&D) debris. The facility is equipped with a rail spur for transloading of outbound waste; and

The facility has submitted a permit renewal and modification application to increase the daily throughput from 370 to 1,100 tons per day, including expansion of their existing waste storage building. In the aftermath of Superstorm Sandy in Nov. 2013, the facility was granted an emergency authorization to operate at 1,100 tons per day, to handle the storm debris; and

Upon application review, NYS DEC has determined that the facility can handle up to 500 tons per day of waste with the existing infrastructure. The facility has submitted a building expansion plan to the Village of Lindenhurst. NYS DEC has determined that upon completion of this proposed building expansion, the facility may operate at a rate of 650 tons per day, based on 312 days of operation in a calendar year, but that it at no time exceed 800 tons on a given day; and

The permittee, according to the NYS DEC notification regarding this application, will be required to ensure that railcars used for the shipment of commercial waste, including commercial waste mixed or topped-off with C&D, will be designated and handled as municipal solid waste (MSW) for purposes of transportation by rail, and will be loaded and covered in a manner that effectively prevents leakage and controls odors during transportation, to prevent conditions that constitute a nuisance or hazard to health, safety or property; and

The permittee will be limited to the hours and days of operation from 6am to 6pm, Monday through Friday, and 7am to 1pm on Saturday; and

Coastal Distribution, LLC is applying to conduct a research, development and demonstration (RD&D) project for evaluation of truck to rail transfer of bale bag containers (BBC) of municipal solid waste (MSW) placed in railcars and covered with C&D. Three alternative railcar closure methodologies will be tested and evaluated including: 1) synthetic mesh tarp; 2) Posi-Shell mineral mortar coating; and 3) flexible lid cover. The permittee is authorized to transfer up to 1,250 tons per day of bale bagged MSW from truck to train, not to exceed a monthly maximum of 22,000 tons; and

During the period of time that the RD&D Project is being conducted, the facility is authorized to accept and transfer a combined total throughput of no more than 2,500 tons per day (based on a one week average) of construction and demolition debris, recyclables and bale bag containers of municipal solid waste; and

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According to the NYS DEC, each of the three alternative railcar closure methods will be studied and evaluated for a period of not less than 3 months, unless the methodology fails and needs to be prematurely discontinued with NYS DEC approval; and

**THEREFORE, BE IT RESOLVED**, that considering that currently, these companies and others are allowed to have construction and demolition debris, transported by rail, to only be covered by mesh, these proposed permits seem to be a long needed step in a better direction. For too many years, dust and odors coming from such rail cars have put residents of the CB5Q area, and others living or working along the LIRR and CSX freight rail lines (i.e., in CB4Q, CB3Q, CB2Q and CB1Q areas) at respiratory risk. Construction and demolition debris includes gypsum, fiberglass and other products that are unhealthy to the respiratory system. It is virtually impossible to protect the public from the dust flying off rail cars that are only covered with mesh. Plans to continue to allow the mixing of putrescible solid waste (garbage) with construction and demolition debris and recyclables are unfair to the many communities all along the freight rail line, as this poses very unhealthy respiratory conditions, and,

Putrescible solid waste (garbage) should be transported separately, in sealed containers, as Waste Management Co. does in its agreement to transport city garbage in sealed, odorless containers. Construction and demolition debris should also be loaded and transported in sealed, odorless containers to almost totally prevent dust and odors from escaping into the atmosphere. There should not be a renewal of, or granting of any permits for these two companies unless this is done, and these companies should certainly not be permitted to expand their operations until these stipulations are included in their permits by the NYS DEC.

A copy of these recommendations shall be sent to the NYS Department of Environmental Conservation; to the Hon. NYS Governor Andrew M. Cuomo; to the Hon. Melinda Katz, Borough President of Queens; to the Hon. NYS Senators Michael Giannaris, 12th SD, and Joseph P. Addabbo, Jr., 15th SD; to the Hon. NYS Assembly Members Catherine T. Nolan, 37th AD, Margaret Markey, 30th AD, Andrew Hevesi, 28th AD, and Michael Miller, 38th AD; to the Hon. Congressional Representatives Joseph Crowley, 14th C.D., Nydia Velazquez, 7th C.D., and Grace Meng, 6th C.D.; and to the Hon. NYC Council Members Elizabeth Crowley, 30th CD, Antonio Reynoso, 34th CD, Karen Koslowitz, 29th CD, and James Van Bramer, 26th CD.

Walter Sanchez made a motion to recommend that the Board adopt this recommendation, which was seconded by Fred Haller.

As there was no further comment on the motion on the floor, the Board Chairman requested a Roll Call vote on the recommendation, which carried unanimously by a vote of - 39 - in favor, - 0 – opposed, - 0 – abstaining, and – 0 – not voting.

### **Health and Human Services Committee**

#### **Robert Cermeli**

Robert Cermeli said that Committee members met in the Board office on June 24th to discuss several pieces of legislation and make a recommendation to the full Board for a vote. He said that due to the fact that there wasn't a quorum of Committee members in attendance, he requested the Board to act as a committee of the whole on these matters.

Regarding the "Improving Access to Medicare Coverage Act of 2015," Mr. Cermeli explained that both



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Houses of Congress are currently considering legislation, Senate Bill 843 and House Bill 971, which would amend Title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital stay requirement for coverage of skilled nursing facility services under Medicare, and for other purposes.

Mr. Cermeli explained that this Act updates Medicare policy by deeming patients under observation as inpatients for the purposes of satisfying the Medicare 3-day inpatient stay requirement. He said that it simply expands the Secretary's administrative definition of "inpatient" for purposes of the 3-day stay requirement to include time spent under observation. As such, it is not a reprise of the Medicare Catastrophic Coverage Act of 1988, which repealed the 3-day requirement. This Act simply restores the original objective of the 3-day rule, which was to ensure Medicare coverage of skilled nursing facility stays following hospital care for patients who stayed in the hospital for 3 days.

It is the intent of this Congress, through this Act, to allow access and financial coverage through Medicare to and for skilled nursing care for the population of beneficiaries who meet medical necessity requirements for such care, but who do not satisfy the 3-day inpatient stay requirement simply because some or all of their time in the acute care hospital is characterized as "outpatient observation status" for billing purposes.

**Whereas**, Medicare requires beneficiaries to be hospitalized for medically necessary inpatient hospital care for at least three consecutive days before Medicare eligibility coverage for post-hospital care in a skilled nursing facility under Section 1861(i) of the Social Security Act ( 42 U.S.C. 1395x(i) ); and

**Whereas**, patients often remain under "observation status" in the hospital for several days and these observation days are not counted toward the 3-day stay requirement because they are considered outpatient days; and

**Whereas**, beneficiaries are generally not informed of their inpatient or outpatient status and assume that they are inpatients when they are placed in a hospital bed, only to find out that such care was not counted for purposes of satisfying eligibility requirements for medically prescribed Medicare coverage of post-hospital care in a skilled nursing facility; and

**Whereas**, Americans on Medicare and people with disabilities who are hospitalized but do not meet the 3-day inpatient hospital stay requirement simply because they were placed in "outpatient observation status" for some or all of their hospital stay (even when their total actual stay exceeds 3 days in the hospital) can face a significant and unexpected financial burden, which can amount to thousands of dollars, for skilled nursing facility care. Among beneficiaries who received care in a skilled nursing facility that Medicare did not cover, the average out-of-pocket charges were more than \$10,000, according to the Office of Inspector General of the Department of Health and Human Services; and

**Whereas**, the Centers for Medicare & Medicaid Services (CMS) attempted to provide hospitals with clarity on which patients should be categorized as inpatients in its Fiscal Year 2014 inpatient payment rule. However, this rule fails Medicare beneficiaries because it does not address the problem and explicitly states that days spent in observation do not count for purposes of satisfying the 3-day inpatient stay requirement; and

**Whereas**, because of CMS policy, which indicates days under observation do not count towards the 3-day inpatient stay requirement, some patients under observation in the hospital and their families

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will continue to face a significant, often insurmountable financial burden if they need skilled nursing care after their hospital stay; and

**Whereas**, the Office of the Inspector General of the Department of Health and Human Services is supportive of counting hospital observation days toward the 3-day inpatient stay requirement; and

**Whereas**, in addition, in September of 2013, the Congressionally-established Commission on Long-Term Care recommended that CMS count time spent in observation status toward meeting Medicare's 3-day stay requirement, making patients eligible for Medicare coverage, now

**Therefore, be it resolved**, that Community Board 5, Queens strongly supports the "Improving Access to Medicare Coverage Act of 2015" and urges our members of the United States Congress to pass this Act immediately, and the President of the United States to sign this Act into law.

After a brief general discussion of the report, the Board Chairman asked the pleasure of the Board on this matter. Mr. Cermeli made a motion that the Community Board adopt the recommendation, as submitted, which was seconded by Barbara Toscano. The Board Chairman requested a Roll Call vote on the motion, which carried by a vote of – 29 - in favor, - 3 - opposed, - 0 – abstentions, and – 5 – not voting. For the record, Vincent Arcuri, Fred Haller, Luis Rodriguez and Carmen Santana stated their conflicts of interest.

Mr. Cermeli said that committee members also discussed the issue of second-hand smoke and its impact on non-smokers, particularly in residential settings. He delivered the following report about proposed legislation, known as the Smoke-Free Multiple Dwelling Law:

Tobacco use remains the single largest preventable cause of death and disease in the United States killing more than 480,000 Americans each year, with an estimated 49,000 of these deaths from exposure to second-hand smoke. New York City has passed smoking restrictions in 2002 and in 2011 to include workplaces, restaurants, bars, parks, boardwalks, beaches, recreation centers, swimming pools and pedestrian plazas.

In an effort to expand smoking restrictions now in place, and to protect the health of others, we are recommending to the owners of multi-family dwellings that their housing units become smoke-free residences.

**Whereas**, secondhand smoke is considered a Class-A carcinogen by the United States Environmental Protection Agency; and,

**Whereas**, secondhand smoke negatively impacts the health on non-smoking individuals, including children, adults and seniors and the disabled communities by causing or exacerbating asthma, upper respiratory infections, ear infections, and sudden death syndrome; and,

**Whereas**, there is no safe level of secondhand smoke, and the removal of secondhand smoke is recommended by the United States Surgeon General's report of 2006 and the World Health Organization policy recommendation of 2007; and,

**Whereas**, careless smoking is the number one cause of death in home fires; and,

**Whereas**, according to the United States Fire Administration, approximately 25% of those killed in smoking related fires were not the actual smokers; and,

**Whereas**, more than 500,000 New York City adults and children are exposed to secondhand smoke; and,

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**Whereas**, the exposure to secondhand smoke by non-smokers in multi-unit dwellings is involuntary due to seepage of smoke through hallways, vents, floorboards, air ducts, electrical outlets and walls; and, **Whereas**, Queens Community Board 5 acknowledges the principal that every city resident has the right to breathe smoke free air where they reside,

**Now, therefore, be it resolved** that Queens Community Board 5 encourages owners, and landlords of multi-family housing to create a smoke-free housing policy or rule that establishes a smoke-free environment in their developments wherever possible, and legislatively require owners of multi-unit housing, including rentals, condos and co-ops, to disclose the building's smoking policy to current and prospective tenants.

Following a lengthy discussion of this issue, Walter Sanchez made a tabling motion which was seconded by Katherine Masi. The Board Chairman requested a Roll Call vote on the tabling motion, which carried by a vote of – 23 – in favor, - 15 – opposed, - 0 – abstentions, and – 0 – not voting.

### **Zoning and Land Use Review Committee**

#### **Walter Sanchez**

Walter Sanchez reported that the committee met on May 24, 2015 to review the application for a zoning variance which was submitted to the NYC Board of Standards and Appeals by Sheldon Lobel, P.C., Attorneys at Law, on behalf of Naohisa and Yasuko Matsumoto, the owners of record, for a variance extension, and to legalize the change in use at **16-23 Hancock Street** (B: 3548; L: 97), in Ridgewood, Queens, NY, on the ground floor from a Use Group 16A contractor's establishment to a Use Group 16A custom woodworking shop and furniture shop and a Use Group 9A art studio; to amend the previously granted variance to eliminate the term; and for a waiver of the Rules of Practice and Procedure to allow the filing of this application after the permitted filing period. The site is located in an R5B Zoning District. He said that there were no objections to this request for a zoning variance during the public hearing on this matter. He said that the committee recommends no objection to the granting of this zoning variance for a 10-year term.

After a general discussion of the matter, the Board Chairman requested a Roll Call vote on the committee's resolution, which then carried by a vote of - 38 – in favor; with – 1 – opposed; – 0 – not voting; and – 0 – abstentions.

### **New Business**

Sarah Feldman announced that the Ridgewood Market will re-open on Sunday, September 13<sup>th</sup>, in Gottscheer Hall, located at 657 Fairview Avenue, in Ridgewood. She welcomed everyone to shop at the market where there will be over 40 local artisan vendors and many vintage gift items to choose from.

Prior to adjourning the Board Meeting, Board Chairman Arcuri informed Board members that there are no plans to conduct a Board Meeting during the month of August, unless there's an urgent matter that comes to the Board's attention.

As there was no further business to come before the Board, Board Chairman Arcuri adjourned the public meeting of Community Board 5, Queens on a motion from the floor at 9:40pm.