

**Community Board Ten Board Meeting Attendance**  
**Shore Hill Community Room**  
**Monday, December 13, 2010 – 7:15 pm**

Board Members Present: 42

Greg Ahl  
Elizabeth Amato  
Ruth Berg  
Allen Bortnick  
Justin Brannan  
Kevin Peter Carroll  
Michael Casale  
Robert Cassara  
Judith Collins  
Doris Cruz  
Ida D'Amelio  
Charles Elias  
Khader El-Yateem  
Ann Falutico  
Michael Festa  
George Fontas  
Barbara Germack  
Stephen Harrison  
Robert Hudock  
Habib Joudeh  
Katherine Khatari  
Scott Klein  
Stella Kokolis  
Dino Lamia  
Luigi Lobuglio  
Jeannie May  
Rhea McCone  
Rita Meade  
Mary Nolan  
Eleanor Petty  
Susan Pulaski  
Mary Quinones  
Dean Rasinya  
Susan Romero  
Jean Ryan  
Eleanor Schiano  
Joanne Seminara  
Joseph Sokoloski  
Lawrence Stelter  
Sandy Vallas  
Fran Vella-Marrone  
Mary Ann Walsh

Board Members Excused: 6

Anna DeMetz  
Judith Grimaldi  
Ronald Gross  
Brian Kieran  
Nikolaos Leonardos  
Dilia Schack

Board Members Absent: 2

George Prezioso  
Husam Rimawi

Ex-Officio:

Councilman Vincent Gentile

## COMMUNITY BOARD TEN GUESTS

Date: December 13, 2010, 7:15 PM

Subject: Board Meeting; Shore Hill Community Room

PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE. THANK YOU.

Name/Address	Phone #	Fax #	E-Mail Address	Organization/Affiliation
Mary Bick + Jim Lamont	718 833 2488			St. Patrick Vdef Food Pantry
BRUCE BROWN	718 748-8700			CARE CARE
Italia Guerrew	75 506 4032		iserviero.0 karotep.kp@nc.gov	BP's office
LINDA ORLANDO	718 238 9135	718 238-9135	LINDORLANDO@aol.com	
Nicholas Chaus	(646)633-3917		trained professional @ gmail.com	Assembly member Nicole Malliotakis
LINDA MURPHY			Am Brook-KRAM	
SUSAN C. TIROCCA	718-667-5891		AM HILL SPENCER	

**COMMUNITY BOARD TEN BOARD MEETING  
December 13, 2010 – Shore Hill Community Room  
MINUTES**

Chair Seminara called the meeting to order at 7:20 PM and introduced the Honorable Charles J. Hynes, Kings County District Attorney, to lead the Honor of the Pledge.

District Attorney Hynes thanked Chair Seminara for the invitation to lead the Honor of the Pledge. He stated that he is very proud that his office has created 30 programs that did not exist before 1990 when he became District Attorney. He invited everyone to take a booklet in the rear of the room that describes these initiatives.

District Attorney Hynes spoke extensively on the issue of domestic violence that is of particular importance to him because he grew up in the nightmare of domestic violence as he watched his mother repeatedly beaten by his alcoholic father. His office started the first Domestic Violence Bureau at 350 Jay Street. A victim can walk in any day of the week, 9AM to 5PM. There is someone in the lobby who will help any woman coming in who is having this problem by having her see a social worker and prosecutor within minutes. He invited all to visit the center for a tour.

The floor was then opened for questions for District Attorney Hynes.

BM Romero asked the District Attorney where they get the referrals for the children who come to the Center. District Attorney Hynes responded that he gets the word out by going all over the County for the past four years. They have a tremendous outreach program with 30 neighborhood offices. Each office is staffed one day a week by one of their Community Relations reps who answer any questions. At schools, they try to make it clear to teachers and administrators that they should encourage children to speak to them and they can call the Center. Most of their cases come from the mother who files the complaint against the husband. The police respond, the husband is arrested and the child is brought into the Center where they speak with social workers who talk to them during the arraignment process. They encourage people to go forward with the complaint.

BM Rasinya asked the District Attorney to speak about their Truancy Program. The District Attorney noted that the Truancy Reduction Alliance to Contact Kids Program (TRACK) was started during Mayor Guiliani's administration because 50,000 Brooklyn students a day were not going to school. They found that the police would pick kids up, bring them back to the school, the kids would go in the front door and exit again through the rear. They now have seven TRACK centers strategically located across Brooklyn. Each Center is staffed by one of the 24 social workers they have on staff. The police officer brings the child into the Center, the officer goes back on patrol, and the Center takes over. The Center works with the schools and the parents, and has a 90% success rate getting one or both parents to come to the Center after the child is brought to them. The social worker will interview the child and try to access the problem; whether it is alcohol or drug abuse at home; does the child have an alcohol or drug problem; is there a bully in school. Once the assessment is made they begin the process of a plan for that child to reduce recidivism of truancy. He is proud of the fact that they have a 6% recidivism rate.

Council Member Gentile publicly thanked District Attorney Hynes for his efforts with domestic violence. The Councilman worked with a different District Attorney in the domestic violence area and in the early 1990's they started to look at it from a social worker's perspective. He feels that District Attorney Hynes and his office have taken this to a fine art, and that Brooklyn is well served by all the services offered by the DA's office. The District Attorney then publicly thanked Councilman Gentile for the great work he is doing to reduce the inequity Brooklyn has compared to the Manhattan DA's office. The District Attorney has 8,000 more cases to process each year; they have \$11 Million more than he has. Councilman Gentile and the rest of the Brooklyn delegation has stood up and said enough of this. The Brooklyn delegation has made it very clear that there will be no budget next year unless Brooklyn is made whole.

Chair Seminara asked for a motion from the floor to adopt the Agenda with one minor change, which was to add the Public Session prior to the evening's Presentation. Motion by BM D'Amelio; second by BM May. Agenda adopted as amended.

Chair Seminara asked for a motion from the floor to adopt the Minutes from the November 15, 2010 Board Meeting. Motion by BM Festa; second by BM Quinones. Minutes adopted as written.

Chair Seminara invited Council Member Vincent Gentile to speak. The Councilman announced that the Fort Hamilton High School Tigers football team won the Citywide Championship at Yankee Stadium last week against Lincoln High School.

Council Member Gentile spoke about the power outages that the Dyker Heights area experienced this past weekend. The first outage was at noon at 81<sup>st</sup> Street and 11<sup>th</sup> Avenue when a primary cable went down due to the rain and wind. At 9:00 PM, the second outage was caused by a supply feeder that was disrupted. They did a temporary fix last night so power was restored to the Dyker Heights area. They are still investigating as to why those feeders went down.

The Councilman stated that he has spoken with Commissioner Palmieri of the Department of Transportation regarding the Dyker Heights traffic study that DOT promised to conduct. Commissioner Palmieri told the Councilman that the accident data they have looked at so far in the Dyker Heights area shows no significant changes in accident rates. DOT is looking at other things and right now is in the process of changing the traffic lights to electronic controls. All the new traffic lights on 12<sup>th</sup> and 13<sup>th</sup> Avenues have the electronic controls and the Commissioner noted that they can control the timing of the lights electronically without the need to physically go to the site. In that way they can better control the flow of traffic by changing the lights in unison. DOT hopes to do 10 block waves of traffic and will tweak it once they get all lights done by the springtime. DOT is also considering the possibility of conducting a Senior Safety Program for Bay Ridge and Dyker Heights next year. The Councilman will speak further about that if it becomes a reality.

With regard to the 78<sup>th</sup> Street/Fort Hamilton Parkway issue, the Councilman understands this will be discussed later in the evening but noted he still needs to sit down with Chair Seminara, DM Beckmann, and Transportation Committee Chair Cruz to discuss this and the Department of Transportation's letter that we received.

Council Member Gentile announced that he co-sponsored a bill which was just passed in City Council which helps us with traffic calming devices. If the mayor signs the bill as expected, the Department of Transportation would be required to create and post guidelines on their website on how they consider different traffic devices. These guidelines do not force the DOT to put in a traffic device or prevent them from doing so, but it would give us some idea on what criteria they use when evaluating our requests for speed bumps, traffic lights, stop signs, and placing bike lanes.

The Councilman then spoke about the budget cuts of \$1.6 Billion the Mayor has announced for 2011. These cuts include some very strange cuts in the Fire Department, which he thinks are probably the most irresponsible and dangerous cuts that we have seen in a long time. For example, the Mayor wants to close 20 fire houses during the night hours. The Councilman received a commitment from Fire Commissioner Sal Cassano that should there be any fire house on the list in our area, he will listen to us if we have information to give him as to why certain houses should not close. The Councilman feels there is going to be a battle here. This comes after they put in \$40 Million in last year's budget to keep the fire houses open. If this goes into effect, this kind of change will decrease response time especially in this type of weather, and he sees it as a very dangerous proposal.

Councilman Gentile noted that the Mayor has also proposed fees to voluntary hospitals to have their ambulances be part of the 911 system. The Mayor wants them to share the cost of the dispatch; however, the Councilman noted that these hospitals already share the cost: they use their own ambulances, their own maintenance, and their own personnel, at no cost to the City. Should these hospitals drop out, the City would have to cover those routes. The Councilman sees no benefit in doing this.

The Councilman noted that the third proposal made by the Mayor would be to charge you in the event of an accident if they send a fire truck to the accident scene. They will track you down and charge you or your insurance company. The Councilman thinks that this will encourage people to leave the scene of an accident so they will not get charged. He feels these are unusual ideas and he hopes that in 2011 we can put them to rest.

The Councilman noted that there are flyers at the rear regarding Medicaid Open Enrollment for seniors, and help with heating bills through HeartShare.

Council Member Gentile then presented Community Board Ten with his grant in the amount of \$1,500, and wished everyone happy holidays and a Happy New Year.

## **PUBLIC SESSION**

Chair Seminara invited Nicholas Chamberas representing Assembly Woman-Elect Nicole Malliotakis to speak. On behalf of Assembly Woman-Elect Malliotakis, Mr. Chamberas wished everyone a Merry Christmas, Happy Hanukah, and Happy New Year.

Chair Seminara invited Italia Guerrero of the Borough President's Office to speak. Ms. Guerrero announced that there was a flyer in the rear regarding road safety. With drivers, pedestrians and bikers, sometimes we need to be reminded that we have to share the road and safety should come first. She wished everyone a happy holiday and a healthy, happy new year.

## **PRESENTATION**

Chair Seminara introduced Wendy Goldstein, President and CEO, and Claudia Cane, Chief Financial Officer, of Lutheran Medical Center for a presentation on Lutheran Health Care. Chair Seminara stated that they were here to discuss a very important issue to our community. She became aware of these issues at a forum sponsored by Brooklyn Congregations United. The new Federal Health Care legislation passed earlier this year changed funding formulas that serve "safety net hospitals". Lutheran Medical Center is one of these safety net hospitals, and in her opinion, it is critical to this neighborhood that we preserve the excellent service we get from this medical center.

Chair Seminara noted that our Health Committee has discussed this issue and BM Quinones, who is also an official at Lutheran Medical Center, has described the issue and explained what the problem is with implementing this Federal Health Care legislation and the possible funding changes that are coming, actual funding changes that are mandated, and how important it is that we are all on our toes to make sure that this community is served well and continues to be served by such an important institution. The Community Board thought it was important to ask Wendy Goldstein and Claudia Cane to explain the problem and challenge so we know what this community and this hospital are facing so we can hopefully be advocates with them to provide the best service possible to this community.

Wendy Goldstein stated that the reason for tonight's presentation was to provide information about the challenges they are facing at Lutheran Medical Center, which has been part of this community for many years. There is a challenge to be faced in this year's budget and things like health care and education are under attack. They need us to understand how important Lutheran is to the community so they can rely on us to advocate for

them. There are several complex issues; however, Ms. Goldstein wanted to focus on one issue this evening, which was disproportionate share dollars. This is mandated to be reduced and it is the lifeblood of Lutheran Medical Center.

Ms. Goldstein spoke about Lutheran Medical Center, which is a 456 bed safety net hospital, a level one trauma center, a cardiac and stroke center, and the largest outpatient network in the country. Lutheran is in four boroughs and services 22 homeless centers. They have a large dental program and the largest school-based clinics in the entire state.

There are aspects of health reform that are positive, such as the fact that more Americans will be covered than previously. However, health reform has to be paid for and one of the commitments made was that it is important to cover all these people but we do not want you spending more money in Medicare and Medicaid. Although it is not a primary focus of the discussion, institutions like Lutheran are in jeopardy because of the reductions in funding that were made to Lutheran so a lot more people can be covered. The reality is that Lutheran will need the protection of the community if they are going to be able to provide services.

Ms. Goldstein explained that Lutheran is a Disproportionate Share Hospital, or DSH. This means that every hospital in New York treats people without resources. However, some hospitals treat more than their fair share; some hospitals provide this disproportionate share of coverage. She explained that the significance of this is that the way American health care works up to this point is called cost shifting. It was recognized that Medicaid was not going to cover the entire cost of taking care of a patient, which resulted in commercial insurance companies paying more than their share. The government paid 75-80%; the commercial insurers paid about 125%, and it all worked out. However, not for a hospital that was a Disproportionate Share hospital.

She went on to explain that if you have more than your share of poor people getting paid at 75% of what it is costing you to take care of patients, you do not have anyone to shift those costs to, and that was recognized. Because this was recognized, Disproportionate Share funding was established, which came directly to hospitals like Lutheran. This covered two things: the uninsured and the underinsured. Ms. Goldstein noted that one in five people who come into the emergency room at Lutheran are uninsurable.

Ms. Goldstein noted that health reform will not be able to cover the costs of all people in need. The reality is that for hospitals like Lutheran that provide the safety net, taking away the DSH dollars threatens the existence of Lutheran because people who are without insurance are not going to be covered under the health reform program since it is very clear that undocumented people are not going to be covered. New York State has had a very high level of Medicaid coverage up to this point. There are not a lot of new people who are going to be covered under this program. Lutheran is faced with a situation where there are still people to be taken care of who are not going to be covered at all, and the law mandates that 50% of the DSH dollars will go away over the years so by 2019 they will be at 50% funding from where they are now, which is \$25 Million.

Ms. Goldstein emphasized the need for the community to be very clear with our elected officials and the united congregations who have been advocating for Lutheran, because if they cut these DSH dollars the safety net will be shredded. There are only six or seven hospitals in New York State that are like Lutheran in that approximately 46% of Lutheran is providing services to Medicaid patients, which is a very high number, and only 19% are commercial insured. It needs to be recognized that Lutheran needs special help to continue to provide the services that it does.

Lutheran currently gets \$19 Million DSH dollars for uninsured documented people, who are eligible and should be getting Medicaid coverage. But there are \$9 Million for people who are not eligible for any kind of coverage under the health reform legislation. What is going to happen is that this uninsured group is going to move to become underinsured because the rates that are going to be paid by the government for this new group is below

cost. The fact that Lutheran has been running a break-even operation for the last eight years, and the fact that they are a very stable, good institution in every parameter is totally jeopardized by what is coming.

Ms. Goldstein stated that the solution is to get the government to change the numbers in the disproportionate share cut. In fact, they are going in the opposite direction because the President had a commission that spoke about making up the deficit by cutting the DSH dollars in 2014 instead of 2019. Lutheran was able and willing to absorb 85% of the patients from Victory Memorial Hospital. They have been able to incorporate this by having a larger emergency room and intensive care unit being built now. What they need is for the community to be able to articulate this one issue and keep it out in front and focused so that the safety net will not be shredded.

Chair Seminara opened the floor to questions. BM Harrison said that he understands the whole issue but it was unclear to him what Ms. Goldstein was asking of the community. Ms. Goldstein replied that very few hospitals are as dependent on DSH dollars as Lutheran. Lutheran is a very unusual institution because it requires so many DSH dollars. They are looking for Community Board Ten to make it clear to the elected officials that we want to protect the safety net hospitals. We recognize funding is going to be cut to hospitals, but not to this degree. The formula has to protect safety net hospitals.

BM Berg asked if there was some way that all the information could be put together and given to Community Board Ten for the Board. Chair Seminara replied that this will be taken up at the Health and Welfare Committee again and they will come up with a proposal for the Board.

BM Romero asked if there are so few hospitals like Lutheran who are facing this issue, what clout will we have with this issue if they want to sacrifice a hospital. Ms. Goldstein agreed that this is a risk, but feels the issue is if you look at the services being provided and where they are being provided, the argument is that we do not have to undo everything that has been done to protect certain institutions and these institutions are critical to the community. If they were to eliminate Lutheran, the services to this community would be in jeopardy. We need to be able to articulate that. They have gotten the Governor-Elect to embrace the idea that there is a safety net and it has to be protected. They have gotten that into the national dialog and they are now trying to get the community to say they understand there are a lot of changes and difficult times coming, but this community cannot sustain appropriate health care without Lutheran.

BM Rasinya asked if other safety net hospitals are doing the same thing, and Ms. Goldstein's response was yes, absolutely. She has the collaboration of St. Barnabas in the Bronx, Bronx Lebanon, Brookdale, Jamaica, and Interfaith Hospitals.

BM Sokoloski stated that he feels more and more people are going to Manhattan for top health care, and that the quality of care and nursing is not here. Ms. Goldstein responded that she is sorry to hear that, but if people have concerns about the quality of care they do want to hear it and address it. She responded that the quality of care at Lutheran has significantly increased and improved over the last several years. She agrees that there are certain things that she would go into Manhattan for, but she sincerely feels that you cannot get better stroke care, rehab care, or cardiology care in Manhattan. She feels that we need both: the big academic centers that provide high end care, and the community hospitals who take care of you after a heart attack, stroke and car accident.

BM Cruz noted that Ms. Goldstein mentioned Lutheran, Brookdale and Interfaith Hospitals and said that Lutheran is in serious danger. Ms. Goldstein stated that Maimonides is also a safety net hospital, so there are four hospitals in Brooklyn that are in jeopardy. She also noted that the health care in Brooklyn is really different from the rest of New York City. Manhattan, the Bronx and Queens have a couple of big providers that really provide the services. But Brooklyn is still in a situation where there are a lot of smaller hospitals and that is how care is provided.

Chair Seminara thanked Wendy Goldstein, Claudia Cane, Mary Quinones, and Lutheran Medical Center and said they will continue this discussion with the Health and Welfare Committee.

## **PUBLIC HEARING**

In the matter of an application for renewal of an unenclosed sidewalk café at Caffè Café, 8401 Third Avenue for 15 tables and 37 seats, DCA License #1222343, BM Vella-Marrone rendered the Committee report in the absence of ZALUC Subcommittee for Outdoor Cafes Chair Gross. See Attached. Discussion followed.

The applicant and co-owner of Caffè Cafe, Bruce Brown, was present. He noted that this is the 8<sup>th</sup> renewal for Caffè Café and he thanked the Community Board for considering their renewal and supporting them. They are part of the community and look forward to continuing to serve the community.

Chair Seminara asked for a motion from the floor to approve this application. Motion by BM Rasinya; second by BM Lamia. BM Stelter asked how long the application was for, and Chair Seminara responded that it was a two year renewal application.

**Motion: To approve the application for renewal of an unenclosed sidewalk café at 8401 Third Avenue Corp. d/b/a Caffè Café, 8401 Third Avenue for 15 tables and 37 seats, DCA License #1222343. All in favor; motion carried.**

**CHAIR'S REPORT – See Attached**

**DISTRICT MANAGER'S REPORT – See Attached**

**TREASURER'S REPORT – See Attached**

## **COMMITTEE REPORTS**

### **SENIOR ISSUES, HOUSING, HEALTH AND WELFARE COMMITTEE**

In the absence of Senior Issues, Housing, Health and Welfare Committee Chair Grimaldi, BM Romero rendered the Committee report. See Attached.

With regard to the issue of bed bugs, Chair Seminara stated that the Committee recommendation was for Community Board Ten to write a letter to the New York City Department of Health to advocate for grants or programs to assist families in need afflicted with bed bugs in an effort to stop the spreading of these pests; and to request that the New York City Department of Health establish and promulgate citywide regulations to educate institutions where the public gathers, like schools, libraries, movie theaters, offices, to foster the containment of bed bug infestations. Chair Seminara noted that currently there are no regulations. These regulations should include regular investigation of such public places to identify infestations. This is the recommendation of the Committee, which met in quorum. Motion second by BM Falutico. Discussion followed.

BM Harrison asked what was meant by providing aid to families. BM Romero replied that there were two types of aid discussed. The first was obviously financial aid because there are private companies that are hired to go into private homes to eliminate the infestation of the bed bugs, which is extraordinarily expensive. The second was whether we could also ask the City to provide the services rather than the money. BM Harrison said he needs to see more specific financial information about how the letter would request this aid.

BM Nolan stated that there are a number of apartment houses on her block that have mattresses out all the time without any covering, and noted that there is a Department of Sanitation flyer describing the correct way to discard mattresses. Chair Seminara said that there were flyers in the rear that we received to distribute to Board Members explaining the new regulations for discarding mattresses. DM Beckmann stated that we have been notified by the Department of Sanitation Community Affairs Unit that a lot of the local foremen will be going to the supers in some of the larger apartment building to let them know about this program. Sanitation has also recommended that when people purchase a new mattress, the plastic bag covering the new mattress could be used to discard the old mattress. Companies are also coming out with a new plastic wrapping for the mattresses. It was noted that Sanitation cannot issue fines for discarded uncovered mattresses until January 3<sup>rd</sup>. DM Beckmann also noted that some Sanitation workers will not take the mattress if they see bed bugs on it. BM Harrison stated that his understanding is that the discarded mattress has to be totally sealed. BM Quinones noted that Century 21 sells bed bug proof mattress covers that are affordable at \$12.99 each.

**Motion: That CB10 write a letter to the New York City Department of Health to advocate for grants or programs to assist families in need afflicted with bed bugs in an effort to stop the spreading of these pests; and to request that the New York City Department of Health establish and promulgate citywide regulations to educate institutions where the public gathers, such as schools, libraries, movie theaters, offices, to foster the containment of bed bug infestations. Second by BM Falutico. All in favor; motion carried.**

With regard to the issue of Hookah establishments, a discussion followed. The question was asked as to what ATUPA means. BM Romero clarified ATUPA was the New York State Adolescent Tobacco Use Prevention Act. They are trying to stop the underage kids from smoking in the Hookah lounges entirely, and are trying to address it by going through State law instead and have it included in the State law in addition to what Councilman Gentile is doing. They want them to include the word Hookah in the law so we can stop underage smoking in Hookah lounges.

Chair Seminara noted that the Committee recommendation is limited to that specific recommendation at this point, and they will continue to look at the legislation with the Councilman and refine the proposed City legislation regarding all the places where we find it. Right now the motion is that Community Board Ten write a letter to the State Elected Officials requesting "hookah" be added to the ATUPA statute to ensure underage smoking enforcement by the Department of Health and the Department of Consumer Affairs.

BM Joudeh pointed out that hookah, shisha, and water pipe are all the same and all those words should be used when writing the letter. Chair Seminara suggested that when writing the letter, we should use "also known as" so they are all included. She told BM Joudeh that the District Office will call him to clarify this information. BM Harrison stated that normally in a statute they take one of those words and define it including all the others.

Chair Seminara noted there was a motion on the floor by BM Joudeh, second by BM Vella-Marrone. She asked for any additional questions or comments, and BM Stelter asked if the letter would be to the State or to the City. The response was that the letter would go to the State Elected Officials since it was a State statute.

**Motion: CB10 to write a letter to the State Elected Officials requesting that "hookah" be added to the New York State Adolescent Tobacco Use Prevention Act (ATUPA) to ensure underage smoking enforcement by the Department of Health and the Department of Consumer Affairs. All in favor; motion carried.**

## TRAFFIC AND TRANSPORTATION COMMITTEE

With regard to the Department of Transportation proposed changes for the 7<sup>th</sup> Avenue/78<sup>th</sup> Street/ Fort Hamilton Parkway Exit of the Gowanus Expressway, Traffic and Transportation Committee Chair Cruz rendered the Committee report. See Attached.

Chair Seminara asked for a motion to accept the Committee's recommendation that Community Board Ten supports the three phase signal operation, the installation of a diagonal pedestrian crosswalk, the installation of timed signals between 78<sup>th</sup> Street and Fort Hamilton Parkway, the installation of a countdown signal at the diagonal crosswalk, the creation of two lanes of traffic on 7<sup>th</sup> Avenue and Fort Hamilton Parkway, and not support the diversion of trucks from the 7<sup>th</sup> Avenue truck route onto Fort Hamilton Parkway *unless* the DOT installs signage at Bay Ridge Parkway to redirect trucks onto the truck route and to install better signage at this highway exit and at the 92<sup>nd</sup> Street exit to try to reduce the amount of truck traffic on local streets, especially 7<sup>th</sup> Avenue. Motion by BM Nolan. Discussion followed.

BM Cassara stated that he voted against this because he is not in favor of having trucks on Fort Hamilton Parkway. He feels we should be saying that instead of pushing this traffic onto Fort Hamilton Parkway, let's use the underutilized 7<sup>th</sup> Avenue. With DOT's proposal we are encouraging more traffic on Fort Hamilton Parkway. We should ask them not to allow them to make the turn onto Fort Hamilton Parkway; they need to stay on 7<sup>th</sup> Avenue which is the truck route. Traffic & Transportation Committee Chair Cruz noted that part of the motion is to install better signage at this highway exit and at the 92<sup>nd</sup> Street exit to reduce the amount of truck traffic on local streets. BM Cassara said that we are still allowing the traffic that is exiting to go to Fort Hamilton Parkway and as we know, a lot of trucks that go to Fort Hamilton Parkway are not making deliveries. They are heading further down or avoiding 65<sup>th</sup> Street. He totally disagrees and hopes that the Board will not vote favorably.

Chair Seminara re-read part of the motion because it directly speaks to what BM Cassara is saying. The Committee recommends that Community Board Ten not support the diversion of trucks from the 7<sup>th</sup> Avenue truck route *unless* the DOT installs signage at Bay Ridge Parkway to redirect trucks onto the truck route and to install better signage at this highway exit and at the 92<sup>nd</sup> Street exit to try to reduce the amount of truck traffic on local streets, especially 7<sup>th</sup> Avenue. We did recognize that we do not want trucks on Fort Hamilton Parkway, and BM Cassara's point is well taken.

BM Harrison said that if he understands this correctly, the trucks would come off the highway, go along Fort Hamilton Parkway to 75<sup>th</sup> Street where they would be directed to make a left turn, go to 7<sup>th</sup> Avenue and turn right. So for three blocks they would be on Fort Hamilton Parkway and then be redirected back onto the truck route 7<sup>th</sup> Avenue. He asked if they have studied the effects of the trucks on kids in that vicinity because it's very heavily used for kids. Traffic and Transportation Committee Chair Cruz reiterated the fact that we are requesting improved signage at the exit to keep the trucks on the truck route. When the trucks come off the exit, it is 7<sup>th</sup> Avenue and Fort Hamilton Parkway; the trucks should be directed onto 7<sup>th</sup> Avenue. The trucks being directed off the truck route are not coming from the highway; they are coming from 7<sup>th</sup> Avenue. That is the reason we are requesting better signage at 92<sup>nd</sup> Street; so they will not exit at 92<sup>nd</sup> Street and use 7<sup>th</sup> Avenue. The problem is that the existing traffic on local streets and the truck route is being redirected onto a street that is not a truck route but is also a through street for deliveries between 78<sup>th</sup> Street and 65<sup>th</sup> Street. The question was asked how many more trucks there would be, and the reply was that it does increase it but Committee Chair Cruz did not have the specific number.

BM Bortnick stated that the one thing this does not take into account is that they are turning three blocks on 7<sup>th</sup> Avenue into either a parking lot or a warehouse for cars and trucks. They are refusing to enter the fact that there are bicycle lanes involved with all of this and as a result it is going to create mayhem beyond belief. They are going to be taking away driving lanes and will wind up with one eastbound lane on Bay Ridge Parkway

whether we like it or not. Traffic going eastbound on Bay Ridge Parkway prior to 7<sup>th</sup> Avenue will start backing up even further than it already does. Until such time that the DOT coordinates the use of bike lanes and does not admit they have to get off a major area such as Bay Ridge Parkway or Fort Hamilton Parkway, put bicycles on the local streets which go in the same direction, we are going to have mayhem.

BM Bortnick went on to say that the DOT wants to take half of the block going between 7<sup>th</sup> Avenue and Fort Hamilton along Bay Ridge Parkway, take out the line that indicates a bicycle path, and they are talking 5' bicycle paths. Chair Seminara noted that for the record we are not talking about that subject. The Board did not indicate its consent to put that bike lane in. We asked them to cease and desist and not do anything until such time they come to us with the rationale for doing that. That is an open question. We have not resolved that yet, but we certainly asked for no action. BM Bortnick said that he agrees with BM Cassara that this should be voted down.

BM El-Yateem said that he uses 7<sup>th</sup> Avenue a few times a day and asked if this plan will ease traffic on 7<sup>th</sup> Avenue and make it faster. The response was yes. Traffic and Transportation Committee Chair Cruz noted that the DOT took one lane of traffic away and created a dedicated bicycle lane. Now they are going to remove the dedicated bicycle lane and there will be two lanes of traffic approaching the 78<sup>th</sup> Street intersection, which should increase the flow of traffic there.

BM Amato asked if DOT had said that if it was not working, they would revisit it. Chair Seminara responded that they did say that, however the Committee thought we should act and do something because it is very frustrating.

**Motion: CB10 to support the Department of Transportation's three phase signal operation; to support the installation of a diagonal pedestrian crosswalk; to support the installation of timed signals between 78<sup>th</sup> Street and Fort Hamilton Parkway; to support the installation of a countdown signal at the diagonal crosswalk; to support the creation of two lanes of traffic on 7<sup>th</sup> Avenue and Fort Hamilton Parkway; to not support the diversion of trucks from the 7<sup>th</sup> Avenue truck route onto Fort Hamilton Parkway *unless* the DOT installs signage at Bay Ridge Parkway to redirect trucks onto the truck route and to install better signage at this highway exit and at the 92<sup>nd</sup> Street exit to try to reduce the amount of truck traffic on local streets, especially 7<sup>th</sup> Avenue. 36 in favor; 6 opposed – BM Cassara, BM Hudock, BM Bortnick, BM Festa, BM Berg, BM Falutico; 0 recusals; 0 abstentions. Motion carried.**

With regard to the updates on subway and express bus changes, Traffic and Transportation Committee Chair Cruz rendered the informational report. See Attached.

BM May noted that over the past weekend there was no express bus service out of Brooklyn. She also noted that yesterday when she took the train from 95<sup>th</sup> Street to 14<sup>th</sup> Street in Manhattan, the trip took two hours, and the return trip took three hours. All trains were running on local tracks and apparently there were signal problems. Chair Seminara stated that the District Office will call that in.

Traffic and Transportation Chair Cruz announced that on behalf of the Community Board, BM Amato attended a meeting at Brooklyn Borough Hall regarding a considered freight facility in Sunset Park. BM Amato rendered her report. See Attached. Discussion followed.

BM Bortnick asked whether or not Council Member Sara Gonzalez weighed in on this issue. BM Amato replied that she did not know. She did note that the Sunset Park Community Board was also present at the meeting. They are not against the idea, however they are interested in knowing the future plans.

BM Stelter noted that Sunset Park west of 3<sup>rd</sup> Avenue is mainly industrial and the rest is mainly residential. BM Amato stated that Sunset Park is getting a new rail and was very much in favor of this plan.

## ENVIRONMENTAL COMMITTEE

Environmental Committee Chair Ahl rendered the Committee informational report regarding the update on odor conditions on Fort Hamilton Parkway near Marine Avenue. See Attached. Discussion followed.

Chair Seminara made the suggestion that Community Board Ten suggest that DEP do a study of the air flow issues regarding the source of that problem and that they study the pitch of the sewer main, as it appears that a lot of the problem seems to be the pitch of the older main. She sees nothing wrong with sending a letter asking them for some study or clarification on to why that occurs. Chair Seminara asked for a motion from the floor. Motion by BM Stelter; second by BM Germack.

**Motion: CB10 to write a letter to DEP to ask for a study of the air flow issues regarding the odor problem on Fort Hamilton Parkway from 92<sup>nd</sup> Street to 101<sup>st</sup> Street to get clarification on why this problem occurs, and to bring to their attention that the problem appears to be the pitch of the older main. All in favor; motion carried.**

## YOUTH SERVICES, EDUCATION AND LIBRARIES COMMITTEE

Youth Services, Education and Libraries Committee Chair Collins rendered a report regarding the Fort Hamilton Branch of the Brooklyn Public Library. See Attached.

## NOMINATING COMMITTEE

Nominating Committee Chair Vella-Marrone presented the slate of officers submitted at the November 15<sup>th</sup> Board Meeting as follows:

Chair	-	Joanne Seminara
Vice Chair	-	Brian Kieran
Secretary	-	Eleanor Schiano
Treasurer	-	Mary Ann Walsh

Nominating Committee Chair Vella-Marrone requested that Secretary Schiano cast one vote in favor of the slate brought forward. Secretary Schiano cast one vote for the slate of officers. Chair Seminara thanked the Nominating Committee Members for their work.

## **OLD BUSINESS**

BM Bortnick thanked all who emailed, called or signed petitions regarding fracking. There was an overwhelming majority in the Senate and the Assembly that put the bill in. The Governor vetoed the bill on Saturday. However, as a safety measure, he issued Executive Order 41 which delays any vertical or horizontal fracking until July. As of January, we will have a new governor, and Eric Schneiderman has already promised that he will prosecute to the fullest extent of his powers to stop fracking. BM Bortnick respectfully requested that the people start preparing their phone calls, letters, emails and petition-signing to let the newly elected official know that fracking must be stopped, because he guarantees that if they put it in, in two years New York City will become a ghost town and we will not be able to drink or use the water that comes out of the taps.

BM Vella-Marrone asked about Sanitation collection of receptacles on the avenues and commercial strips. DM Beckmann responded that across the board Sanitation has officially reduced the number of collections to once a day. This was previously supplemented by elected officials on commercial streets in CB10 to twice a day, five days a week. We now get collections only during the collection times of a week on commercial strips, although

our Sanitation people have said they try to collect the corner baskets at least once per day. On weekends there is no collection at all, so on Mondays and Tuesdays the garbage is absolutely overflowing on every commercial strip that does not have a business improvement district. DM Beckmann said that it is a mess, it is a problem, and CB10 gets complaints about this issue all the time. Sanitation's answer is that there are budget cuts, no weekend collection, and if they do not have the truck available the collection is reduced even further to when garbage is collected within that particular zone.

BM Cruz asked what the sanitation schedule will be for the holidays. DM Beckmann responded that the Christmas holiday this year falls on Friday. If you have recycling on Friday, you will not put out recycling until the following Friday, which is also the New Year holiday; however, Sanitation assured us they do not skip two weeks in a row. So they will pick up recycling on the following Friday or Saturday. CB10 tells everyone to put their regular garbage out because 70% will be picked up. If you have recycling on Saturday, Christmas Day, put that out the following Saturday, New Years Day, and leave it out as they will pick it up later on that shift. DM Beckmann stated that she will send out an email regarding this schedule.

On behalf of the Center for Domestic Violence, BM Ahl thanked everyone for their generous donations.

BM May informed everyone that TimeBank enrollment sessions have been scheduled for January 18<sup>th</sup> and March 15<sup>th</sup>, 2:00 PM and 6:00 PM, at Lutheran Church of the Good Shepherd, 7420 4<sup>th</sup> Avenue. She explained that TimeBank is basically a time sharing exchange service. Flyers were in the rear of the room. Chair Seminara said that flyers would be emailed to Board Members.

BM Cassara added his comments regarding the issue of fracking. He noted that the Governor is only giving a time out for horizontal drilling. He is allowing vertical drilling, so we are really not any better off. He reiterated where the problem is. They are pumping chemicals underground and if they cannot get all the sediment out, it will start to seep into the water supply. The same thing could happen if the casing is not cemented correctly.

## **NEW BUSINESS**

BM Berg noted that Orly Amor of Global Mentoring will be coming back to New York the first week of January and is looking to rent space for activities and to meet with people who would like to be a mentor. She asked if anyone was interested or knew of anyone who was interested in renting space, or in being certified as a mentor, to please let her know.

BM Stelter suggested reading the editorial that was in the Daily News on Saturday, December 11<sup>th</sup> regarding City Council Members questioning the Transportation Commissioner about bicycle usage in the City, and the DOT having no backup.

Motion to adjourn made by BM Stelter, second by BM Ahl. With no further business, Chair Seminara adjourned the meeting at 9:30 PM.

# ZALUC Subcommittee for Outdoor Cafés

## Meeting Minutes

December 9, 2010

DATE

### Community Board 10 Offices - 7pm

The ZALUC Subcommittee for Outdoor Cafés met on December 9, 2010 . A quorum  **WAS** |  **WAS NOT** met. DATE

A  **NEW** |  **RENEWAL** application for an  **ENCLOSED** |  **UNENCLOSED** sidewalk café was discussed for 15 tables and 37 seats at 8401 3rd Ave Corp DBA Caffe Cafe located at 8401 Third Avenue . The Consumer Affairs License Number is 1222343 .  
BUSINESS NAME  
BUSINESS ADDRESS  
LICENSE NUMBER

The applicant  **WAS** |  **WAS NOT** present.

The Board has received no complaints regarding this establishment.

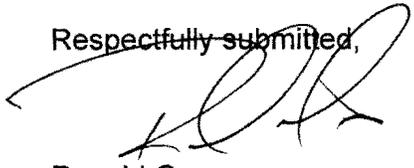
There were no proposed changes

This is an amended application: DESCRIBE \_\_\_\_\_

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

After discussion, the committee voted  **UNANIMOUSLY** |  **2 TO 1** to  **RECOMMEND** |  **DENY** approval of the application for this café permit and thereby so moves.

After discussion, the committee's recommendation is to  **SUPPORT** |  **DENY** approval of the application for this café permit. As quorum was not met, a motion from the floor is required.

Respectfully submitted,  


Ronald Gross  
Chair, ZALUC Subcommittee for Outdoor Cafés

**CONTINUED**

**Chair's Report  
Community Board 10, Brooklyn  
December 15, 2010**

Dear Board Members and guests:

Good Evening.

One year as Chair of CB 10 has certainly flown. I must say that I entered it with some trepidation about the amount of work and how it would fit into my law practice, home and social life. But my dear husband of 32 years was already used to my being out most nights so there was not much of adjustment there.

I cannot overstate the comprehensive and excellent support all of us receive from District Manager Josephine Beckman, Dorothy Garuccio and Jo Ann Delpin, who are 100% professional, supportive, effective and yes, kind and generous to all of us and the community at large. They make the task of chairing this Board a true pleasure. They have our back at all times. Most importantly, we, together with all of you have been effective in ensuring the delivery of essential services to this little southwestern corner of Brooklyn that we call home.

The topics we have covered in one year range from hookah lounge regulations, changing SLA procedures to the unfortunate bed bug scourge. We had our first get-to-know you social for new board members. Since then we welcomed some 5 new board members, so stayed for your invitation to the next social. Let us get know each other and use our respective talents for our collective good.

Particular thanks go to our chairs: Doris Cruz ably served as a very busy Chair of our Traffic and Transportation Committee, which discussed lots of contentious issues, with help from our parliamentarian George Fontas, who chairs our new pedestrian safety committee. I am proud of our successful efforts to invite the community to a discussion concerning the 7<sup>th</sup> Avenue exit ramp, which you will hear about later, Judie Grimaldi really helped ramp up food collection efforts to help people in need and has ably worked on the aforementioned hookah regulations, another issue that our Board, together with Councilman Gentile has taken the lead on. I am grateful to Susan Pulaski for her patience and all the time she takes listening to SLA applications and the serious concerns of residents about nightlife problems. I am also grateful to have "grandpa" Steve Harrison once again at the helm of ZALUC with the help of Ron Goss on outdoor café applications. Ever helpful are Chairs Greg Ahl, who is talking about an electronics recycling campaign with new Board member, Justin Brannon, and Michael Festa, who has more ideas about how to publicize our work. Thanks also go to Judith Collins, who is always ready to attend another meeting, Fran Vella-Marrone, for chairing the nominating committee and officers, Vice Chair Brian Kieran, Treasurer May Ann Walsh and Secretary Eleanor Schiano. We make a good team – please keep your advice and support coming.

We have recently addressed a bike lane proposal for Bay Ridge Parkway, and we often address various traffic calming measures proposed by residents or the DOT. Our bias, as it should be, is always in favor of more community input before decisions are made. This is why it is gratifying that the City Council just passed a bill to require the DOT to explain why bike lanes are proposed for particular locations and promulgate online guidelines that govern the decisions to create bike lanes, pedestrian malls or other similar measures. I quote and agree with Councilman Gentile in this regard: "Too often our calls for safety devices like speed bumps on side streets that cars speed on are denied without explanation. This bill will give us more information."

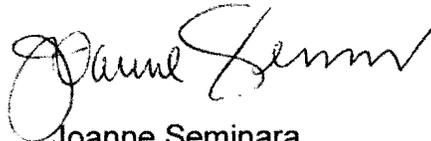
As you heard tonight, LMC President Wendy Goldstein was passionate in her plea to this community about how we need to advocate for LMC so we do not lose this critical resource. This is why this issue will continue to be discussed by our health and senior issues committee to see how we might act. I am also grateful to District Attorney Joe Hynes for honoring us with his visit.

At the Borough level, I attended the Borough Board meeting last week and was able to make sure our comments were included in the citywide text amendment application brought by the Department of City Planning. As you know, the NYC Zoning Resolution, which protects the very quality of our life on every street in our special neighborhoods continues to be a work in progress. At the same Borough Board meeting I also learned about an organization called "Good Jobs New York" which tracks promises made by organizations that receive government funding to create jobs in the community. Among those job creating entities that receive public money are The Guild for Exceptional Children and Poly Prep Day School. You will hear more about Good Jobs New York in 2011.

My best wishes to you and your families and loved ones for a happy and holy holiday and a healthy and prosperous New Year. See you 2011.

Thank you for you continued work to keep our community strong.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Joanne Seminara".

Joanne Seminara  
Chair

**District Manager Report**  
**December 13, 2010**

Good Evening Board Members,

The repaving of eight roadways commenced during the past month and we had several calls regarding related paving issues over the course of the week. We are hopeful that the two remaining roadways of 97<sup>th</sup> Street between Shore Road and Fort Hamilton Parkway and 90<sup>th</sup> Street between Ridge Blvd and Gatling Place will be completed – weather permitting – if not they will be done once paving commences again in the Spring.

The District Office received several notifications from agencies regarding budget related and other changes that I would like to bring to your attention. All notifications are posted on our website under the Announcements section. We do our best to list and email out notifications regarding upcoming event and/or city related work in the District.

**DEPARTMENT OF TRANSPORTATION** –: Beginning January 3, 2011, parking meter rates will begin to be changed with an estimated completion date of June 30<sup>th</sup>, 2011. Rates will change as follows:

- Where passenger and commercial parking rates at muni-meters in Manhattan south of 86<sup>th</sup> St. are \$2.50 per hour they will increase to \$3 per hour.
- Where passenger parking rates at other metered locations, citywide, are \$.25 for 20 minutes they will increase to \$.25 for 15 minutes.

**DEPARTMENT OF SANITATION** – As was discussed at our last meeting, beginning in January the number of Sanitation Foreman will be reduced significantly. There are currently four sections per sanitation district... that number will be reduced to two sections and there will be one foreman assigned to each section.

Also, a new policy has been instituted by the New York City Department of Sanitation requiring all NYC residents disposing of a mattress or box spring to fully encase all mattresses and box springs within a sealed plastic bag when these items are being discarded for DSNY collection. This change was made in an effort to combat the spread of bedbugs during the garbage collection process.

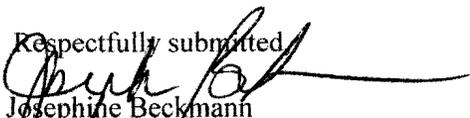
**DEPARTMENT OF ENVIRONMENTAL PROTECTION** – We were notified of emergency sewer repair work on 77<sup>th</sup> Street between 4<sup>th</sup> and 5<sup>th</sup> Avenue – work should be completed over the next week or so.

**TIME WARNER CABLE** will be upgrading the cable system in the following areas beginning on or about Dec. 7<sup>th</sup> and should be completed on or about January 19<sup>th</sup>:

- In front of 8512 5<sup>th</sup> Avenue (concrete repair)
- In front of 9316 3<sup>rd</sup> Avenue (concrete repair)
- In front of 9508 3<sup>rd</sup> Avenue (concrete repair)
- In front of 7118 3<sup>rd</sup> Avenue (concrete repair)
- In front of 8208 3<sup>rd</sup> Avenue (concrete repair)

Thank you to Greg Ahl who transports Community Board Ten donations to local domestic violence shelter. A new wish list was sent today and if anyone wants to contribute please drop off your gifts by December 21<sup>st</sup> at the office.

**The 2011 Meeting Halls Schedule** is available for all Board Members. Please take one before you leave this evening. On behalf of Dorothy, JoAnn and myself, we would like to wish to all of you in celebrating -- a Merry Christmas, Happy Hanukah and a healthy and prosperous New Year.

Respectfully submitted,  
  
Josephine Beckmann  
District Manager

**COMMUNITY BOARD TEN**

Fiscal Year: July 1, 2010 to June 30, 2011

Budget Appropriation for FY 11	\$198,895.00
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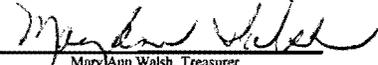
	7/31/10	8/31/10	9/30/10	10/31/10	11/30/10	12/31/10	1/31/11	2/28/11	3/31/11	4/30/11	5/31/11	6/30/11	Y - T - D
DISTRICT MANAGER	\$7,585.46	\$7,585.46	\$7,585.46	\$7,585.46	\$11,378.19								
COMMUNITY COORDINATOR	\$4,609.26	\$4,609.26	\$4,609.26	\$4,609.26	\$7,413.89								
COMMUNITY ASSOCIATE													
COMMUNITY ASSISTANT		\$360.24	\$1,440.96	\$2,161.44	\$1,440.96								
<b>Total Personal Services</b>	<b>\$12,194.72</b>	<b>\$12,554.96</b>	<b>\$13,636.68</b>	<b>\$14,356.18</b>	<b>\$20,233.04</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	<b>\$72,974.56</b>

ExpensesCode	Description	7/31/10	8/31/10	9/30/10	10/31/10	11/30/10	12/31/10	1/31/11	2/28/11	3/31/11	4/30/11	5/31/11	6/30/11	Y - T - D
10B	Telephone	188.71	193.34	189.06	187.05	185.36								
10X	Intra-City Supplies													
40B	Intra-City Telephone													
100	Supplies & Materials		50.64			254.93								
101	Printing Supplies													
117	Postage													
170	Cleaning Supplies													
199	Data Processing Supplies													
302	Telecomm. Equipment													
314	Office furniture													
315	Office Equipment													
319	Security Equipment	135.00		135.00										
332	Data Process Equipment				66.03									
337	Books													
402	Tel./Communications													
412	Rental/Misc./Equip	44.41	44.41	44.41	804.41	234.41								
417	Advertising													
431	Leasing Misc. Equip.													
451	Local travel expenditures				224.00									
602	Telecomm. Maintenance	43.40	21.70	21.70	21.70									
612	Office Equip. Maint.													
613	Data Process Equipment													
615	Printing Supplies													
622	Temporary Services-contractual	1,080.00			665.00	600.00								
624	Cleaning Services	160.00	160.00	160.00	160.00	160.00								
<b>Total Other than Personal Services</b>		<b>\$1,651.52</b>	<b>\$470.09</b>	<b>\$550.17</b>	<b>\$2,128.19</b>	<b>\$1,434.70</b>								<b>\$6,234.67</b>

<b>TOTAL PS AND OTFS EXPENSES</b>	<b>13,846.24</b>	<b>13,026.06</b>	<b>14,186.85</b>	<b>16,484.36</b>	<b>21,667.74</b>									<b>79,209.23</b>
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<b>TOTAL UNCUMBERED BUDGET BALANCE</b>														<b>\$119,685.77</b>
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Respectfully submitted,

  
 Mary Ann Walsh, Treasurer

**COMMUNITY BOARD TEN REPORT  
SENIOR ISSUES, HOUSING AND HEALTH AND WELFARE  
November 22, 2010**

The committee met on November 22, 2010. The meeting was conducted by Chairperson, Judie Grimaldi.

Attendance included: Committee Members: Jeannie May, Eleanor Petty, Susan Romero, Mary Quinones and Joseph Sokoloski. District Manager Josephine Beckmann and Community Board Chair: Joanne Seminara  
Guests: Stephanie Giovino representing Councilmember Gentile. Resident member: Cathy Khatari

**I. FOOD PANTRY PROGRAM:**

The committee members reported on the continuing food donations for the neighboring food banks

The following food pantries received donations as a result of CB 10's food drives in coordination with local schools: Bay Ridge Center, St. Patrick's and Fourth Avenue Presbyterian Church. Bay Ridge Prep, PS 104, High School of Telecommunications cooperated and provided food during the fall season. Fontbonne Hall will be participating in the spring. Special "thank you's" are in order to Susan Romero who helped facilitate the press coverage with the Daily News, to Eleanor Petty who has developed innovative programs to help "Reaching Out" food pantry and to Joe Sokoloski who involved us all in the food drive with St. Patrick's in honor of his mother, former Board Member Helen Sokoloski.

Community Board Members donated a substantial amount of food for the St. Vincent DePaul Society at St. Patrick's Church in of Helen Sokololski. The entire Board is to be commended for their efforts. This project will continue into the spring.

**II. HOOKAH BARS AND LEGISTATIVE ACTION**

Council Member Vincent Gentile has sponsored legislation in the City Council to regulate Hookah cafes in NYC.

The legislation as drafted and presented to our committee offers a local law to amend the administrative code relating to the smoking of non tobacco products. It is alleged that the product known as shisha which is smoked in the hookah pipe often is not a tobacco product. If true it is not covered by Indoor Clean Air Act governing smoking of tobacco products.

The Council Member's new proposed law lists the water pipe as an example of a smoking equivalent to the cigarette and cigar and governed under the non smoking ban operating in public places in NYC.

The law also requires that the shisha be properly labeled whether is a tobacco or non tobacco product, such as herbal cigarette or herbal shisha. Non tobacco based shisha would be banned from smoking in an indoor public place as a

product that is to be consumed through the inhalation of smoke whether tobacco or not. This labeling requirement is enforceable against any manufacturer which is broadly defined to include the labelers or re-labeler such as repackaging by the bar owner.

The proposed law provides a limited exception to smoking shisha in a hookah pipe. This type of smoking shall be permitted in tobacco bars as long as the products are labeled as required by law. Thus existing hookah establishments will be grandfathered in under this proposed legislation. In order to qualify for this grandfathering exemption the bar or business establishment must have generated ten percent (10%) or more of their annual gross income from on-site sale of non tobacco products designed for smoke inhalation and be a previously registered business establishment or bar before December 31, 2011 in accordance with the rules of the agency. This registration shall last one year. This "license" shall be annually renewable as long as the business establishment continued to generate 10% of their business in from the on-site sale of non-tobacco products as described and not expanded its size or changed its location. Council Member Gentile hopes this would "freeze" the number of these types of cafes to those that now exist at their present locations. The law will also restrict those restaurants or eateries who wish to add hookah to their menu options. As designed the council member posed that hookah bars would no longer be able to operate as cafes serving food with smoking.

In addition the committee reviewed the NY State Adolescent Tobacco Use prevention Act (ATUPA) which prohibits sale of herbal cigarettes to minors. It was suggested that this state law could provide a solution to the growing patronage of under 18 year olds of the hookah establishments. The state law could be used to bar these minors from smoking even the non tobacco product in the hookah. Section 1399-cc governs the sale of tobacco, herbal cigarettes, rolling papers and pipes to minors. Our committee in reviewing this law notes that the word "hookah" or "shisha" does not appear in the listing of prohibited items for sale to minors. This is a concern and enforcement confusion continues. The committee learned that the current citywide agencies mandated to enforce the Indoor Clean Air Act and the NYC smoking restrictions particularly the NYC Department of Health did not agree that this law applies to the Hookah lounges. The committee referred this enforcement issue and concern back to Councilmember Gentile to consider amending the legislation since the existing state laws and regulations have proven not to be helpful. We will also ask the state legislators to consider amending the ATUPA to include mention of Hookah and shisha.

Last month the full board heard sadly the story of the local boy who smoked the hookah and drank a high caffeine alcoholic drink ending up needing hospitalization and at grave risk. This has caused the committee to redouble its efforts to insure that minors do not frequent these establishments nor use hookah. The Department of Health representative in an email to Josephine Beckmann continues to state that the NYC DOH finds: "enforcement difficult at this time because we (NYC DOH) only restrict the sale or use of tobacco for minors in these establishments and not hookah products, unless it is laced with tobacco, which can be detected by testing". This is in direct conflict with the state

law which states that tobacco or non tobacco herbal cigarettes are restricted for minors. We will have a continuing "dialogue" with the DOH and have asked the Council Member to intervene to resolve this. In fact we also received information that NY City amended its laws this past summer restricting the sale of certain fruit flavored smoking products. Our committee proposes, after further analysis and consultation with the council member and the relevant agencies, to draft a FACT SHEET for distribution to both business owners and residents and local law enforcement officials to explain the relevant laws and limitations and the impact on our community.

The committee will continue to pursue the following actions:

1. Continue to advocate with NYC agencies for enforcement by Police, Health, Environmental and Consumer Affairs Departments of the existing laws which to eliminate or reduce the following negative aspects of the hookah bars:
  - a. Second hand smoke affecting the environs.
  - b. Underage smoking in the establishments.
  - c. Unauthorized use of tobacco products in the hookah pipes, and improper labeling of tobacco products to avoid enforcement of the smoking ban.
  - d. Mixing hookah smoking with food service in the same establishment.
  - e. Hookah smoking retail stores.
  - f. Improper ventilation of the lounge areas causing smoke accumulation and neighborhood complaints.
2. The committee has advocated with the Councilmember to continue to investigate air filtration options for the local hookah bars and consider this as a requirement for the bars which will be grandfathered in by the proposed legislation.
3. Assist Council Member Gentile in re-finishing the proposed legislation.

Motion and Recommendation:

Community Board 10 to write a letter to State Elected Officials requesting "hookah" be added to ATUPA to endure underage smoking enforcement by DOH and DCA.

### **III. BEDBUG EPIDEMIC**

Concerns about bedbugs continue in the community. In an effort to address the issue the Committee resolved to do the following:

1. Promote education about the epidemic in our city and available prevention techniques. Distribute information on the new Dept of Sanitation regulation which requires that all discarded bedding be encased in plastic prior to disposal. This will be effective January 3, 2011 or face a fine of between \$100 and \$300. With this impending deadline and the high fine to be imposed, community education is vital.

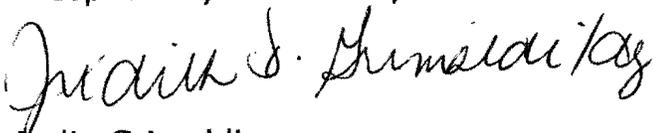
2. Distribute flyer provided by NYC Department of Health and Mental Hygiene on Bed Bug Prevention and Safety.

3. Write to NYC DOH and Mayor's office to acknowledge that although bedbug prevention is important it comes with an expense that many residents can ill afford. Residents often do not have the resources to correct their bed bug infestation or do so at great personal financial sacrifice. If faced with feeding your family or dealing with bedbugs, the correction may be a secondary priority. It was agreed that the City must provide help to those who have had to previously rely on self-help. Our community's current tight fiscal environment may account for one of the reasons why bed bugs are growing at an alarming rate. It is an issue the city must address as it is having an impact on its reputation as it is becoming known as the bedbug capital and which will deter tourism and hotel stays. The committee resolved to write a letter to the NYC Department of Health to advocate for grants or programs to assist families in need afflicted with bedbugs in an effort to stop the spreading of these pests. The committee also resolved to request that the Department of Health establish city wide regulations and protocols for handling investigations when discovered especially in public places like schools, hospitals, nursing homes, theaters, hotels where large numbers of individuals gather.

**Motion and Recommendation:**

Community Board Ten to write a letter to NYC DOH to advocate for grants or programs to assist families in need afflicted with bedbugs in an effort to stop the spreading of these pests; and to request that the NYC Dept of Health establish and promulgate citywide regulations to educate institutions where the public gathers, like schools, libraries, movie theatres, offices, to foster the containment of bed bug infestations. This should include regular investigation of such public places to identify infestations.

Respectfully submitted,



Judie Grimaldi

Chair, Senior Issues, Housing, Health and Welfare Committee

## Traffic & Transportation Committee Report

Tuesday, December 7, 2010

The committee reviewed the DOT proposal for the 78<sup>th</sup> Street/Fort Hamilton/7<sup>th</sup> Avenue Exit of the Gowanus Expressway.

At the November CB 10 meeting, the issue was referred back to committee because the DOT had not responded to the committee's request for non-permanent changes to the intersection. The residents of the area and the T&T committee members were skeptical of any DOT proposal because of the many problems cause by the current scenario. That was the reason for requesting non-permanent changes.

On December 3, Commissioner Palmieri wrote that non-permanent measures were not possible and since the construction period ended on Nov. 15, nothing would be implemented until late March 2011.

As you know, DOT presented a proposal in May 2010 which was rejected by residents, the committee and the full board. Council Member Gentile hosted a forum of local residents, elected and others to review all complaints and elicit suggestions to be forwarded to the DOT. A speedy response was requested, but the DOT did not come back to CB 10 until ~~November~~ <sup>February</sup>. DOT reviewed the list of resident's complaints and suggestions and presented their final plan in October. DOT feels their current proposal addresses the complaints and concerns as best as possible considering the difficulties of this intersection. Most intersections are at right angles and create a CROSS. This exit is a combination H and K with a line (78<sup>th</sup> street) through the middle. Highway exits in less conjested areas have long exits and between 500 and 1000 feet to the intersection. And at the intersection there is a left turn lane and signal, a signal for through and right turning vehicles. This exit, as most highway exits in NYC does not have that luxury of space. In addition, there is a school at the exit and a church and two additional schools in close proximity. This is far from an ideal traffic scenario.

### **The DOT proposes a three phase operation movement as follows:**

**Phase One:** Traffic exiting the highway - adding 12 seconds to the movement

**Phase Two:** Pedestrian Traffic - adding 12 seconds to the movement

**Phase Three:** Traffic from local 7<sup>th</sup> Avenue forced onto Fort Hamilton Parkway – and Fort Hamilton Parkway southbound traffic -adding 21 seconds to the movement.

### **OTHER MODIFICATIONS INCLUDE:**

1. One lane will be added to BOTH 7<sup>th</sup> Avenue local traffic and to the east side of Fort Hamilton Parkway northbound.
2. The dedicated bicycle lane from the 80's to 78<sup>th</sup> street would be converted to a shared lane and the traffic island would be reconfigured to allow for two lanes of traffic on 7<sup>th</sup> Ave.

3. Fort Hamilton Parkway between 78<sup>th</sup> Street and Bay Ridge Parkway would become two lanes northbound. Two parking spaces would be eliminated on the west side of Ft. Hamilton Parkway heading southbound.
4. Addition of a diagonal pedestrian crosswalk between PS 127, Ft. Hamilton Parkway onto Ft. Hamilton Parkway
5. Coordinate Signal timing along Ft. Hamilton Parkway between 78<sup>th</sup> Street and Bay Ridge Parkway.
6. Installation Pedestrian countdown signal at the pedestrian crossing.
7. 7<sup>th</sup> Avenue local traffic directed onto Fort Hamilton Parkway – including truck traffic.

DOT explained that three phases allow more vehicles to pass through the intersection

The committee voted on each part of the proposal separately and made a motion to

To support the THREE PHASE SIGNAL OPERATION

To support the installation of a DIAGONAL PEDESTRIAN CROSSWALK

To support the installation of TIMED SIGNALS BETWEEN 78<sup>th</sup> STREET and FORT HAMILTON PKWAY

To support the installation of a COUNTDOWN SIGNAL AT THE DIAGONAL CROSSWALK

To support the CREATION OF TWO LANES OF TRAFFIC ON 7<sup>th</sup> AVENUE and FORT HAMILTON PKWAY

Not to support the DIVERSION OF TRUCKS FROM THE 7<sup>TH</sup> AVENUE TRUCK ROUTE ONTO FORT HAMILTON PARKWAY *unless* the DOT INSTALLS SIGNAGE AT BAY RIDGE PARKWAY TO REDIRECT TRUCKS ONTO THE TRUCK ROUTE and to INSTALL BETTER SIGNAGE AT THIS HIGHWAY EXIT AND AT THE 92<sup>nd</sup> STREET EXIT to try to reduce the amount of truck traffic on local streets, especially 7<sup>th</sup> Avenue.

The committee met in quorum, so we have a motion before the Board.

## **OTHER ISSUES**

### **SUBWAY UPDATES**

Tile work is underway on the train level at 86<sup>th</sup> Street and is proceeding well. There is a holiday embargo and work will resume in January

The MTA will come to the committee with the art work for the mezzanine.

The Lawrence Street/Jay Street connection between the R line and the A/C/~~E~~ line is complete

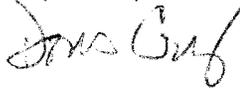
## EXPRESS BUS CHANGES

The MTA did not provide updates for the board on the proposed January changes to service.

An email to the MTA did not answer questions about the date of change and a new schedule.

A bus driver advised that the new service changes would begin on January 2011. That is not confirmed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Doris Cruz". The signature is written in a cursive style with a large initial "D" and "C".

Doris Cruz

T&T Chairperson

## FREIGHT VILLAGE STUDY MEETING REPORT

December 13, 2010

The New York Metropolitan Transportation Council met at the Borough President's office to discuss a two year study on the feasibility of freight villages in New York City. Community Board Ten was invited because the Sunset Park waterfront is one of six sites being considered for a freight village.

Freight villages differ from regular ports. These ports get the goods out quicker because they do not store items in warehouses. Goods go from the ship to transport, either trains or trucks, in one day. This is one idea that may help to reduce truck traffic, highway congestion and pollution. Sunset Park is a good choice, according to the study, because of its water access, rail access and road access.

According to the studies, positive benefits to freight villages are:

- they look nicer
- they have stores, restaurants, banks, and offer other retail opportunities
- small businesses can prosper
- they create jobs
- they may reduce congestion

In addition, many other freight ports use solar energy which they are considering. However, one negative is that this can create additional traffic in some areas. Also, they do not consider the fact that Sunset Park is a residential area. This was not within the focus of this particular study.

They were clear to advise us that this is not a plan, just a study of the concept of freight villages in New York City. They are just looking at the idea to see if it could possibly work. There are six sites being considered. They think that Sunset Park waterfront has excellent potential for a freight village even though their own study concluded that Sunset Park had the lowest marks on road access of all six sites studied.

The study determined that Sunset Park would be a favorable location for a freight village.

Respectfully Submitted,



Elizabeth Amato  
Board Member

**Environmental Committee**  
**December 09, 2010**

Attending: Board Members Allen Bortnick, Ann Falutico, Ron Gross, Nick Leonardos, Mary Nolan, and myself; Mark Lanaghan from DEP; John Quaglione representing Senator Golden; and K.C. Boyle representing Council Member Gentile.

The meeting commenced at 7:15 PM

The issue was the odor problems on Fort Hamilton Parkway from 92<sup>nd</sup> Street to 101<sup>st</sup> Street. A DEP representative reported on the progress of installing carbon canisters in the sewer opening to absorb the offending odors. 4 canisters have been added at 92<sup>nd</sup>, 99<sup>th</sup>, 101<sup>st</sup> Street, and Ridge Blvd. That brings the total to 11 now in place. More are planned for 2011. DEP reports that complaints have dropped a little and that might indicate that the filters are working.

The issue is that the new sewer chambers have a problem with the air flow. Instead of the air flowing with the direction of the water, it backs up. This problem started when the sewer main replacement was completed. DEP is aware of the problem and is hopeful that the carbon filters will provide the solution. The carbon canisters are the only possible solution they have for now.

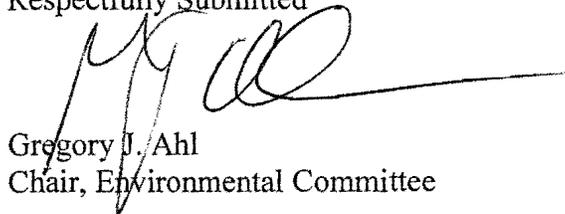
The canisters will need maintenance on a regular basis. The carbon filters will need to be replaced when they wear out. DEP does not have a replacement schedule yet and feels that it will have to rely on home owners reporting the odors as they return. A meeting should be held in the senior center on Fort Hamilton Parkway and 100<sup>th</sup> Street to inform the home owners about the importance of reporting odors as they occur. DEP will need their help in determining when new carbon is needed.

It was also suggested that DEP look into chlorophyll being used as an odor cleaner.

Another possible reason for the reduction in odors is the section of sewer that was recently cleaned of sediment along the Belt Parkway. DEP found a lot more sediment than was expected and the clean up released a lot of odors. It leads one to ask if there is a problem with the pitch of the sewer main.

An initial study of the odor/air flow issue was under funded and inconclusive. A better study needs to be done as soon as possible. A study on the pitch of the older mains would seem to be in order as well.

Respectfully Submitted



Gregory J. Ahl  
Chair, Environmental Committee

**Youth Services, Education and Libraries Committee  
December 10, 2010**

**On Friday, December 10, 2010 I had the opportunity to have a site visit at the Fort Hamilton Branch of the Brooklyn Public Library located at 9424 Fourth Avenue, which has been closed since March 30, 2008 for extensive renovations estimated at a cost of \$3.6 million. It was initially expected to be reopened during Spring of 2010; however, construction delays and setbacks related to termite issues have since delayed the opening. A new steel floor has replaced the original wooden floor.**

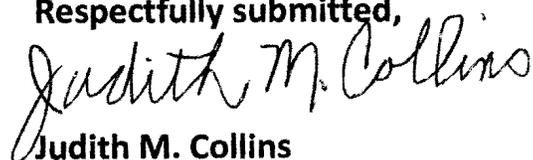
**The construction work is completed and includes a rear and side extension which increases the public and staff space from approximately 3,300 to 5,000 square feet. A new meeting room, staff lounge, work room and loading dock have been built. The meeting room will serve multi purposes such as classroom space, teaching, community conference room and a multi media space. New lighting, ceiling, shelving, flooring and finishes have been installed. The original skylight has been replaced with "lay light" and new heating, ventilation and air conditioning system (HVAC) with digital controls has been installed. The plumbing and electrical systems have been upgraded, and new ADA compliant restrooms have been added. The exterior has been renovated with brick repointing, cornice restoration, new windows, security fencing and landscaping. The original limestone trim roof has been replaced.**

**The Fort Hamilton Branch, built in 1905, was among the first communities to benefit from philanthropist Andrew Carnegie's \$1.6 million gift to build branch libraries in Brooklyn. Even though the Branch has undergone extensive renovations, they have managed to maintain some of the original Carnegie Era features such as the fireplace, and the Carnegie era woodwork. The lighting has been upgraded using fixtures similar in design and in placement to the original fixtures.**

**At the present time the branch is waiting for inspections and approvals from other city agencies and cannot reopen until the Certificate of Occupancy is issued. Shelving, furniture and computers are awaiting installation.**

**My appreciation goes to Stephen Schecter, Director Government and Community Affairs, and to Heinrich Spillmann, Project Director, Planning, Design and Facilities, for the opportunity to have a tour of the branch. I expect to have updates in the near future as to opening dates.**

**Respectfully submitted,**



**Judith M. Collins**

**Chair, Youth Services, Education and  
Libraries Committee**

**STATE LIQUOR AUTHORITY – NEW APPLICATIONS & RENEWALS**

<u>Name/Address</u>	<u>Received at CB 10</u>	<u>Status</u>
Shobu Shushi Inc., 9427 5 <sup>th</sup> Avenue	12-1-10	New Application (wine & beer)
Milagros Bistro Latino LLC; d/b/a Milagros Bistro, 7215 B 3 <sup>rd</sup> Avenue	12-6-10	Notice of 500 foot hearing
Bay Ridge Post No. 7173, Veterans of Foreign Wars Of the United States, 7010 Ft. Hamilton Parkway	12-6-10	Renewal
*7901 JAB Ltd., The Pour House of Bay Ridge 7901 3 <sup>rd</sup> Avenue	12-7-10	Renewal
3 <sup>rd</sup> Ave Rest Group, d/b/a Yellow Hook Grille 7003 3 <sup>rd</sup> Avenue	12-10-10	Renewal
PMC Bakery Corp., d/b/a Jean Danet Bakery 7526 5 <sup>th</sup> Avenue	12-10-10	Renewal
Secota Mano, Inc., 7312 13 <sup>th</sup> Avenue	12-15-10	Renewal
BouBou Restaurant Corp., d/b/a Plaka Restaurant 406 86 <sup>th</sup> Street	12-21-10	Renewal
Sunrise Farm of Brooklyn, Inc., 8623 3 <sup>rd</sup> Avenue	12-23-10	Renewal
Gregory Beverage Holdings Inc., d/b/a Best Western Gregory Hotel, 8315 4 <sup>th</sup> Avenue	12-29-10	Renewal
Tanino's Brick Oven Pizzeria Restaurant Corp., d/b/a Zio ToTo, 8407 3 <sup>rd</sup> Avenue	1-4-11	Renewal
Colandrea New Corner Restaurant Inc., 7201 8 <sup>th</sup> Avenue	1-5-11	Renewal
Hana Asian Restaurant Inc., 524 86 <sup>th</sup> Street	1-5-11	Renewal
Swedish Football Club, Inc., 725 65 <sup>th</sup> Street	1-6-11	Renewal
Skinflints Restaurant Inc., 7902-7904 5 <sup>th</sup> Avenue	1-6-11	Renewal
Shenandoah Valley Club, Inc., 8417 7 <sup>th</sup> Avenue	1-6-11	Renewal
Sporting Club Gjoa, Inc., 850 62 <sup>nd</sup> Street	1-7-11	Renewal
JAB Enterprises Inc., d/b/a Greenhouse Café, 7715, 7717, 7719 3 <sup>rd</sup> Avenue	1-10-11	Renewal
Ponte Vecchio Restaurant, 8808-8810 4 <sup>th</sup> Avenue	1-11-11	Renewal
John Hughes Knights of Columbus Club, 1305 86 Street	1-11-11	Renewal

\*Has been invited to attend Police & Public Safety Committee Meeting on 1/19/11 to address community complaints