

[Westsidiers for Public Participation, Inc.](http://www.westsiders.org)

P.O. Box 20093, Park West Station, New York, NY 10025 mail@wppnyc.org

June 2, 2010

Audrey Weiner
President and CEO
Jewish Home Lifecare
120 West 106th Street
New York, New York 10025

Dear President Weiner:

It is my understanding that Jewish Home Lifecare (JHL) has plans to build a new facility on West 100th Street - plans that would potentially bring a new building of at least 22 stories to the increasingly overburdened Park West Village neighborhood. Despite the extraordinary impact this new high-rise building would impose upon an historic and vulnerable area already under siege from unprecedented real estate development, JHL has not held open discussions with the residents of the surrounding neighborhood, has not released any significant information about its actual plans, and has not answered many legitimate questions about its intentions and the funding sources it will rely upon to realize them. It is therefore critical that JHL respond to the many questions of neighborhood residents openly and promptly.

Westsidiers for Public Participation believes that those who are affected by a decision have a right to be directly involved in the decision-making process, and that complete transparency is in the best interest of all stakeholders - particularly where real estate development projects involve public funds and are meant to serve the public good. Yet JHL has not disclosed the smallest meaningful detail of its real estate development intentions for West 100th Street, after summarily abandoning its long agreed plan to redevelop its West 106th Street campus late last summer.

Public disclosure is especially important, considering JHL's recent history and poor relationship with its current neighbors. In 2007, JHL asked for a "carve out" from the zoning restrictions that govern new real estate development in the Manhattan Valley neighborhood surrounding its 106th Street campus. JHL asked for this zoning exception because it claimed it was a community anchor, and that its redevelopment plan would promote the public good.

But in August 2009, JHL abruptly announced that it intends to swap its current campus on 106th Street in exchange for a parcel of land on 100th Street owned by the Chetrit Group - a co-developer of the mega-real estate development known as Columbus Village. This proposed land swap with the Chetrit Group would convert what was meant to be a public charitable benefit to the entire West Side community into a lucrative private real estate deal - and at the expense of residents of the Park West Village neighborhood, who would sacrifice even more of their dwindling open space at the other end of the bargain.

Both JHL lobbyist Ethan Geto and Chetrit Group spokesperson Kathy Cudahy have claimed there was never any intention to betray the community. But how can we be sure? JHL says that a

“restrictive declaration” would protect the 106th Street neighborhood from out-of-context real estate development, where there is no evidence that this declaration would be perpetually binding.

JHL also claims that a new facility on 100th Street must be built in order to sustain its crucial geriatric services. That statement, clearly, does not tell the whole story.

While JHL’s mission is to serve the elderly, its ratings by Medicare have been poor. According to data available on Medicare’s website (retrieved 5/28/10 from Medicare.gov), JHL merits only one star out of a possible five (“much below average”) for health inspections, and two stars out of five (“below average”) for nursing home staffing. During the period 1/01/07 through 3/31/10, it was cited for fourteen fire safety deficiencies compared to an average of six fire safety deficiencies in New York State during the same period. Its overall rating was only one star out of five (“much below average”).

During this same period, in its 2008 filing with the Internal Revenue Service (as Jewish Home and Hospital for the Aged), JHL reported the following total compensation of its officers, directors, and highest compensated employees on Form 990, Schedule J, Part II (open to public inspection):

Audrey S. Weiner	President and CEO	\$649,357
Thomas J. Gilmartin	Chief Administrative Officer	\$445,640
Richard Neufeld	Medical Director	\$330,147
Pushpendra Sharma	Attending Physician	\$287,134
Judith Nicholson	Administrator	\$277,688
Thomas Ruggiero, Jr.	Chief Financial Officer	\$267,830
Four other employees with total incomes ranging from \$231,795 to \$249,056		

Thus, while JHL earned a “below average” rating for nursing home staffing and an overall “much below average” rating from Medicare, ten of its employees earned more than the official salaries of the Mayor of the City of New York (\$225,000) or the Governor of the State of New York (\$179,000). Its two highest paid employees earned more than the official salary of the President of the United States (\$400,000).

In 2008, JHL (as Jewish Home and Hospital for the Aged) reported on its IRS Form 990 total revenue of \$100,077,995, total expenses of \$94,743,195, and an undescribed negative adjustment of \$1,697,705, resulting in an adjusted surplus of \$3,637,095.

Given the disparities among its high compensation of executive employees, its “below average” rating for nursing home staffing, its “much below average” overall rating, and its recent surplus of \$3,637,095, the public has a right to learn the following information from JHL:

What guarantee does the public have that the performance of JHL will be any better if it constructs a new facility - either on 106th Street, as it originally proposed when obtaining its zoning exception, or on 100th Street, as it announced in August 2009? How will its new building resolve its systemic problem of understaffing combined with inflated executive compensation?

How much have tax dollars contributed to the salaries paid to JHL executives from Medicare and Medicaid reimbursements, government grants, member items, and other government sources (as distinct from endowment, investments, and other private sources)?

Simply put, why hasn't such a highly paid executive staff been able to run a five-star rated nursing home, and how much has it cost taxpayers to finance this expensive and underperforming enterprise?

A prime example of JHL's lack of candid dialog with the residents of the Park West Village neighborhood may be found in an article in the Columbia Spectator published on March 4, 2010 ("Nursing home may give P.S. 163 room to expand"), which stated that parents of Public School 163 had been in discussions with JHL to add classrooms to its proposed nursing home building. Ethan Geto, spokesman for JHL, was quoted as saying that "[t]he community and elected officials would have to accept the fact that [the] building might need to add on a story or two depending on what the school asks for." Three months earlier, at a meeting of the Park West Village Tenants Association, parents of children from P.S. 163 presented an entirely different plan, which would have placed a new residential tower above P.S. 163 in exchange for construction of new classrooms behind the school, and would have placed the proposed JHL facility on the site of a NYC Health Department building on 100th Street in order to spare remaining open space within Park West Village.

On March 31, 2010, an article that appeared in the West Side Spirit ("Nursing home help for crowded school: Jewish Home Lifecare may aid P.S. 163 expansion") described a proposal to build a sheltered walkway between P.S. 163 and a new branch of the Bloomingdale Public Library to be built inside a new nursing home building that JHL would construct on 100th Street. The article stated that the new library would be built partly on open space within Park West Village adjoining the existing library branch - now used as a parking lot - and then that "[m]oving the footprint of the library away from the parking lot would allow for more open public space, according to Ethan Geto, spokesperson for Jewish Home Lifecare." How locating the new library on what is now open space would allow for "more" open space is not explained by the JHL spokesperson or anyone else.

The West Side Spirit article also states that money for the project could come from local elected officials, including Borough President Scott Stringer and Assemblymember Daniel O'Donnell, both of whom "are supportive of working with Jewish Home to find more space for the school."

None of the discussions that have reportedly taken place between P.S. 163 and JHL have included residents of the Park West Village neighborhood, other than possibly parents of school children.

In light of these disclosures that have appeared in the local press, residents of the Park West Village neighborhood need the following information from JHL:

Whom has JHL met with to decide the future of Park West Village? Borough President Scott Stringer? Assemblymember Daniel O'Donnell? State Senator Bill Perkins? Councilmember

Melissa Mark-Viverito? Congressman Charles Rangel? The principal of P.S. 163? Officials of the P.S. 163 parents association?

If the answer to any of these questions is “yes,” then what was discussed, and why weren’t the residents of the Park West Village neighborhood - who would be most directly and permanently affected by the substance of these discussions - kept informed of what was being proposed for their neighborhood? It is important for JHL to know that these officials do not possess a complete understanding of the immediate interests of all of the residents of the neighborhood surrounding the proposed JHL real estate development site.

At present, the 100th Street block for which JHL has announced its real estate development intentions is already congested along both sides with double-parked cars. It already struggles to serve a fire station, a police station, a government building of unknown future capacity and use, a library, a church, and two new underground parking garages that will generate even more traffic soon. And it has yet to absorb the impact of even more new retail establishments in the pipeline directly around the corner along both sides of Columbus Avenue and on the east side of Amsterdam Avenue.

Apart from constructing a driveway, how would JHL plan to deal with the additional traffic congestion that the use of a new nursing home building would create on 100th street? How would it improve the existing unsafe traffic and pedestrian conditions? Where would its ambulances, ambulettes, other transport vehicles, delivery trucks, and garbage trucks go? How would it prevent its multiple vehicles from blocking access to the residences at 788 and 792 Columbus Avenue?

And why would JHL choose to build a 22-story facility on one of the most crowded streets on the Upper West Side instead of remaining on 106th Street, where it is the only such facility on a much less congested, wide, two-way street? Has JHL made any effort to find another site on the Upper West Side or in Upper Manhattan or anywhere in Manhattan?

The residents of the Park West Village neighborhood have more questions about JHL’s plans and objectives. What type of facility does JHL propose to build on 100th Street? A skilled nursing facility? A continuing care retirement community? A home for adults? And no matter what building JHL might propose to construct, how would its proposal address the critical understaffing problems that contribute to the “much below average” care received by its residents?

And does JHL intend to propose even more real estate development within the Park West Village neighborhood, or to locate programs within any of the existing buildings in our neighborhood – particularly the new buildings?

As a non-profit corporation that receives substantial support from taxpayers, JHL has an obligation to the residents of the Park West Village neighborhood to disclose the financial details of its new proposal. What arrangement does JHL have with the Chetrit group? How much money would JHL receive from the Chetrit Group in consideration of the proposed land swap? Has JHL sought alternative funding sources to what it has been offered by a private real estate developer?

And how much public financing is planned for the proposed construction on 100th Street? Now that the economy is improving and the real estate market shows signs of returning to life (see “Building a tower of luxury apartments in Midtown,” New York Times, May 25, 2010), why can JHL not hold itself accountable to the original land use agreements it signed with Manhattan Valley community groups back in 2007?

And if JHL has no intention of honoring its promises on 106th Street, how much taxpayer money did JHL spend to pay for its legal fees, design fees, and public relations fees to obtain a zoning exception for its 106th Street campus, create detailed architectural plans for its 106th Street renovation, file a Certificate of Need application with the New York State Department of Health, and absorb any other costs related to its 106th Street proposal?

By meeting privately with small groups that are not fully representative of the stakeholders of the Park West Village neighborhood, JHL has opened the floodgates of rumors and speculation. Without a transparent dialog, the residents of the neighborhood do not know the scope of JHL’s proposal, nor do they trust that the proposed land swap and subsequent real estate development will not harm their quality of life irrevocably. And neighborhood residents do not know how a new building will improve the quality of care received by nursing home residents.

Because of the extraordinary impact of any real estate development plans of the scope, magnitude, and nature announced by JHL in August 2009, JHL has a responsibility to address all of the questions raised in this letter. The closed-door meetings, deficient public disclosure, and absent transparency throughout these past nine months is deeply troubling. I therefore request that JHL answer the questions set forth in this letter in a timely manner, and no later than close of business on Friday, June 25, 2010.

Please reply to president@wppnyc.org. Westsiders for Public Participation will disclose JHL’s reply to this letter on its website.

Sincerely,

/s Paul S. Bunten

Paul S. Bunten
President, Board of Directors
Westsiders for Public Participation, Inc.