

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

P.O. Box 20093, Park West Station, New York, NY 10025    [mail@wppnyc.org](mailto:mail@wppnyc.org)

July 1, 2010

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

Dear President Weiner:

I have received your reply to my Open letter to Jewish Home Lifecare (JHL) dated June 2, 2010.

The Board of Directors of Westsidiers for Public Participation finds that your six-page reply provides no meaningful answers to any of the questions posed in the Open Letter, and sheds no further light on the activities of JHL that have been shielded from both public view and public participation.

Your letter states that JHL has held a series of meetings with Park West Village neighborhood stakeholders, but demonstrates the opposite.

Contrary to the statement on page 3 of your letter, JHL has never met with any representative of Westsidiers for Public Participation, which has long been a vocal advocate for preventing the destructive overdevelopment of the Park West Village neighborhood. Your letter states that JHL has met with head of the Park West Village Tenants Association, but JHL has never met with the tenants themselves, who are the stakeholders whose lives would be most directly and permanently disrupted by JHL's proposal to construct a new residential health care facility on West 100th Street. JHL's meeting with the parents and administrators of P.S. 163 was not conducted at a public forum, but came to light only when disclosed by a local newspaper. JHL's meeting with representatives of the New York Public Library - which should have been open to all citizens who use the library - was not conducted publicly, and came to light only when reported by another local newspaper. JHL claims to have met with representatives of Trinity Lutheran Church, but no notice was given of an open meeting to apprise either Trinity's congregation or the residents of the adjacent Park West Village neighborhood of JHL's plans.

You state that JHL has met with three elected officials - Borough President Scott Stringer, Assemblymember Danny O'Donnell, and Councilmember Melissa Mark-Viverito - but none of those meetings took place in the context of any public forum where their constituents were given the opportunity to respond to JHL's plans.

You state that JHL has met with representatives of Community Board 7, but the minutes of Community Board 7 meetings reveal no presentation by JHL since JHL's August 2009 announcement of its intention to relocate to 100th Street, including its plans for P.S. 163 or the

Bloomington Library, which are public institutions under the purview of the Youth, Education, and Libraries Committee.

In short, JHL's track record is one of private negotiations and isolated statements furnished to local newspapers by JHL's spokesperson, but not of open disclosure to by far the most prominent stakeholders of the Park West Village neighborhood: its thousands of residents, by no means all of whom are Park West Village tenants.

Your letter speaks of all of the improvements JHL intends to make to the infrastructure of the Park West Village neighborhood - enhancements to the public school and public library, construction an off-street turnaround for traffic that would be generated by JHL's proposed facility, provision of landscaped open space - and yet you expect its residents to believe that JHL's application for a Certificate of Need to build a new facility on 100th Street was simply a "modification" of its original plan to redevelop its 106th Street campus?

The Board of Directors of Westsiders for Public Participation categorically disagrees that a plan to build a 22-story residential health care facility on one of the most overcrowded blocks on the Upper West Side - a plan that includes new space for both a public school and a public library - is tantamount to a "modification" of a plan to build a 13-story nursing home on a block of 106th Street where JHL is the sole institutional presence.

The fact that JHL submitted its plans for 100th Street to the New York State Department of Health as a "modification" of its plan to build an entirely different facility on West 106th Street, rather than submitting a new Certificate of Need application that would have triggered a public inspection of that application, appears to me to be yet another example of JHL's attempt to avoid public scrutiny and public response.

Furthermore, your letter incorrectly states that the Medicare rating system, which has given JHL consistently low ratings, has been the object of widespread national disparagement. In 2009, Westsiders for Public Participation obtained the letter you allude to that was sent from 31 State Attorneys General to Katherine Sebelius, Secretary of Health and Human Services, after learning of its existence from Catherine Unsino, LCSW, an advocate for nursing home reform. In that letter, these 31 Attorneys General asked Secretary Sebelius to suspend the current Medicare rating system only because it is applied on a state-by-state basis rather than on the basis of a uniform national standard, thus making it difficult for consumers to evaluate nursing homes across state lines. The 31 State Attorneys General did not ask for a more accurate system of evaluation, but instead stated in their letter, "We have no objection to the present criteria used by CMS [i.e., Medicare] for evaluating nursing homes." (Letter to Hon. Katherine Sebelius from 31 State Attorneys General, dated August 20, 2009). It is noteworthy that among those who did not sign the letter was the Attorney General of the State of New York, where JHL is located.

In any event, JHL demonstrated no better performance in the June 2010 inspection report disclosed on the New York State Department of Health website than it has demonstrated to Medicare. In each of five categories, JHL recorded nearly double the statewide average of deficiencies: standard health deficiencies, life safety code deficiencies, total deficiencies,

deficiencies related to actual harm or immediate jeopardy, and percentage of deficiencies related to actual harm or immediate jeopardy.

Although your letter states that JHL is aware of the concerns of Park West Village neighborhood residents about traffic congestion, the remedy proposed by JHL - an off-street driveway and turnaround for its vehicles - appears to be a woefully inadequate solution to the congestion that would be created by the numerous vehicles needed to serve both JHL's staff and residents. As many as eight access-a-ride vans at a time have been observed parked and double-parked in front of JHL's current building on 106th Street. Where would these vans park when a single off-street driveway is filled with ambulances, ambulettes, other transport vehicles, delivery trucks, and garbage trucks?

Your letter refers to a HUD insured mortgage and the proceeds of sale of the 106th Street campus as funding sources for the construction of a new residential health care facility on 100th Street. But your letter does not answer the fundamental questions posed in my Open Letter. How much money is JHL receiving from the Chetrit Group for the sale of its 106th Street campus and the right to build a residential health care facility on the Chetrit Group's 100th Street property? How much public money has already been spent by JHL for the redesign of its 106th Street campus, and how much additional public money will be spent on the proposed "modification" to build a new facility on 100th Street? And now that the economy and the real estate market are showing signs of improvement, has JHL made any additional efforts to obtain alternative sources of funding, so that it can honor its original agreement to remain on 106th Street, and thus avoid the massive disruption its proposed relocation would cause to the residents of the Park West Village neighborhood?

All of the improvements that your letter claims would be made at a new facility on 100th Street can equally be made at a redeveloped facility on 106th Street. JHL's many public statements during the past year - which have tried to create the public impression that only construction on 100th Street will enable JHL to create a new, state-of-the-art-facility - are belied by JHL's prior claims that only a zoning carve-out for its 106th Street campus would enable it to create a new, state-of-the-art facility in that location.

You state that JHL has made its 100th Street plan publicly accessible on its website. Although I do not find it there, I note that JHL's website does state - referring to the redevelopment of its 106th Street campus:

"Thanks to generous grant of \$750,000, approved by the Board of Trustees of the Jewish Communal Fund, Jewish Home Lifecare continues with its plans to transform its Manhattan Campus nursing home into a cutting edge facility with resident-centered care and cultural transformation as its hallmark. The massive project will enable Jewish Home to provide its elders the highest quality of life, as well as unparalleled excellence in healthcare."

And furthermore,

“The Manhattan Campus nursing home of Jewish Home Lifecare relocated to its current site 125 years ago. Now, Jewish Home Lifecare has embraced the opportunity to design a new facility that embodies our support of aging with health, individuality and dignity.”

Because your reply to my letter of June 2 fails to provide meaningful answers to any of the questions posed therein, I regret to conclude that it has accomplished nothing but to confirm the belief of the Board of Directors of Westsiders for Public Participation that Jewish Home Lifecare continues to act in bad faith toward the residents of the Park West Village neighborhood.

The Board reiterates its profound concern for the quality of care provided to the residents of Jewish Home Lifecare.

Sincerely,

/s Paul S. Buntan

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