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Borough of Queens*

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District Manager, Marie Adam-Ovide

DEP / Sanitation Committee Meeting Minutes

Date: Wednesday, February 25, 2015
Time: 7:35 p.m.
Place: Community Board 8 Office
197-15 Hillside Avenue
Hollis, NY 11423

Kevin Forrestal, DEP / Sanitation Committee Chair

Board Members: Susan Cleary, Marc A. Haken, Tamara Osherov, and Mohammed Tohin

Also in attendance: Eileen Miller, representing Community Board 11
Tyler Cassell, representing Community Board 7
Phil Konigsberg, representing Queens Tobacco Control Coalition
Sean Robin, Department of Health and Mental Hygiene
Joanne Choi, Department of Health and Mental Hygiene
Joseph Marziliano, Community Board 8 Staff

Mr. Forrestal called the meeting to order at 7:35 p.m. Each attendee introduced him/herself.

Purpose:

This meeting will be more concerned with the environmental side of this Committee. Phil Konigsberg made a presentation at the last Community Board 8 meeting during public participation concerning a smoking ban at residential facilities. The Board subsequently decided to follow up with a Committee Meeting to discuss a resolution of our own. We are joined by a few members of that coalition, which includes other Community Boards, as well as some representatives from the Department of Health and Mental Hygiene.

Phil Konigsberg: I am a Community Board 7 member, but I am here today as a Community Smoke Free Advocate with the Queens Tobacco Control Coalition. There are four members of that team, which includes me and Sean Robin (who is here tonight). After Staten Island Community Board 3 passed a smoke free resolution, I decided to work towards a resolution of our own. In Queens Community Board 7, we were able to get a resolution passed that encourages smoke free multiple housing units. After that, I reached out to Queens Community

Board 11, adjacent to District 7, and it was through their Health Committee and full board that a resolution was passed. I appreciate the opportunity to be here and answer any questions you may have. Please keep in mind that this is strictly for multi-dwelling apartments where smoke may affect neighbors above, below, or down the hall from a smoker.

Marc A. Haken: I am a member of Community Board 8, and the President of a 300 unit Co-Op several blocks from here. We are the second Co-Op in Queens to go Smoke-Free. Smoking is not permitted anywhere in our buildings and prior to that smoking was not allowed in any common areas by law. Phil came to one of the Presidents and we introduced it to our share holders through a letter. I received about ten letters back with six in favor of the smoking ban and four against a ban on smoking. Of the four letters opposed, their letters read “we don’t smoke but it’s our Constitutional right to smoke in our homes.” That being said, most people were in favor of the ban because of property value and health reasons. On a personal note, I was a smoker for about fifty years and only quit permanently once I developed lung cancer. I lost a piece of my lung and now have COPD. I am a convert.

Kevin Forrestal: The main thrust is going to be about determining our consensus here at the committee level, then the Executive Board, and finally the full Board in regard to a resolution. In each of the various resolutions there is a major similarity in the ‘Therefore Sections,’ where they ask everyone to consider going Smoke-Free. I would like to get the feelings of the rest of the Committee Members before we begin debating something we may all agree on.

Mohammed Tohin: I live in a multi-dwelling building. My daughter wanted to come here today after I told her what this meeting would be about. She sees people smoke in the hallways and does not like the smell. Unfortunately, this meeting was past her bed time.

Kevin Forrestal: We would have been very happy to have had her here.

Tamara Osherov: There is a law about not smoking in common areas. If you cannot easily report something that happens in common areas easily, how are we going to be able to enforce a smoking ban within people’s apartments?

Marc A. Haken: Yes, it is law and it started with elevators. The Co-Op Board could enforce it or if they are apartments, the Landlord could enforce it. It would be smelled from outside the door and it could be enforced through using the courts.

Kevin Forrestal: There are all sorts of complications in existing stock. A Co-Op is one organization with all the same type of occupants. Other buildings are mixed between market rate renters Co-ops owners, rent stabilized tenants, and rent controlled tenants. The resolution as it is presented is too weak according to Community Board 7 because it does not actually do very much. It urges people to do something. Enforcing some of these things would be very difficult. It would be easier for Co-Ops to enforce this than some of the others. This is a question of respect and taking initiative on this issue.

Tamara Osherov: I know Meadow Lark Gardens is a Co-Op development with a combination of owners, sublet tenants, rent stabilized renters, market rate renters, etc. There are 288 units at

my development and maybe they should consider installing air filtration units to segregate the smoking from non smoking air. For a renter living there for decades who smokes, that person should not be served an eviction notice because of a new policy.

Susan Cleary: I live in a Co-Op as a rent stabilized occupant. My development has the same diverse mix of occupants as Tammy's development. I don't see anything wrong with putting forth a resolution conveying an idea to management, landlords, Co-Op presidents, shareholders, etc. I personally have two neighbors upstairs from me that smoke like chimneys, and I can smell it downstairs inside my apartment. I have COPD and do not appreciate it.

Marc A. Haken: It does not matter what category of occupant lives inside a multi-dwelling building, because all of them can fall under these regulations if they are adopted. Related Real Estate, the largest real estate firm in the country, banned smoking in their thousands of buildings. If you inventoried all building tenants, I would bet you that 85% of them would tell you they do not want smoking in their buildings. Everyone knows about first and second hand smoke, but I recently found out about third hand smoke; this is where tobacco smoke seeps into the curtains, rugs and furniture within an apartment and remains there.

Tamara Osherov: I think this is super hypocritical because five years ago what would you be saying when you and I were both smokers?

Marc A. Haken: I would say the same. I have always been anti smoking and attempted to stop many times. I got hypnotized, I got shots, I got patches, I chewed gum and was always trying to stop. Cancer convinced me, and I don't want you or anyone else to get it.

Kevin Forrestal: Historically, we would not be able to do this in the 1960's. This issue has not moved progressively as fast as some other issues, but there has been an evolution in people's beliefs in the last ten years whether they did or did not smoke. I do not think that given the current stock that it would be very beneficial to go beyond what has been recommended. I think Community Board 8 would join with other Boards to say we think that every apartment complex should consider this issue. It may also take legislation to have complexes disclose what their policies are. Does anyone want to go further than this? Does anyone want to say that we ask that it be mandated that existing buildings be converted?

Marc A. Haken: I would like a stronger wording that 'urges' a no smoking policy. It does not have to be mandatory.

Kevin Forrestal: Okay. Something that isn't being addressed here is that we are continually building new apartment buildings. I would like to see that we resolve to ask that New York City legislate that within five years time, all new buildings be completely smoke free. I would also like to see a progressive change where after the first year that the percentage of smoking apartments in a building must match the current percentage of NYC smokers in the population. Each year after that it should go down 5%, to progressively match what we would consider the trend of smoking cessation in NYC. I think previously built buildings need to be urged to change without a mandate. I would also like to see some wording stipulating that there be no recirculation from the inside or the outside to the smoke free areas to the extent possible by

modern medical facilities. I am not talking about retrofitting. This can be engineered with new buildings and if it does not get passed it still conveys the spirit of our ideas on this.

Susan Cleary: In your proposal, why would it take effect in five years as opposed to something like Astoria Cove, which is already in the works?

Kevin Forrestal: It will be much harder to change something that is already in the pipeline. Gradual changes tend to be better received by opposing parties.

Tamara Osherov: How would putting these medical air segregation units into apartment buildings work?

Kevin Forrestal: It gets way more technical and complicated than this, but air in modern buildings is brought in and sucked out by HVAC systems. If a building has central air and heating it brings air in from the outside and also pulls it out.

Sean Robin: At the DHMH we have found that in these buildings with HVAC a lot of the air is re-circulated. A technical solution to the problem would be separate HVAC systems for the different areas of a building. That is, however, more expensive.

Eileen Miller: At Community Board 11, our premise was just a little bit more intensive than the resolution passed at Community board 7. The basic premise was that if it took me so many years to stop smoking, I don't want to have to suffer from the second hand smoke coming from my neighbor.

Sean Robin: The Health Department supports the adoption of non smoking practices by any building that wants to have that policy. We strongly recommend this for all buildings. Home is an environment where children and seniors spend most of their time. They are therefore at greater risk with second hand smoke. We can symbolically work with Co-Ops and buildings that want to do this.

Marc A. Haken: This is more than symbolic for us as a Community Board because our City Council people are very interested in what we as a Board do and want. Somewhere down the line this may turn into legislation.

Tyler D. Cassell: You had mentioned that our resolution at Community Board 7 was a little general or weak, but there was a problem we ran into at our Board. Because we do want you to pass something, it is worth mentioning that we ran into significant resistance because people felt that "you can't tell me not to smoke in my house." We tabled the resolution because of that resistance and reached a compromise through tweaking the whereas statements. We decided that to ask for this to be done in new buildings was agreeable. The logic being that when you book a room out of town you can decide to rent smoking or non smoking. In the same way, you can chose from these options when you buy or lease a new place. This option was passable.

Kevin Forrestal: Being that we are all on the same page, what do we want to do? My sense is that our Board may be more aggressive on this than some of the other Boards. Does someone want to go well beyond the call for voluntary conversion as a matter of law?

Susan Cleary: I think it would be a good idea.

Marc A. Haken: I do.

Kevin Forrestal: I do not. My opinion is that it would be a wonderful thing to do, but our Board would not mandate that the little old lady who lived in her apartment for 25 years and now can't smoke in her home.

Marc A. Haken: I think that our initial resolution should include the mandate, and if it does not pass we can come back with an amended resolution where we strongly urge.

Kevin Forrestal: I would vote against it. Marc what would you suggest in terms of wording of the therefore?

Marc A. Haken: I would suggest two 'Therefore;' I think that the first should affect the present: Be it resolved that Queens Community Board 8 urges owners, landlords, and developers of multi-dwelling buildings to create smoke free housing and to establish smoke free housing in their developments wherever possible. In addition be it moved that Community Board 8 urges our elected representatives to introduce legislation to mandate that all future buildings be smoke free.

Kevin Forrestal: What I am asking is if anyone wants existing stock to be mandated by law to be smoke free?

Marc A. Haken: I do, so would you like me to word that? That Queens Community Board 8 encourages owners, landlords, and developers of multi-dwelling buildings and urges our elected officials to pass legislation mandating this. I would definitely like very much to have something pass at that meeting, so I would be more that amenable to take a step down and just urge existing stock to convert. You will speak against it, I will speak for it and it will do what it is going to do.

Susan Cleary: We can accomplish both charges in one resolution by urging existing multi-family buildings to convert to smoke free, and asking for a mandate regarding new buildings.

Kevin Forrestal: I do not want to do that because if it gets voted down, it all gets voted down and we cannot reintroduce something else. It will get sent back to committee. We could come up with three or four resolutions as well, but they will not all end up on the Board Meeting agenda.

Marc A. Haken: We can come through with a resolution asking for a mandate. If that fails then it can be amended and we can write out an amended resolution which can be introduced on the floor.

Kevin Forrestal: Not if it is not on the agenda.

Marc A. Haken: Amendments are not on the agendas because no one knows when an amendment is going to be made.

Kevin Forrestal: The amendment has to be made before the vote. You can put in a new motion only if it is on the agenda or the chair waives it. Based on our bylaws, any resolution not waived by the chair has to be approved by the Executive Board.

Marc A. Haken: I like mandate. So the worst that could happen would be to vote on the amended version in April?

Kevin Forrestal: Yes, or even worse it may be June. In my view this would be a wasted resolution because it very likely will not pass the board and will go nowhere in the City Council.

Marc A. Haken: I will retract the word mandate because I want to get something through.

Susan Cleary: Me too.

Therefore be it moved that Queens Community Board 8 strongly urges owners, shareholders and landlords of existing stock to convert their multi occupant buildings to smoke free housing. Be it also moved that Queens Community Board 8 requests legislation by duly appointed elected officials to mandate, after a certain period of time that new multi occupant buildings be constructed smoke free.

Voted in favor: 5

Voted Against: 0

Abstained: 0

Board Members who voted in favor: Susan Cleary, Kevin Forrestal, Marc A. Haken, Tamara Osherov, Mohammed Tohin.

Board Members who voted against: None

The meeting was adjourned at 8:45 p.m.

*Respectfully submitted,
Joseph Marziliano, Community Board 8 Staff
February 27, 2015*