



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

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TO ALL OUR FRIENDS AND CLIENTS



In the News – State

The New Kosciuszko Bridge



The Kosciuszko Bridge illuminates the NYC skyline.

Governor Andrew Cuomo and elected officials this week celebrated the opening of the Brooklyn-bound, second span of the Kosciuszko Bridge. The opening of the new bridge, part of an \$873 million design-build construction project, was accomplished four years ahead of schedule and was on budget.

The Kosciuszko Bridge carries approximately 200,000 commuters daily. Together, the two spans will ease travel, enhance safety and reduce congestion by providing travelers with five Queens-bound travel lanes and four Brooklyn-bound travel lanes of the Brooklyn-Queens Expressway. The project has helped to support approximately 11,300 jobs in construction and related fields in the New York City metropolitan region.

The new Brooklyn-bound span measures 952 feet in length and contains more than 3,000 tons of U.S. manufactured steel. The cable-stayed bridge uses steel cables placed at an angle to connect the bridge deck to vertical towers that extend high above the roadway, with the pylon tower measuring 287 feet high.

According to the Governor, the Kosciuszko Bridge will eliminate delays by 65 percent on this segment of the BQE during peak hours through a number of different measures, including:

- Standard driving lane widths - lane widths on the main span had been less than the required 12 feet for an interstate highway.
- Standard shoulder widths. Previously, there were no shoulders.
- A reduced roadway incline, which will make it easier for trucks to maintain consistent speeds on the bridge. The new bridge is also 35 feet lower than the old bridge.



NY Proposes New Curbs on Use of Solitary Confinement in State Prisons, Local Jails

The State Department of Corrections and Community Supervision (DCCS) this week released rules on solitary confinement in state prisons that will prohibit its use in relation to pregnant women and individuals with a disability, and phase in a 30-day cap on the practice over the next three years.

DCCS estimates the changes will cost the state \$69 million in the 2020 fiscal year budget, and an additional \$35 million in the out years. The new rules were published in the [State Register](#) Wednesday and are subject to a 60-day public comment period.

Under the proposed rule, solitary confinement would only be used if an incarcerated individual's behavior violates institutional rules and poses an "unreasonable risk" to the health, safety, or security of staff, other inmates, or facility security, the proposed rules said. That could include engaging in a sex act, organizing a riot, damaging property at the prison, brandishing a weapon, attempting to escape from the facility, among other violations listed in the rules.

A 30-day cap on the use of solitary confinement will take effect on Oct. 1, 2022. The change will be phased in over the next three years, starting with a 90-day cap effective in October 2021. The cap is reduced to a 60-day cap in April 2022 and the 30-day cap takes effect the following year.

The proposed rule stipulates that pregnant women, or women within eight weeks of giving birth, would not be eligible for solitary confinement. Incarcerated individuals with a mental or physical disability, or a serious mental illness, would also be barred. Individuals with a serious mental illness would, instead, be housed in mental health treatment units if their isolation is expected to last for more than 30 days,



Chapters of the Laws of 2019

Chapter 183 – Sponsored by M of A Mosley / Senator Carlucci -- Enacts the pension poaching prevention act to prevent financial planners, insurance agents, and other professionals from luring veterans and their family members to pay substantial funds for veterans' benefits services that the offering entity is unqualified to provide and that can detrimentally impact the future financial situations of the veteran and his or her dependents.

Chapter 184 – Sponsored by Senator Gianaris / M of A Carroll -- Relates to the statute of limitations for certain crimes related to fraudulent practices.

Chapter 185 – Sponsored by M of A Solages / Senator Kaminsky -- Requires each industrial development agency to live stream and post video recordings of all open meetings and public hearings.

Chapter 186 – Sponsored by M of A Rozic / Senator Parker -- Requires companies to allow victims of domestic violence to cancel contracts when there is a domestic violence incident report, a police report, an order of protection or a signed affidavit.

Chapter 187 – Sponsored by Senator Biaggi / M of A Dinowitz -- Requires the commissioner of education to make recommendations to the board of regents relating to instruction on preventing child sexual exploitation and abuse in grades K – 8.

Chapter 188 – Sponsored by Senator Kaplan / M of A Barrett -- Relates to authorizing the sale of cider, mead, braggot, and wine at games of chance.

Chapter 195 – Sponsored by Senator Sanders / M of A Vanel -- Relates to the creation of the digital currency task force.

Chapter 207 – Sponsored by Senator Ort / M of A Gunther -- Requires certain insurance companies to provide the superintendent of financial services mental health and substance use disorder parity reports.

Chapter 209 – Sponsored by Senator Thomas / M of A Lavine-- Relates to powers of NIFA in regards to salary adjustments according to plan and step-ups or increments.

In the News – City



City Comptroller Launches New Initiative to Fine City Contractors that Fail to Provide Prevailing Wage Worker Rights Notices

New York City Comptroller Scott Stringer kicked off Labor Rights Week by announcing a new initiative to fine City contractors that fail to provide written notice to their employees of their right to receive prevailing wages and benefits.

“In my office, every week is Labor Rights Week. We firmly believe that an honest day’s work deserves an honest day pay. This is why we are starting a new initiative to fine contractors that do not properly notify workers of their rights to prevailing wages and benefits,” said New York City Comptroller Scott M. Stringer. “I have always believed that workers are their own best advocates when they know their rights.”

The new signage identifies the worksite, the employer, and must include the wage schedule for workers to receive their prevailing wages. A link to a sample of the signage can be found [here](#).

The prevailing wage law for construction on public works requires contractors to post notices at City job sites informing employees of the requirement to pay prevailing wages and benefits, along with the rates for each trade. The law also requires information on the trade and prevailing rates in each employee’s pay stub, and written notice of the Comptroller’s contact information for wage complaints.

The fines for failure to provide this information can be as high as \$500 per violation for repeat offenders. When the Comptroller’s Bureau of Labor Law finalizes new regulations implementing the fines, its investigators will start monitoring City job sites for compliance and issuing summonses for violations.

Prevailing wage laws require employers to pay workers the wage and benefit rate set annually by the New York City Comptroller when those employees work on City-funded public work projects or contracts for building service employees with City agencies or certain residential buildings receiving tax exemptions.

Briefs

\$6 Million in Stolen Wages Recovered for Welders & Iron Workers

Joint Investigation Between NYS DOL and Manhattan DA Leads to Plea Agreement

A joint investigation between the New York State Department of Labor (DOL) and the Manhattan District Attorney's Construction Fraud Task Force has led to a plea agreement that will return approximately \$6 million in stolen wages to about 500 welders and iron workers. It is the largest single wage recovery in DOL's 115-year history.

The investigation followed a referral by the Manhattan District Attorney and Iron Workers Local 361 in February 2018.

"We have absolutely zero tolerance for any business that exploits workers and robs employees of hard-earned wages – period," Cuomo said. "With this plea agreement we're holding AGL Industries accountable for its fraudulent practices and returning millions in stolen wages to hundreds of welders and iron workers."

The joint investigation found that from November 2013 to December 2017, AGL Industries, based in Maspeth, Queens County, cheated workers out of overtime pay and wages owed and reported fraudulent financial information to the state.

The structural steel fabrication company has admitted to 3rd Degree Grand Larceny and will pay back the money on a five-year plan, which started with a \$1.5 million payment on August 13. Company official Dominic Lofaso also pleaded guilty to a Class D felony for Grand Larceny.

In total, AGL will be responsible for \$6.25 million in restitution, which in addition to wage restitution also includes \$260,855 in contributions due to the state's Unemployment Insurance fund.

State Pension Employer Contribution Rates Announced for 2020-21, Assumed Rate of Return Lowered

New York State Comptroller Thomas DiNapoli this week announced the New York State and Local Retirement System (NYSLRS) employer contribution rates for State Fiscal Year 2020-21 will remain the same as the previous year for the Employees' Retirement System (ERS) with a small increase in rates for the Police and Fire Retirement System (PFRS).

Comptroller DiNapoli is also dropping the long-term assumed rate of return on investments from 7 percent to 6.8 percent, anticipating a lower return investment environment.

The estimated average employer contribution rate for ERS will remain at 14.6 percent of payroll. The estimated average employer contribution rate for PFRS will increase by 0.9 percent, from 23.5 percent to 24.4 percent of payroll. NYSLRS is made up of these two systems, which pay pension benefits to public employees.

This marks the third time that Comptroller DiNapoli has lowered the state pension fund's assumed rate of return as economic and demographic conditions have changed. In 2010, he decreased the rate from 8 percent to 7.5 percent, and in 2015 to 7 percent.

Governor Calls on PSC to Expand National Grid Moratorium Investigation

Governor Andrew Cuomo this week issued a letter directing the Department of Public Service (PSC) to broaden its investigation into National Grid's refusal of service in New York City.

Earlier this year National Grid notified customers that it will not be able to fulfill requests to expand natural gas service in Brooklyn, Queens, and Long Island unless the Northeast Enhancement Supply Project moves forward. The proposed project would span 23.5 miles from Pennsylvania, through New Jersey, to Rockaway Peninsula in New York. If completed, National Grid says it would increase the company's capacity by 14 percent.

In this week's letter, the Governor directed the PSC to ensure National Grid immediately provides service to customers who were improperly refused service and impose penalties and sanctions, as appropriate. If National Grid is unable to provide safe, affordable and reliable service to these existing customers, the Governor has directed PSC to consider alternatives to National Grid as a franchisee for some or all of the areas it currently serves.

The full text of the letter:

The Department of Public Service is investigating National Grid's implementation of its moratorium on service to certain natural gas customers. My Administration has received reports that National Grid is refusing service to some customers who initiated new construction projects well before National Grid's announcement of its moratorium, including affordable housing developments. If these reports are accurate, National Grid is delaying, if not denying, services needed to shelter disadvantaged families.

We have also received reports of incidents in which customers requested suspension of their natural gas service in order to make building renovations, and upon seeking resumption of service, were refused by National Grid - including reported denials of service to homeowners, to small businesses, and to at least one nonprofit organization operating a senior center. If these reports are accurate, National Grid's refusal to resume service could endanger the health and safety of New Yorkers. Affected homeowners likely include families without the means to secure alternative residences, and National Grid's refusal of service could deprive these families of heat as temperatures fall. In the case of the nonprofit, National Grid's refusal to resume service could leave seniors without a safe place to receive meals and companionship.

I direct you to broaden your ongoing investigation to include investigation of these reported incidents. If you find that National Grid is refusing service in the circumstances described above, I direct you (1) to take any steps within your authority to ensure that National Grid immediately provides service to customers affected by such refusals, as appropriate, and (2) to impose appropriate penalties and sanctions. Further, if National Grid is unable to provide safe, affordable and reliable service to existing customers, or is unable to properly plan so that it is able to serve new customers, I direct you to consider alternatives to National Grid as franchisee for some or all of the areas it currently serves.

Comptroller DiNapoli: Farms Generated \$5.7 Billion for New York Economy

New York state farms generated \$5.7 billion in revenue in 2017, according to a report released by State Comptroller Thomas DiNapoli.

The state boasted more than 33,400 farms, employing more than 55,000 workers in 2017, according to the latest available data from the U.S. Department of Agriculture. Farms are located in every region of the state, covering nearly 23 percent of New York's total land area, with 96 percent of those family owned.

While the total number of farms and acreage declined from 2007 to 2017, their overall economic impact increased as net farm income grew by more than 20 percent. In addition, the number of certified organic farms increased by over 60 percent from 2012 to 2017.

New York ranks as a national leader for a variety of agricultural commodities. Milk is the state's largest commodity, ranking third for sales nationwide in 2017, with sales of over \$2.5 billion. The state leads the nation in the production of yogurt, cottage cheese and sour cream.

New York ranks second nationwide for the production of apples and maple syrup, ranks third for grapes and eleventh for beer. New York is the third largest producer of wine, with its wineries producing nearly 32 million gallons in 2017.

Port Authority Advances JFK Redevelopment with Search for Construction Management Partner

The Port Authority of New York and New Jersey this week announced a request for proposals to solicit bids to provide expert professional construction management for the John F. Kennedy International Airport Redevelopment Program on an "as-needed" basis. The RFP aims to secure a qualified firm to assist in the oversight of the performance of all contractors for the entire JFK Redevelopment Program. The selected firm also will provide construction management and coordination services with other ongoing construction projects related to the JFK Redevelopment Program.

The scope of the work for the RFP includes performing multi-discipline civil, structural, electrical, traffic, and mechanical engineering, and construction management and support services required for the JFK Redevelopment Program. Projects include the major terminals, design-build construction contracts for new parking garages and substations, as well as construction of elevated roadways, utility infrastructure improvements, airfield modifications including work on new taxiways, demolition of buildings, and extensive management of traffic during construction.

NYS to Distribute Early Voting Funding

The Division of the Budget announced this week that it will distribute a \$10 million pool of money to help counties fund early voting. Under the plan, counties will get \$15,000 for each polling site. The balance of the funding will be distributed based on the number of voters.

"These state resources are necessary to ensure smooth and accessible elections in communities across the state," the New York State Association of Counties' Stephen Acquario said in a statement.

State Judge Rules Against Ban On Legislator Outside Income

[A state judge this week ruled against capping the outside income](#) of State Legislators as imposed by the New York State Committee on Legislative and Executive Compensation. The outside income cap was due to take effect at the end of the year and limited income to 15 percent of their public-sector pay. The decision leaves the pay increase for members of the Senate and Assembly in place.

"There is nothing that authorized it to recommend restrictions on outside income and employment that have the force of law," Judge Richard Platkin wrote. "These policy matters remain reserved for the Legislature and governor."

The pay commission was formed in 2018 by law and recommended pay increases for statewide elected officials and the Legislature. Legislative pay increased for the first time since 1999 under the panel's recommendation, growing from \$79,500 to \$110,000 by the start of the year. Once full phased in, lawmakers will earn \$130,000. The first step took effect in January, increasing lawmakers' pay to \$110,000.

The ruling is likely to be appealed.

Coming Up

New York State

Tuesday September 3rd

Electric Power System Reliably

Joint Senate Standing Committee on Energy and Telecommunications, Committee on Corporations, Authorities and Commissions, and Joint Assembly Standing Committee on Energy and Committee on Corporations, Authorities and Commissions

Assembly Hearing Room, 250 Broadway, Room 1923, Floor 19, New York, 10 a.m.

New York City

Tuesday September 3rd

Committee on Immigration, Council Chambers – City Hall, 1 p.m.

Wednesday September 4th

Subcommittee on Zoning and Franchises, Committee Room – City Hall, 9:30 a.m.

Committee on Consumer Affairs and Business Licensing, Council Chambers – City Hall, 10 a.m.

Committee on Resiliency and Waterfronts, Council Chambers – City Hall, 10 a.m.

Committee on Environmental Protection, Council Chambers – City Hall, 10 a.m.

Committee on Public Housing, Committee Room – 250 Broadway, 16th Floor, 10 a.m.

Committee on Mental Health, Disabilities and Addiction, Committee Room – 250 Broadway, 16th Floor, 10 a.m.

Subcommittee on Landmarks, Public Sitting and Maritime Uses, Committee Room – City Hall, 1 p.m.

Thursday September 5th

Subcommittee on Landmarks, Public Sitting and Maritime Uses, Committee Room – City Hall, 10 p.m.

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To Our Clients: If you have any questions regarding any of the matters addressed in this newsletter, or regarding any legislative, government relations or political or consulting or related issues in general, please contact the Pitta Bishop & Del Giorno LLC professional with whom you usually work.

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