



# This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

September 13, 2019 Edition



## *In the News – State*



**Governor Cuomo presents the family of NYPD Detective and 9/11 First Responder Luis Alvarez with a pen used to sign the 9/11 legislation.**

## **Governor Cuomo Signs Legislation to Deliver Pension and Health Benefits to 9/11 First Responders, Volunteers and Workers**

Governor Andrew Cuomo this week signed legislation to help ensure first responders and public sector officers and employees who developed a qualifying health condition as a result of their 9/11 efforts at World Trade Center sites receive the pension and health benefits they deserve.

"9/11 was not 18 years ago - 9/11 is every day. We honor, we remember, and we reflect, but it's also our duty to act," Governor Cuomo said. "The 100,000 brave men and women who showed up to help on 9/11 deserve to be taken care of the way they took care of us, and we're not going to leave them alone because they are American heroes. Today, we took action to help ensure they get the health benefits and pension benefits they deserve. We honor them, we honor their families and we honor their courage - and we will repay the debt we owe them the best we can."

At the 7th annual 9/11 motorcycle ride and ceremony in New York City, the Governor signed six bills:

- **Chapter 251 Sponsored by Senator Gounardes / M of A Pheffer Amato** - Makes it easier for volunteers at the World Trade Center site who now work for the state to file claims for sick leave by providing a process for public authorities and municipal corporations outside of New York City to obtain reimbursement for line of duty sick leave granted to their employees. It also allows certain municipalities and authorities to use sick leave for qualifying World Trade Center conditions.

- **Chapter 249 Sponsored by Senator Gounardes / M of A Pheffer Amato** - Increases the number of physicians authorized to evaluate members of the New York City Employee Retirement System applying for a disability pension.
- **Chapter 253– Sponsored by Senator Gounardes / M of A Abbate** - Extends the time period to file an application for an accidental death benefit after the death of a loved one to five years.
- **Chapter 252– Sponsored by Senator Gounardes / M of A Weprin** - Expands World Trade Center disability benefits to include Tier 3 and 4 public employees who are members of the Teacher's Retirement System and the State and Local Employees Retirement System. This bill would provide a final average salary disability retirement benefit and three-quarters disability pension to certain participants in World Trade Center rescue, recovery or cleanup operations.
- **Chapter 250– Sponsored by Senator Gounardes / M of A Reyes** - Provides retirees of the New York City fire department who are diagnosed with certain cancers or melanoma a presumption that the cancer was incurred in the performance of duties. The bill establishes a five-year lookback window, making the retirees eligible to receive disability benefits.
- **Chapter 248– Sponsored by Senator Addabbo / M of A Pheffer Amato** - Establishes September 11th Remembrance Day, which allows for a brief moment of silence in public schools.

Also, the Department of Health is providing [guidance](#) to health care providers across the state to highlight the health affects 9/11 first responders, rescue and recovery workers and survivors may have been exposed to. The guidance also addresses mental health or substance use disorder concerns that may have been developed or exacerbated by witnessing the events. The guidance also recommends that all health care providers know how to identify, evaluate, treat and refer patients with conditions that could be associated with exposure to the disaster, and to make referrals to the CDC's World Trade Center Health Program.

The Governor also announced that New York will donate an additional \$1.8 million to the 9/11 Memorial Glade, a pathway that honors all individuals who have fallen sick or have died from exposure to toxins in the aftermath of 9/11. The state previously provided \$500,000 from Port Authority funds for the project. This additional \$1.8 million will fully fund the capital costs associated with the construction of the memorial.

Additionally, during the 9/11 motorcycle ride ceremony, the Governor posthumously awarded the Public Service Medal to Det. Luis Alvarez, an NYPD Detective and 9/11 First Responder who fought to make the 9/11 Victim Compensation Fund permanent. On June 11, 2019, Det. Alvarez joined dozens of 9/11 first responders to testify before Congress and demand that Congress fully fund the 9/11 Victim Compensation Fund that was set up for police, firefighters and others who worked at Ground Zero. Alvarez died on June 22, 2019 at the age of 53 from complications related to colorectal cancer, which he traced to the three months he spent searching rooftops for victims soon after the towers fell, and on the "bucket brigade" trying to salvage the remains of his NYPD and FDNY brethren. Det. Alvarez's medal was accepted by his wife Alaine Parker Alvarez and his son Tyler.



## Governor Outlines his Priorities for the 2020-2024 MTA Capital Plan

Governor Andrew Cuomo this week issued a letter to the Metropolitan Transportation Authority (MTA) board outlining his priorities for the 2020-2024 Capital Plan. The Governor called for accessibility for the disabled, resolution of quality of life issues, equitable distribution of funding outside of New York City, and the use of hybrid and electric buses.

But approval of the Capital Program, according to the Governor, requires the full satisfaction of the MTA Reorganization plan and other initiatives included in this year's budget.

"As the Capital Plan requires approval by the legislative leaders and the Mayor of the City of New York," Governor Cuomo explained, "these legislative mandates must be completed for the benefit of the taxpayer and riders and so the MTA's noncompliance does not become an issue in the approval of the Capital Plan."

Following approval by the MTA Board, the 2020-2024 Capital Plan must be approved by the MTA Capital Program Review Board, a 4- member board appointed by the Governor with recommendations from the Senate Majority Leader, Speaker of the Assembly, and Mayor of the City of New York. The MTA Board is scheduled to discuss plan at its September 25<sup>th</sup> meeting.

Governor Cuomo asserted that successful completion of the MTA's short-term agenda requires "an energized management capacity" to complete the MTA Reorganization Plan's new hirings, realignment, consolidation and special initiatives. In addition, the Train Speed and Safety Task Force, the Help for the Homeless Initiative, Fare Evasion and Worker Safety Task Force and the station and train intensive cleaning initiative, are top short-term management priorities that must be completed on time. The new business integrity laws including "bad contractor" debarment, time and attendance systems and forensic audits must be in place.

Below is an excerpt from the Governor's letter outlining his goals.

1. *The progress on making stations accessible for people with disabilities has not been acceptable. It is a legal and moral mandate that the MTA accelerate the number of stations made accessible and the timeframe in which accessibility is achieved.*
2. *"Quality of Life" issues in the subway have deteriorated. The number of homeless, dangerously mentally ill, fare evaders, aggressive "pan handlers" and worker attacks has skyrocketed. Station redesign securing access to the tracks and worker safety is essential. Riders must be provided a safe environment and additional MTA police with proper equipment, training and facilities is essential.*

3. *State of the art signal systems must be installed to speed up the trains and long-delayed construction projects such as East Side Access, Grand Central improvements, the Moynihan Farley Station, Long Island Rail Road improvements and Second Avenue Subway must be prioritized.*
4. *The New York City outer boroughs and Long Island Rail Road and Metro-North Railroad must receive an equitable distribution of resources.*
5. *New buses should be hybrid or electric and distributed throughout the City, and you must work with New York City to find ways to improve speed and service. New train cars must be procured without the multi-year delays in past contracts.*



## **Chapters of the Laws of 2019**

***Chapter 246– Sponsored by Senator Thomas / M of A Gunther*** -- Relates to early termination of motor vehicle lease contracts

***Chapter 247– Sponsored by M of A Jacobson / Senator Breslin*** -- Relates to motor vehicle key and key fob replacement contracts.

***Chapter 254- Sponsored by Senator Benjamin/ M of A Taylor*** - Requires the state health commissioner to immediately develop and distribute guidelines and procedures for child daycare programs to prevent anaphylaxis.

***Chapter 256 - Sponsored by M of A Rosenthal/Senator Hoylman*** - Includes e-cigarettes and liquid nicotine in New York's Tobacco Use Prevention and Control Program.

## *In the News – City*



### **Mayor Proposes Bill to Provide Health Insurance to Survivors of All City Employees Who Die of 9/11 Illnesses**

*Legislation would expand current law to include survivors of all City employees who die of a 9/11 illness, regardless of whether death occurs while in active service or retirement*

Mayor de Blasio will propose local legislation to create parity for all City employees who die of a 9/11 illness by providing health insurance coverage to their survivors. The bill would provide benefits to families of Uniformed Correction Officers, Uniformed Sanitation workers, and civilian titles such as engineers, mechanics and traffic agents.

Approximately 5,000 employees across several City agencies and in various titles could be covered by this legislation over time. This population represents City employees who have been verified by their respective City public retirement system and employing agency as having participated in World Trade Center rescue, recovery and cleanup operations.

The mayor projected that the proposal, which requires City Council approval, would cost the city no more than \$3 million per year.

"The dedicated men and women of the New York City Department of Sanitation and all New York City workers express their heartfelt commendation and sincerest gratitude to Mayor Bill de Blasio, to City Council Speaker Corey Johnson and to all members of the New York City Council for this initiative to provide well-deserved and much-needed support to the families of those who died as a result of 9/11 illnesses. We can never relieve the pain of their loss, but we can take this important step to provide health benefits as a way to affirm: We will never forget," said Harry Nespoli, President, Uniformed Sanitationmen's Association and Chair, Municipal Labor Committee.

Currently, survivors of Police Officers, Firefighters, and Emergency Medical Technicians (EMTs) and higher rank employees in those titles who die in the line of duty receive health insurance from the City regardless of whether their family members die while in active service or after retirement. At the same time, survivors of Uniformed Correction Officers and Uniformed Sanitation Workers only receive health insurance if their family members die while in active service, and survivors of employees in other titles who die from a 9/11 illness currently do not qualify for City-sponsored health insurance. Survivors include a spouse or domestic partner, children under the age of 19 and children who are full-time college students up until they complete their degree or until the age of 26.

This legislation would close any gaps in current law so that all City employees who die of a 9/11 illness are treated the same, allowing their survivors to receive City health insurance upon approval of their World Trade Center accidental death pension by the applicable City public retirement system.

“This critical legislation put forth by Mayor de Blasio could not come at a more critical time for New York City Correction Officers and other city workers, who are still suffering from 9/11 related illnesses. Extending the health insurance coverage to the spouses and dependents of our retired fallen brothers and sisters will ensure their families will continue to receive vital health insurance benefits. We are deeply grateful for the Mayor's leadership on this important issue,” said Elias Husamudeen, President, Correction Officers' Benevolent Association.

Allowing the survivors of city workers to get medical benefits from the city would provide parity with uniformed city employees and allow families to receive benefits more quickly than if they applied through the September 11th Victim Compensation Fund. The fund has deemed almost 25,000 claims as eligible, including almost 19,000 from



## **City to Stop Issuing Violations on Homeowners for Damage Caused by Street Trees**

New York City will no longer issue violations to homeowners for sidewalk damage caused by City trees, according to an announcement made this week by New York State Assembly Speaker Carl Heastie and Mayor Bill de Blasio. In addition, the City will ramp up sidewalk repairs under the Trees & Sidewalks program to address 5,500 priority sites over the next three years.

“This has been a huge quality of life concern for my constituents who have invested their savings in purchasing a home, only to be hit with this liability through no fault of their own. The problems associated with these trees became very apparent as I have been knocking on doors and visiting with constituents,” said Carl E. Heastie, Speaker of the New York State Assembly. “I am glad that the Mayor de Blasio has recognized this issue and together we have developed a solution to take the burden off these homeowners.”

Under the plan, the City will stop imposing liens on one, two and three family properties that have sidewalk damage caused solely by City trees. DOT and the Parks Department will still inspect for dangerous sidewalk conditions, but the City, not the homeowner, will be responsible for fixing them if they are exclusively tree related.

DOT will review the 50,000 existing notices of violation to determine which were caused exclusively by street trees and cancel the lien for any that meets the criteria. If the homeowner of the qualifying property is selling or refinancing their home, the City will expedite this re- evaluation.

The announcement builds upon the \$16 million funding increase for the Trees and Sidewalk Repair Program in 2017. There are approximately 5,500 high priority damaged sites that will be repaired by the end of FY '22. After that, the worst sidewalk conditions caused by street trees will be repaired within 12 months.

To meet increased need, the Parks Department has worked to build capacity and attract more contractors by increasing their solicitation outreach; offering varied contract sizes; minimizing contract requirements to the extent possible; and improving site densities.

View a map of all sidewalk inspections and upcoming repairs [here](#) and request an inspection through the Trees & Sidewalks program [here](#).

## **Briefs**

### **MTA Managing Director Veronica Hakim to Depart in November**

MTA Managing Director Veronica Hakim this week resigned from the Authority citing that “with the MTA on the rebound and service improving across all agencies, I feel I can move on,” according to published reports. Ms. Hakim will continue full-time at the MTA through October and part-time through most of November. Her resignation is effective November 27<sup>th</sup>.

Ms. Hakim completed two stints with the authority. In 2010, following two decades of service which included a position as general counsel in the MTA subsidiary that oversees major construction projects, she left to join the New Jersey Turnpike Authority and then NJ Transit.

She returned to the MTA in 2015 to run its subway and bus systems.

### **Attorney General James Announces Antitrust Investigation Into Google**

#### *Second Antitrust Investigation Announced Days After Investigation into Facebook*

New York Attorney General Letitia James confirmed that her office has launched an investigation into Google for antitrust issues.

The investigation will focus on Google’s dominance in the telecommunications and search engine industries, as well as the potential harm caused to consumers and the economy from any anticompetitive conduct. Joining Attorney General James in investigating Google are 49 attorneys general from around the nation, including Texas Attorney General Ken Paxton, who is leading the investigation.

Last Friday, Attorney General James announced an investigation into Facebook for potentially anticompetitive conduct.

## **20 Percent Increase in Excelsior Scholarships in Year Two**

Approximately 24,000 SUNY and CUNY students are estimated to receive the Excelsior Scholarship at the completion of year two, up from 20,000 scholarships in year one.

In addition, the preliminary two-year on-time graduation rate of Excelsior students attending a SUNY and CUNY community college is twice as high as the typical graduation rate. The on-time graduation rate for Excelsior students at SUNY community colleges is 30 percent compared to the non-Excelsior graduation rate of 11 percent. For CUNY, the on-time graduation rate for Excelsior students in community colleges is 30 percent, compared to 12 percent for non-Excelsior community college students.

Overall, more than 210,000 students will go to SUNY or CUNY tuition-free, including students receiving Excelsior Scholarship, TAP, Pell and other financial aid.

## **NYS Department of Labor and SUNY Empire State College Announce Partnership to Help Prepare Job-Seekers for Emerging Careers**

### **Empire State Career Connector Will Bridge Emerging Job Opportunities and SUNY Empire Programs to Help Workers Adapt to Evolving Workforce Demands**

The New York State Department of Labor (NYSDOL) and SUNY Empire State College (SUNY Empire) signed an agreement this week to create the Empire State Career Connector, a program to connect individuals to growing jobs sectors and the education they will need to take advantage of emerging opportunities.

The Empire State Career Connector program will work with individuals to identify jobs, provide the training and education needed, and help connect individuals to a job upon completion. The program will align training and education needs to job demand identified by the local workforce boards and the Regional Economic Development Councils. DOL job counselors and SUNY Empire College staff will work directly with individuals to determine what additional education or training will be needed to qualify for the job.

In order to minimize the cost and time spent earning a degree, SUNY Empire will evaluate the person's previous education, training, and life experience to award college credit for those experiences.

The program will be statewide across SUNY Empire and NYSDOL locations, but will start as a pilot in Albany. The first Empire State Career Connector Hub will be physically located at the SUNY Empire location in downtown Albany. Work on the facility should be completed for a formal ribbon cutting by January 2020.



## **Lawmaker Wants All American Flags Sold In New York Made In America**

Assemblyman Angelo Santabarbara will introduce legislation that would require all U.S. and New York state flags sold in the state be made in America with American labor. Federal law requires flags purchased by the federal government be made with 50 percent of American-made materials.

“Our flag has covered the coffins of presidents, it has traveled to the moon, and for those who make the ultimate in sacrifice for our great nation, their remains are covered with the flag for which they fought for when they are given their final honors, and that flag should be made in the United States,” Santabarbara said in a statement.

Arizona, Florida, Tennessee, Maryland, Massachusetts and Wisconsin have approved legislation over the years that bars their states from spending money on flags manufactured outside of the United States. Minnesota banned the sale of foreign-made American flags.

It is estimated that \$3.6 million in American flags are imported to the United States; most are made in China, according to published reports.

## **Subway Performance Continues to Improve**

New York City subways continue to improve, as On-Time Performance (OTP) numbers reached 84% on weekdays, up from 68.8% in August of last year, according to a report released this week. OTP measures the percentage of trains that arrive at their terminal location within five minutes of their scheduled arrival time and made all scheduled stops.

Meanwhile, Major Incidents, which are defined as incidents that delay 50 or more trains, continued to decline at a rapid clip as well, with just 38 such incidents in August. This is almost a 40% reduction from the same month last year and marks a new low since New York City Transit began compiling data on the metric in 2015.

MTA officials credited the improvements to critical maintenance work done during the Subway Action Plan, full employee engagement, and the operations focus of Fast Forward Plan and implemented in programs like NYCT’s Save Safe Seconds campaign. Subway speeds have been safely increased at 150 locations.

## **New York City Saint Patrick's Day Parade Selects James T. Callahan 2020 Grand Marshal**

The Board of Directors of the St. Patrick's Day Parade, Inc. has selected James T. Callahan, General President of the International Union of Operating Engineers, as the Grand Marshal of the 2020 New York City St Patrick's Day Parade. Mr. Callahan will lead the marchers up Fifth Avenue on Tuesday, March 17, 2020 in connection with the City's 259th celebration of Ireland's faith, heritage and culture.

Mr. Callahan, a life-long New Yorker, resides on Long Island with his wife Fran and their children. His grandparents emigrated from Ireland's County Limerick and County Kerry in the early 1900s. Mr. Callahan is also President of the New York Friends of Ireland.

He represents over 400,000 operating engineers in the United States and Canada and is a member of the executive council of the national AFL-CIO.

# *Coming Up*

## *New York State*

### ***Tuesday September 17<sup>th</sup>***

#### **Rural Broadband**

Joint Legislative Commission on Rural Resources and Assembly Committee on Local Governments  
Van Buren Hearing Room A, Legislative Office Building, 2<sup>nd</sup> Floor, Albany, 11 a.m.

## *New York City*

### ***Tuesday September 17<sup>th</sup>***

***Committee on Veterans***, Committee Room – 250 Broadway, 16<sup>th</sup> Floor, 10 a.m.

***Committee on Finance***, Committee Room – City Hall, 10 a.m.

***Committee on Cultural Affairs, Libraries and International Intergroup Relations***, Committee Room – City Hall, 1 p.m.

***Committee on Public Safety***, Council Chambers – City Hall, 1 p.m.

***Committee on Fire and Emergency Management***, Council Chambers – City Hall, 1 p.m.

*Committee on Mental Health, Disabilities and Addiction*, Council Chambers – City Hall, 1 p.m.

### ***Wednesday September 18<sup>th</sup>***

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

*Committee on Aging*, Committee Room – City Hall, 10 a.m.

*Committee on Civil and Human Rights*, Committee Room – 250 Broadway, 14<sup>th</sup> Floor, 10 a.m.

*Subcommittee on Landmarks, Public Siting & Maritime Uses*, Committee Room, 250 Broadway, 1 p.m.

*Committee on Hospitals*, Committee Room – City Hall, 1 p.m.

*Committee on Economic Development*, Council Chambers – City Hall, 1 p.m.

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

*Committee on General Welfare*, Council Chambers – City Hall, 1 p.m.

### ***Thursday September 19<sup>th</sup>***

*Committee on Youth Services*, Committee Room – City Hall, 10 a.m.

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