



# This Week in New York

**Covering New York State and City Government**

*A Publication of Pitta Bishop & Del Giorno LLC*

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**“Every record has been destroyed or falsified, every book rewritten, every picture has been repainted, every statue and street building has been renamed, every date has been altered. And the process is continuing day by day and minute by minute. History has stopped. Nothing exists except an endless present in which the Party is always right.”**  
**-George Orwell, 1984-**

## *In the News – State*



### **Comptroller DiNapoli: Pension Contribution Rates To Increase**

Employer contribution rates for the State's public pension funds will increase amid sustained uncertainty surrounding the COVID-19 pandemic, according to State Comptroller Thomas DiNapoli.

Contribution rates will increase from 14.6% to 16.2% for the Employees Retirement System (ERS). Rates for the Police and Fire Retirement System (PFRS) will increase from 24.4% to 28.3%.

The higher rates come after several years of either flat growth or reduced rates for employers, including local governments and taxing districts. The Comptroller attributed the increase to longer life spans, lower-than-expected investment returns, and a faster rate of retirement for some workers.

“As the COVID-19 pandemic continues to create uncertainty in the financial markets and hurt Main Street, we are fortunate that our state pension fund entered this uncertain time as one of the strongest and best funded in the nation,” Comptroller DiNapoli said. “We manage the fund to withstand tough challenges so that our public workforce can be confident their retirement benefits are secure. Keeping the plan well-funded has helped improve New York’s credit rating and avoided the budget problems faced by states with poorly-funded pensions.”

Payments based on the new rates are due by February 1, 2022, but employers receive a discount if payment is made by December 15, 2021.

There are more than 3,000 participating employers in ERS and PFRS, and more than 300 different retirement plan combinations. Last fiscal year, \$13.25 billion were paid out in benefits. Approximately 79 percent of retirees and beneficiaries live in New York, according to the Comptroller.



## New York Casinos & Malls In NYC Allowed to Reopen Next Week with Limited Capacity

Governor Andrew Cuomo yesterday announced casinos and video lottery terminal facilities across the State and malls in New York City will be allowed to reopen starting Wednesday, September 9<sup>th</sup> with limited occupancy. Casinos and VLT facilities will be at a 25 percent occupancy limit and New York City malls will have a 50 percent occupancy limit.

Casinos must leave six feet of distance between operating machines. No table games will be allowed unless and until casinos put in place physical barriers between players and the Gaming Commission approves those barriers. No beverage or food service will be allowed on the gaming floor. The State Gaming Commission will be deployed to monitor casinos and ensure strict enforcement of these measures.

All venues that choose to reopen will be subject to strict safety protocols, including strict enforcement of face coverings except when eating or drinking, social distancing, additional staff to control occupancy, traffic flow and seating to avoid crowding, and enhanced cleaning and disinfection protocols. Casinos must also have enhanced air filtration, ventilation and purification standards in place in order to open.

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## *In the News – City*



## NYC Restaurants Sue City & State Over Indoor Dining Rules

Over 300 New York City restaurants joined in a lawsuit seeking over \$2 billion in damages from New York City and New York State for closing restaurants in New York due to the COVID-19 pandemic and preventing New York City venues from offering indoor dining. Indoor dining was projected to begin in New York City on July 6<sup>th</sup>, however, that date has been pushed back indefinitely.

Led by Queens restaurant Il Bacco, the [complaint](#) names Andrew M. Cuomo, Attorney General of the State of New York, Bill de Blasio, and the State of New York and was filed in State Supreme Court in Manhattan.

To date 337 restaurants have signed onto the suit in a potential class action, according to published reports.

“New York City is the ONLY state region that still does not have indoor dining allowed, while its is allowed in neighboring suburban counties like Nassau, Suffolk, and Westchester,” the complaint asserts. “Indoor dining is not available to Plaintiff because Plaintiff is located in Queens, NY. If a restaurant patron travels five hundred feet east...from Plaintiff’s restaurant, patrons are in Nassau County and can enjoy indoor dining in an air conditioned room. According to Governor Cuomo, it is dangerous to eat at Plaintiff’s restaurant in Little Neck, Queens, but safe to dine indoors a few hundred feet east of Plaintiff.”

The suit contends that “Plaintiff, and all others similarly situated, are fully capable of adhering to those same guidelines [U.S. Center for Disease Control and Prevention guidelines on social distancing required for restaurants outside of New York City providing indoor dining] if allowed to open ‘indoor dining.’”

Mayor de Blasio this week indicated that a decision would be made sometime this month. Meanwhile, City Council Speaker Corey Johnson came out in support indoor dining for the City, calling the health of the restaurant industry “imperative to our City.”

“It’s time to allow indoor dining in New York City with reduced capacity and clear guidance to ensure social distancing and safety,” he explained. “This is crucial for restaurant owners, who have been particularly hard hit by the pandemic and the resulting drop in tourism. Summer is winding down, and they need to begin planning for the colder months. Of course, we will continue to monitor the City’s COVID-19 rates, just as we must for all of our businesses...The rest of the State has been allowed to reopen their restaurants for indoor dining, and New Jersey is allowing indoor dining come Friday. Now is the time to allow it in New York City. Our restaurants and our City’s economy can’t wait.”

Governor Andrew Cuomo said Thursday that he wants to allow city restaurants to re-open for indoor dining, but questioned whether the City would be able to sufficiently enforce social-distancing guidelines.

“Put together a task force of NYPD (officers), Speaker Johnson,” Governor Cuomo said. “Say they’re going to be 4,000 police who are going to be doing restaurant compliance.”



## Vision Zero: NYC Lowers Speed Limits by 5 MPH on 9 Major City Streets

Mayor Bill de Blasio announced this week that speed limits will be reduced by 5 mph on 25 miles of major streets with some the highest rates of crashes across the five boroughs.

The nine newly targeted streets, more than 25 miles citywide, are largely arterial roadways that are also heavily used by pedestrians and cyclists. In the last year, DOT has lowered the speed limit along Manhattan's West Street as well as along 3rd Avenue and Hamilton Avenue, two major streets under Brooklyn's Gowanus Expressway.

Street locations and mileage are as follows:

### **Brooklyn:**

- Flatbush Ave from Grand Army Plaza to Empire Boulevard, .8 mile (30 mph to 25 mph)
- Shore Parkway Service Road from Bay 8th Street to Plumb 3rd Street, 4.8 miles (30 mph to 25 mph)
- Dahlgren Place from 86th Street to 92nd Street, .3 miles (30 mph to 25 mph)

### **Manhattan:**

- Riverside Drive from 165th Street to 181st Street, .8 mile (30 mph to 25 mph)

### **Bronx:**

- Bruckner Blvd from East 135th Street to Pelham Bay Park, 6.5 miles (30 mph to 25 mph)
- Webster Ave from East 233 Street to East Gun Hill Road, 1.2 miles (30 mph to 25 mph)

### **Queens:**

- Rockaway Blvd from 150th Ave to 3rd Street (Nassau County border), 2.5 miles (40 mph to 35 mph)
- Northern Blvd from 114th Street to Glenwood Street (Nassau County border), 7 miles (30 mph to 25 mph)

### **Staten Island:**

- Targee Street from West Fingerboard Rd to Broad St, 1.8 miles (30 mph to 25 mph)

All of the speed limits will go into effect as DOT posts new speed-limit signage over the next 4-6 weeks. Speed cameras located along any of these streets will be reprogrammed and will only issue warnings for the first 60 days after new signage is posted.

# Briefs

## Governor Cuomo Announces School Reporting Requirements and Online Dashboard to Track COVID-19

*DOH Sending Letter to School Districts Requiring Them to Report Number of Known Positive Cases on a Daily Basis Beginning Tuesday, Sept. 8*

*New Publicly Available Dashboard Will Be Available [Here Beginning Wednesday, Sept. 9](#)*

Governor Andrew Cuomo announced that New York school districts will be required to provide the Department of Health with daily data on the number of people who have tested positive for COVID-19 in each school beginning Tuesday, Sept. 8. The information will be publicly available on a new online dashboard developed by DOH, which will be found [here beginning Wednesday Sept. 9](#). DOH Commissioner Dr. Howard Zucker sent a letter to all school districts informing them of the reporting requirements and the new dashboard.

School districts will be required to send their daily testing reports to the Department of Health. The districts must also provide a link to the daily dashboard on their website for other interested parties. That information will be updated daily.

## NY Absentee Ballot Portal is Now Open & Requests Can Be Made Directly Online

Governor Andrew Cuomo this week announced the launch of New York's [absentee ballot portal](#) where voters can directly request an absentee ballot for the upcoming November 3<sup>rd</sup> election. The Governor acted by Executive Order to allow any voter concerned about risk or exposure to COVID during the ongoing pandemic to request an absentee ballot.

The screenshot shows the 'NY State Board of Elections' website interface for requesting an absentee ballot. The page title is 'Voter Search for Absentee Ballot Request'. Below the title, there is a note: 'To use this application to request an absentee ballot for the Nov 3, 2020 General Election you must be a registered voter in New York State.' A red asterisk indicates that the following fields are mandatory. The form includes a language selector with 'English' selected and 'Español' as an option. The mandatory fields are: County (a dropdown menu currently showing 'Select County'), Last Name, First Name, Date of Birth (with a placeholder 'MM/DD/YYYY'), and Zip code. A green 'Search' button is located at the bottom of the form.

## **New York State Releases New Guidelines for Agri-tourism Businesses**

Governor Andrew Cuomo this week announced new state guidance for agri-tourism businesses as New York State enters the Fall season. The businesses, which include corn mazes, pick-your-own fruit and vegetable operations, hayrides and haunted houses, are considered low-risk outdoor arts and entertainment and are permitted to operate under [New York's NY Forward guidance](#).

New Yorkers can also visit the State's farmers' markets and craft beverage trails, which have remained open under State guidance.

## **Two Out of Three NY Restaurants Fear Closure Without Aid**

Almost two out of three restaurants across New York may be forced to close without a comprehensive aid package for the hospitality industry, according to a poll by the New York State Restaurant Association.

“The restaurant industry in New York State could collapse,” Melissa Fleischut, Association President said. “These recent survey results illustrate just how dire the financial situation has become for most restaurants, and it shows how critical it is that elected officials understand the urgency of the situation.”

More than 1,000 restaurants responded to the poll during the last week of August, with 63.6 percent saying they are likely to close by the end of the year if the government does not assist them.

## **Mayor de Blasio Appoints Gary Jenkins as Administrator of the Human Resources Administration (HRA)**

Mayor de Blasio this week announced the appointment of Gary Jenkins as Administrator of the Human Resources Administration (HRA), the nation's largest social service agency. With over 30 years of experience at HRA, he will report to Department of Social Services Commissioner Steven Banks.

Jenkins received a Master's in Public Administration from Metropolitan College of New York and a Bachelor of Arts from CUNY John Jay College of Criminal Justice. He resides in Brooklyn, New York with his wife and three daughters.

# Coming Up

## *New York State*

### ***Tuesday, September 8<sup>th</sup>***

**Impact of COVID-19 on individuals with either a mental illness or an intellectual or developmental disability**, Assembly Standing Committee on Mental Health, Remote Hearing, 10 a.m.

### ***Wednesday, September 9<sup>th</sup>***

**The impact of COVID-19 on food insecurity in New York State**, Assembly Committees on Social Services and Agriculture and the Task Force on Food, Farm & Nutrition Policy, Remote Hearing, 11 a.m.

## *New York City*

### ***Tuesday, September 8<sup>th</sup>***

**Committees on Fire and Emergency Management & Technology**, Remote Hearing, 10 a.m.

### ***Wednesday, September 9<sup>th</sup>***

**Committee on Transportation**, Remote Hearing, 10 a.m.

### ***Thursday, September 10<sup>th</sup>***

**Committee on Finance**, Remote Hearing, 10 a.m.

Granting the City of NY long-term borrowing authority for City expenditures arising from the COVID-19 pandemic and resulting fiscal crisis.

**Committees on Higher Education & Women and Gender Equity**, Remote Hearing, 10 a.m.  
Oversight - Child Care Services at City University of New York in the wake of COVID-19.

**Committee on Consumer Affairs and Business Licensing**, Remote Hearing, 1 p.m.

**Subcommittee on Landmarks, Public Sitings and Dispositions**, Remote Hearing, 2 p.m.

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**“We believe in the ideas of family, mutuality,  
the sharing of benefits and burdens  
for the good of all, feeling one another’s pain,  
sharing one another’s blessing  
recognizing that at the heart of the matter  
we are bound to each other.”  
-Mario M. Cuomo-**

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