



# 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-*

## ***2021 Elections***

### **Congratulations to the Winners**

#### **NYC Citywide Elections**

*Eric Adams, Mayor of the City of New York*

*Jumaane Williams, Public Advocate*

*Brad Lander, City Comptroller*

#### **Borough President Elections**

*Mark Levine, New York*

*Vanessa Gibson, Bronx*

*Antonio Reynoso, Kings*

*Donovan Richards, Queens*

*Vito Fossella, Richmond*

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### **NYS Ballot Constitutional Amendments**

*Proposal 1 (Amending the Apportionment and Redistricting Process) – Defeated*

*Proposal 2 (Right to Clean Air, Clean Water, and a Healthful Environment) – Approved*

*Proposal 3 (Eliminating Ten-Day-Advance Voter Registration Requirement) – Defeated*

*Proposal 4 (Authorizing No-Excuse Absentee Ballot Voting) – Defeated*

*Proposal 5 (Increasing the Jurisdiction of the New York City Civil Court) – Approved*

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### **Unofficial Election Results**

**[NYS Board of Elections Unofficial Election Results](#)**

**[NYC Board of Elections Unofficial Election Results](#)**

# *In the News – New York State*



## **Governor Hochul Unveils “Commuter-First” Vision for Penn Station**

Governor Kathy Hochul this week unveiled her vision for a new “commuter-first” Penn Station. The Governor’s \$7 billion plan calls for the expedited reconstruction of the existing Penn Station, 60% of whose users are subway and Long Island Railroad (LIRR) riders, and development of the surrounding neighborhood. It is estimated to take between four and five years and create 50,000 construction jobs.

“... New Yorkers do not deserve what they have been subjected to for decades at Penn Station,” Governor Hochul said. “The era of neglecting our Penn Station commuters and the neighboring community is over... This plan puts New Yorkers first, delivering the rider-focused transit experience and great neighborhood they deserve...”

The plan prioritizes the reconstruction of the existing station while the station expansion and the Gateway Project initiatives, both of which the Governor strongly supports, continue on their federally-established timelines.

According to Governor Hochul, the relocation of Amtrak's operations to the new Moynihan Train Hall provides the opportunity to overhaul Penn Station, eliminating the bulk of the first subterranean level to open up the main concourse to natural light, improving retail and other user amenities, increasing safety and security, significantly expanding passenger circulation areas, expanding entrances and exits, and making it easier for passengers to navigate within the station as well as connect to their destinations.



In terms of the surrounding development, which will help fund the project, Governor Hochul's new proposal still achieves the necessary revenues while scaling down the previous plan. The new plan takes into account recommendations from the Community Advisory Committee Working Group (CACWG), which worked in consultation with Empire State Development, the Metropolitan Transportation Authority, Amtrak and NJ Transit. The CACWG will continue to inform the plan through its build-out, and the Governor is directing the MTA to actively engage community stakeholders, transit, sustainability, and planning experts, as well as users of Penn Station from across the region, in the process of finalizing the project. Renditions of the project may be accessed [here](#).

Key features of the new proposal include:

### **New, World-Class Train Facility**

- Creates a single level, double-height train hall that doubles passenger circulation space on the new public level from approximately 123,000 square feet to approximately 250,000 square feet and eliminates the congested, cramped and crowded passageways in existing Penn Station.
- Includes a 450-foot long sunlit train hall that is the size of Moynihan's and Grand Central's halls combined.
- Adds 18 more escalators or stairs and 11 more elevators to platforms.

### **Reduced Density**

- Shaves off 1.4 million square feet of development from the previous plan and decreases heights for proposed buildings.
- Provides new design controls to protect views of the Empire State Building along 33rd Street.

### **Public Realm and Social Services**

- Adds 8 acres of public space, including a 30,000-square foot plaza comparable in size to Rockefeller Plaza and mandates public space set-asides on each building site.
- Creates a Public Realm Task Force comprised of community leaders and stakeholders, which will develop a plan of prioritized public realm improvements, to be funded by a Public Realm Fund, with initial revenue from redevelopment being dedicated to this fund.
- Requires community facility spaces that will prioritize much-needed social services for the neighborhood, with a particular focus on New Yorkers experiencing homelessness.
- Creates underground loading/unloading for MSG, taking trucks off the street.

### **Affordable Housing**

- Allows up to 1,800 residential units, of which 540 would be permanently affordable.
- Mandates one building as residential, which will include 162 permanently affordable units - more than the entire number of residences that would be displaced if the southern expansion of Penn Station occurs.

### **Public Transit Access and Shared Streets**

- Expands new underground corridors to the Sixth Avenue IND line, allowing users of the 34th Street Herald Square Station (B, F, M, N, R, W lines) seamless access to Penn Station.
- Nearly doubles the existing entrances to Penn Station from 12 to 20 and requires developers to add additional subway entrances and exits directly to and from buildings, ultimately reducing density and congestion at over-crowded entrances.
- Widens sidewalks throughout the neighborhood and recommends that 31st, 32nd and 33rd Streets become shared streets that prioritize pedestrians.
- Adds protected bike lanes and greatly expands bike parking while reducing vehicular parking.

### **Pedestrian-Friendly Streetscape**

- Limits the size of new building commercial lobbies.
- Requires that 40% of every building frontage is "active use," e.g. retail or community facilities.



## Chapters of the Laws of 2021

**Chapter 526 -- Sponsored by Senator Sander/M of A Bichotte Hermelyn** -- Provides a claim-filing opportunity for the widows and dependents of workers who died as a result of cancer caused by exposure to diesel exhaust.

**Chapter 550 -- Sponsored by Senator Addabbo/Senator M of A Galef** -- Adds siblings to the definition of family member for the purposes of paid family leave.

**Chapter 554 -- Sponsored by Senator Kaplan/M of A Solages** -- Prohibits the selling or displaying of symbols of hate by municipalities, fire districts, volunteer fire companies, police departments and school districts.

**Chapter 555 -- Sponsored by Senator Stavisky/M of A Hyndman** -- Authorizes pharmacists to provide immunizations which are recommended by centers for disease control and prevention to patients eighteen years or older.

**Chapter 557 -- Sponsored by M of A Barron/Senator Parker** -- Establishes a commission on prison education to study and develop a plan for improving education in state prisons.

**Chapter 575 -- Sponsored by Senator Brooks/M of A Griffin** -- Establishes the South Nassau water authority.

**Chapter 577 -- Sponsored by Senator Gaughran/M of A Lavine** -- Creates the water authority of the North Shore district.



## Governor Hochul Announces Administration Appointments, Nominations, and Recommendations

**Robert J. Rodriguez** will be nominated as New York's 68th **Secretary of State**. Assemblyman Rodriguez currently represents Manhattan's 68<sup>th</sup> Assembly District and serves as Co-Chair of the Legislative Task Force on Demographic Research and Reapportionment. In the private sector, he is a Director at Public Financial Management. Assemblyman Rodriguez is a graduate of Yale University, where he received a B.A. in History and Political Science and New York University Stern Business School where he received an MBA in Finance.

**Kerri Neifeld** will be nominated as **Commissioner, Office for People with Developmental Disabilities (OPWDD)**. Previously, Ms. Neifeld served as Assistant Secretary for Human Services & Mental Hygiene in the Governor's office and as Assistant Deputy Commissioner at the New York State Office of Temporary and Disability Assistance (OTDA). Prior to this, she worked as Special Assistant to the Deputy Commissioner at OTDA while serving as an Excelsior Service Fellow. Ms. Neifeld holds a B.A. from Elmira College and an M.S.W. from the University at Albany School of Social Welfare. Ms. Neifeld will serve as Acting Commissioner until confirmation by the Senate.

**Rossana Rosado** will be nominated as **Commissioner, New York State Division of Criminal Justice Services (DCJS)**. Ms. Rosado served as New York's 67th Secretary of State. Prior to joining DOS, Ms. Rosado was the first woman to hold the position of Editor-in-Chief, and then Publisher & CEO of *El Diario La Prensa*, the oldest Spanish-language newspaper in the country and the largest Spanish-language daily newspaper in the Northeast. A native New Yorker, Ms. Rosado received her B.A. in Journalism from Pace University and a MA in Criminal Justice from CUNY's John Jay College. Ms. Rosado will serve as Acting Commissioner until confirmed by the Senate.

**Nivardo Lopez** has been appointed **Deputy Secretary for Transportation**. Most recently, Mr. Lopez served as Bronx Borough Commissioner for the New York City Department of Transportation (NYCDOT) and as the Director of Legislative Affairs. Prior to working for NYCDOT, Mr. Lopez worked for Comptroller Scott Stringer as Director of City Legislative Affairs and also for the Bloomberg Administration as the Bronx Director for the Mayor's Community Affairs Unit. Mr. Lopez began his career in government working at the New York City Council, first for Bronx Councilman James Vacca and then as a Legislative Policy Analyst for the City Council's Committee on Transportation. He holds a B.A. in History from Saint Joseph's University and a M.A. in History from The City College of New York (CUNY).

**Jihoon Kim, LMSW** has been appointed **Deputy Secretary for Human Services and Mental Hygiene**. He most recently served as Special Assistant to the Executive Deputy Commissioner at the Office of Mental Health. Mr. Kim previously served in the Executive Chamber as Deputy Director of Policy, and as a Senior Policy Advisor for Human Services and Mental Hygiene. Prior to joining the Executive Chamber, Mr. Kim worked for the New York Attorney General as the Deputy Director of Legislative Affairs. He is a Licensed Master Social Worker and holds a Master of Social Work degree from the Silberman School of Social Work at Hunter College and a Bachelor of Science degree from Marist College.

**Kate C. Harris** has been appointed **Deputy Secretary for Financial Services and Technology**. She previously served as Director of the Reimagine New York Commission working on the State's recovery from the pandemic. Prior to that, Ms. Harris was minority counsel for the Senate Select Committee on Intelligence which oversees the U.S. intelligence agencies and led a bipartisan investigation into foreign election interference. She also clerked for Judge Jose Cabranes on the Court of Appeals for the Second Circuit and was a Senior Fellow at Yale University. Ms. Harris graduated summa cum laude from Harvard College and received her J.D. from Yale Law School.

## *In the News – City*



### **City Reaches Agreements with Labor Unions on Vaccination Mandate Policies**

Mayor Bill de Blasio this week announced agreements with a number of the City's labor unions regarding the City's vaccination mandate, including DC 37, Teamsters Local 237, Uniformed Sanitationmen's Association Local 831, and SEIU Local 300. The agreement covers exemption requests and leave policies.

Under this agreement, employees who have applied for an exemption from the vaccine mandate for medical or religious reasons will receive an initial decision from the agency, then have the option to appeal that decision to an arbitrator who will decide the exemption. Employees also retain the option of appealing to an internal city panel who would decide the exemption as required by applicable law. The Mayor explained that this process ensures that those with appropriately justified medical or religious reasons have multiple options for their claim to be adjudicated.

According to published reports, other unions have also agreed, including the Organization of Staff Analysts, Sanitation Officers Local 444, CWA Local 1180, and the Civil Service Bar Association of the Teamsters. In total, the unions collectively represent about 88,000 of the 160,000 employees covered by the latest mandate, which requires all city employees to get vaccinated for the coronavirus with no option to take a weekly test.

Members of unions who have signed this agreement, who filed an exemption request by 11/2 will remain on payroll with weekly testing pending determination of the agency and any appeal. An employee who files an exemption request between 11/3 and 11/5 will remain on payroll with weekly testing pending initial agency determination but go on leave without pay if appealing the determination.

This agreement confirms the City's right to place unvaccinated employees without an exemption on leave without pay with health benefits effective November 1, or after denial of exemption request depending on the date exemption request was submitted.

Employees on leave without pay may choose to voluntarily separate from service and can maintain health insurance through June 30, 2022. Employees on leave without pay may also elect to extend the leave until June 30, 2022 but agree to separate voluntarily with waiver of right to challenge if not vaccinated by June 30, 2022. In addition, any employee who gets vaccinated while on leave can return to work at their same work location.

As part of this agreement, these unions have agreed to withdraw litigation filed last month which challenged the City's right to implement the mandate.

# Briefs

## **NYS Launches Multi-Year Study to Explore How Climate Change Affects Communities, Ecosystems and the Economy**

Governor Kathy Hochul this week announced the launch of a multi-year study, *New York State Climate Impacts Assessment: Understanding and Preparing for Our Changing Climate*, to explore how climate change affects communities, ecosystems, and the economy in New York State.

Led by the New York State Energy Research and Development Authority's (NYSERDA), the Assessment will provide a science-based analysis of what to expect from climate change in New York under various scenarios. Nearly 80 individuals representing more than 60 different organizations across the United States and Canada will be involved in developing the Assessment.

Each [workgroup](#) is led by two co-chairs and has been tasked with examining climate change impacts in one of the following eight sectors: agriculture, buildings, ecosystems, energy, human health and safety, society and economy, transportation, and water resources.

## **State Approves Regulations for Production & Sale of Hemp & CBD Products**

The State Cannabis Control Board this week approved new regulations for processing, manufacturing, testing, and packaging hemp products including CBD.

The new mandates take effect immediately. Businesses will have six months to comply with the new product testing, packaging, and labeling requirements. These must include a nutritional or supplement fact panel, a listing of all ingredients and the total cannabinoids per serving, including the amount of CBD and THC in the products. The labeling must also include warnings for consumers, a mechanism to report an adverse medical reaction, and the expiration or best buy date.

Retail locations selling CBD products will need to apply for a license from the Office of Cannabis Management. Those that are already operating under provisional licenses and permits will have those converted to permanent status without further action by business owners at no cost. Businesses can apply for a cannabinoid hemp retail or distributor permit or a cannabinoid processor license at the [Department of Health's website](#).

## **Assemblyman Nick Perry Nominated as US Ambassador to Jamaica**

President Biden has nominated Nick Perry for Ambassador Extraordinary and Plenipotentiary to Jamaica, the White House has announced.

Assemblyman Perry, an immigrant from Jamaica, was elected to the State Assembly in 1992. He currently serves as the Assistant Speaker Pro Tempore and a regional vice chairman of the National Black Caucus of State Legislators.

From 2015 to 2018, he was the chairman of the New York State Black, Puerto Rican, Hispanic, and Asian Legislative Caucus and he also served as chairman of the New York State Association of Black and Puerto Rican Legislators, Incorporation from 2012-2015.

Assemblyman Perry earned his Bachelor's degree from Brooklyn College.

## **Vision Zero: Mayor Announces Major NYPD Traffic Enforcement for Return of "Dusk and Darkness"**

Mayor Bill de Blasio this week announced the return of the City's annual fall "Dusk and Darkness" campaign to keep pedestrians and cyclists safe during fall and winter evenings, especially after clocks "fall back" for the end of Daylight Saving Time Sunday morning.

"Dusk and Darkness" includes:

- **Increased Evening/Nighttime Enforcement:** NYPD will focus enforcement resources on speeding and failure to yield. Precincts will increase their on-street presence around sunset hours on high-crash corridors for both cyclists and pedestrians.
- **Daylight Saving Awareness:** Daylight saving time will end at 2 a.m. on Sunday. DOT will feature the driver-targeted Vision Zero "*Signs*" awareness campaigns on bus shelters, LinkNYC kiosks, and print advertising.
- **Day of Awareness:** DOT and NYPD Street Teams spread out at high-visibility locations across all five boroughs this morning to remind commuters of the increased dangers of traffic crashes during the fall evening and overnight hours. Those teams will also be visible this evening.

## **City and Medallion Lender Reach Agreement to Help City Taxi Owners**

Mayor de Blasio, New York City Taxi and Limousine Commission (TLC) Commissioner and Chair Aloysee Heredia Jarmoszuk, and Senator Charles Schumer this week announced an agreement between the City, the New York Taxi Workers Alliance (NYTWA), and Marblegate Asset Management (Marblegate), the largest medallion lender, to lower and restructure outstanding loans.

Under the agreement, Marblegate will restructure outstanding loans to a principal balance of \$200,000, which will be constituted as a \$170,000 guaranteed loan, plus a City grant of \$30,000. The terms of the new loan will include a 5% interest rate and a 20-year, fully amortizing term. This restructuring will cap debt service payments at \$1,122 per month for eligible medallion owners.

The City will provide funding for a guarantee on the principal and interest for these loans and will work with all other medallion lenders to achieve the same terms.

# Coming Up

## *New York State*

### *Monday, November 8<sup>th</sup>*

*To Determine if Insurance Companies Should be Allowed to Continue to Exclude from Coverage Damage Caused by Lead-Based Paint Exposure*

Senate Standing Committee on Insurance

Van Buren Hearing Room A, Legislative Office Building 2<sup>nd</sup> Floor, Albany, 10 a.m.

### *Tuesday, November 9<sup>th</sup>*

*To Discuss Campus Sexual Assault*

Senate Standing Committee on Ethics & Internal Governance and Higher Education

Senate Hearing Room, 250 Broadway, New York, 10 a.m.

### *Wednesday, November 10<sup>th</sup>*

*Retail Sale of Zero Emission Vehicles*

Assembly Standing Committee Transportation

Roosevelt Hearing Room C, Legislative Office Building 2<sup>nd</sup> Floor, Albany, 10 a.m.

## *New York City*

### *Tuesday, November 9<sup>th</sup>*

*Committee on Housing and Buildings*, Remote Hearing Room – Virtual Room 1, 10 a.m.

*Subcommittee on Zoning and Franchises*, Remote Hearing Room – Virtual Room 2, 10 a.m.

### *Wednesday, November 10<sup>th</sup>*

*Committee on Land Use*, Council Chambers – City Hall, 11 a.m.

*City Council*, Council Chambers – City Hall, 1:30 p.m.

### *Friday, November 12<sup>th</sup>*

*Committee on Higher Education*, Remote Hearing Room – Virtual Room 1, 10 a.m.

Oversight – Adjunct Faculty Employment at the City University of New York



**“No man can be a good citizen unless he has a wage more than sufficient to cover the bare cost of living, and hours of labor short enough so after his day’s work is done he will have time and energy to bear his share in the management of the community, to help in carrying the general load.”**

**-Theodore Roosevelt-**

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**120 Broadway, 28th Floor  
New York, New York 10271**  
Telephone (212) 652-3890  
Facsimile (212) 652-3891

**111 Washington Avenue, St. 401  
Albany, New York 12210**  
Telephone (518) 449-3320  
Facsimile (518) 449-5812

**25 Hyatt Street, St. 202  
Staten Island, New York 10301**  
Telephone (718) 943-1050  
Facsimile (718) 943-1051

**1220 19<sup>th</sup> Street NW  
Washington, D.C. 20036**  
Telephone (202) 964-4753  
Facsimile (202) 964-5754