



# This Week in New York

**Covering New York State and City Government**

*A Publication of Pitta Bishop & Del Giorno LLC*

*November 13, 2020 Edition*



*“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-*



## *Biden-Harris Ticket Wins*

Current tabulations and most media sources have projected that the Joe Biden-Kamala Harris ticket has won the popular vote. It is expected that they will win the Electoral College vote in December and be sworn into office in January.

## *In the News – State*



### **Comptroller DiNapoli: State Must Consider Pros and Cons of Gaming Revenues**

As policymakers consider possible expansion of revenue streams from gaming, New York State Comptroller Thomas DiNapoli [released a report](#) this week that calls for improvements in finding an appropriate balance between reliance on revenue generated from gaming activities and problem gambling.

“The lottery generates billions of dollars each year for New York,” Comptroller DiNapoli explained. “While numbers are down this year due to the coronavirus pandemic, the Gaming Commission is studying ways to boost revenues going forward. Before expanding gambling, the state must take a closer look at the impacts of casinos and other gaming already in place, as well as the problem of compulsive gambling.”

## ***Revenue***

New York collected nearly \$3.7 billion in gaming revenue during the Fiscal Year 2019-20. The state generates revenue via traditional lottery games, video lottery terminals (VLTs), racetrack wagering, casinos, sports betting, and other authorized activities.

Traditional lottery games remain the dominant contributor to gaming revenues, providing two-thirds of total gaming receipts in 2019-20, \$2.5 billion. VLTs, which are legally part of the lottery, added \$944 million.

Comptroller DiNapoli noted the COVID-19 pandemic has had a significant impact on gaming revenues. The Division of the Budget projects total gaming revenues will decline by \$616 million this year, primarily because of mandatory closings of casinos and VLT facilities for six months starting in mid-March.

While lottery games have been available without interruption, those revenues were also impacted by the pandemic. Through September 2020, lottery revenues totaled \$958 million, a decline of nearly \$132 million from the same period in 2019. Lottery revenues for the fiscal year are projected to decline by \$293 million or 11.8 percent from the previous year.

The report found the state spent more than \$90 million last fiscal year marketing the lottery. In addition to the lottery's marketing costs, VLT facilities reported marketing spending of nearly \$182 million, bringing combined marketing spending for gaming activities to more than \$272 million.

In 2013, voters approved an amendment to the State Constitution to authorize up to seven commercial casinos. Four have opened to date. Since opening, and before closures caused by the pandemic, casinos failed to meet their original financial projections. Overall, actual revenues have been about two-thirds of casino developers' initial projections and thus far economic benefits appear to be modest, according to the Comptroller.

## ***Spending to Market Gaming Far Outweighs Treatment for Gambling Problems***

According to the Office of Addiction Services and Supports (OASAS) has launched a statewide media campaign to raise awareness of problem gambling, which disproportionately occurs among males, African Americans, and adults who live in disadvantaged neighborhoods. According to OASAS, state spending on prevention, treatment and recovery services related to problem gambling in SFY 2019-20 was expected to total \$5.7 million.

Given the challenge of the state's interests in maximizing revenue and in avoiding harm to New Yorkers from problem gambling, DiNapoli recommended policymakers:

- Assess whether the state strikes an appropriate balance between the marketing resources devoted to increasing gambling activity and those devoted to preventing and treating problem gambling. As part of this, the Gaming Commission and OASAS should report annually on the levels of this spending.
- Require the Gaming Commission to report regularly on how actual casino revenues to the state and job numbers compare to original projections, and identify the factors underlying any variance.

- Clearly identify the social and economic impacts of the lottery and other state-sanctioned gaming activities. Ongoing discussion of potential further gaming expansions should be informed by comprehensive, current information on social and economic impacts, as well as those related to revenue.
- Address problem gambling associated with all forms of gaming, including the lottery.



## **Governor Announces Restaurants, Bars & Other SLA-licensed Entities Must Close In-person Service From 10 pm to 5 am Daily**

***Indoor and Outdoor Gatherings at Private Residences Will Be Limited to 10 People***

***Gyms Also Required to Close Daily at 10 p.m. Statewide***

Governor Andrew Cuomo this week announced new COVID-19 restrictions on bars, restaurants, gyms, and residential gatherings in New York State, effective Friday, November 13<sup>th</sup> at 10 p.m.

Bars, restaurants, and gyms or fitness centers, as well as any State Liquor Authority-licensed establishment, will be required to close from 10 p.m. to 5 a.m. daily. Restaurants will still be allowed to provide curbside, food-only pick-up or delivery after 10 p.m., but will not be permitted to serve alcohol to go. The State Liquor Authority will issue further guidance for licensees as to what sales are continued to be permitted.

The Governor also announced that indoor and outdoor gatherings at private residences will be limited to no more than 10 people. The limit will be implemented due to the recent prevalence of COVID spread resulting from small indoor gatherings including Halloween parties. These gatherings have become a major cause of cluster activity across the state. Further, this public health measure brings New York State in line with neighboring states including Connecticut, Massachusetts, and Rhode Island. This new rule is also effective Friday at 10 p.m.

The Governor took these actions amid a widespread increase in cases throughout the nation and an increase in New York.

In related news, a member of President-elect Joe Biden's COVID-19 task force said this week that the United States could manage the pandemic by enforcing an extended economic lockdown with the government compensating workers for lost wages, according to published reports.

Dr. Michael Osterholm explained that a four- to six-week shutdown of small to medium businesses could drive down infection numbers. He indicated that the federal government is in a prime position to use borrowed money to pay for such a lockdown package.



## Cashless Tolling to Go Live on NYS Thruway Beginning Friday, November 13<sup>th</sup>

Cashless tolling will go live on the New York State Thruway's ticketed system -- more than a month ahead of schedule -- during the overnight hours of Friday, November 13<sup>th</sup>, into Saturday, November 14<sup>th</sup>. The conversion will take place simultaneously at 58 tolling locations across the Thruway's 450-mile ticketed system.

The official switch will take place in the overnight hours to limit impact to traffic. At the time cashless tolling goes live, cash will no longer be accepted as a form of payment at toll booths and printed toll tickets will not be handed out.

The \$355 million design-build project to convert to cashless tolling includes steel gantries replacing cash collection at toll booths. The tolling structure will not change and drivers will continue to be tolled by distance and exits traveled.

The conversion to cashless tolling marks the end of phase one of the project. Phase two, which begins following the conversion, includes the removal of existing toll plazas. During the interchange reconstruction, drivers will continue to travel through existing toll lanes at reduced speeds without stopping until the booths are removed and road reconfigurations are complete. Drivers should expect traffic shifts and the posted speed limit when traveling through the toll lanes will be 20 mph.

## *In the News – City*



## TWU Wins Accommodations for Pregnant Workers

Transport Worker Union Local 100's efforts to secure light-duty jobs for pregnant union members have resulted in an important agreement with management covering women in the Train Operator and Conductor titles. Under the agreement with the MTA, Train Operators and Conductors with pregnancy-related medical restrictions will now be able to apply for Restricted Duty Announcer positions.

"This is a significant union victory," TWU Local 100 President Tony Utano explained. "Pregnant women for the first time will have an opportunity for a real light-duty option that doesn't include standing on their feet all day or doing physical labor. The agreement is an important first step to finally provide our union sisters, regardless of title, the opportunity to continue to work in jobs that will not threaten their health or the health of their babies. We have a way to go still but we are all thrilled that we have made this pivotal agreement with the MTA."

There are ongoing discussions between union leaders and management on ways to expanding this new initiative to other departments and titles.

Under the agreement, these temporary assignments will be for up to 60 days at a time - but also can be extended for additional 30-day periods. The MTA has agreed to have four pregnant women in the specified RTO titles – at any one time – filling these Restricted Duty Announcer positions. Over the course of a year, that could mean dozens of women will benefit as members give birth and shift to maternity leave. To be eligible for the posts, workers have to be designated “restricted duty” by the Medical Assessment Center based on supporting documentation from their treating physician.

“Ensuring we can open these dedicated announcer positions is another strong step for women in NYC Transit and will enable pregnant women who have a medical necessity the ability to remain in the workforce for a longer period of time,” said Sarah Feinberg, interim president of New York City Transit.

According to President Utano, TWU Local 100 has been battling with the MTA over the lack of reasonable accommodations for pregnant women with medical issues. Last year, Local 100 filed several lawsuits against the authority. Those cases are active and ongoing.

The union also pressed the issue in contract negotiations last year. The multi-year contract, which members ratified overwhelmingly in January, included a pledge from the MTA to participate in a joint labor-management committee and continue talking about potential job set asides for pregnant workers, particularly those in service - delivery roles, like Train Operator and Conductor.

“We are now seeing the fruits of those contract-mandated discussions,” President Utano said. “We promised that contract language would lead to positive change, and that positive change is taking place.”



## **NYC Comptroller Announces Support for Medallion Debt Relief Proposal**

New York City Comptroller Scott Stringer announced support for a proposal by the New York Taxi Workers Alliance (NYTWA) to address the taxi medallion crisis. NYTWA’s plan calls on lenders to write down outstanding loans to a maximum of \$125,000.

Under this agreement, the City would act as a backstop for medallion loans held by individual owners. After reviewing the proposal, the Comptroller’s Office has concluded that it offers a comprehensive risk management approach that could reduce future liability and costs for taxpayers.

“... The taxi medallion crisis is a test of our commitment to fighting poverty and preserving pathways to the American Dream,” said New York City Comptroller Stringer. “My office has vetted the proposal from the New York Taxi Workers Alliance and found it fiscally sound.”

The NYTWA proposal includes:

- The plan recognizes that lenders are holding non-performing loans that are often not worth their face value.
- The proposal calls for lenders to write down outstanding loans to a maximum of \$125,000, allowing medallion owners to repay loans on terms they can afford, with interest rates capped at 4 percent and monthly payments at less than \$800.
- The plan proposes the City act as a backstop to put a floor under loan losses by guaranteeing purchase of a medallions that borrowers default on, to facilitate this step by lenders. With this approach, the City would take possession of the medallion and be able to sell it to recoup all or part of its cost.
- The proposal would ensure medallion owners would have manageable, affordable loan payments and be free of the threat of financial ruin for themselves and their families.
- Lenders would have certainty about the value of their medallion loan portfolios and be able to reflect an accurate valuation on their own balance sheets.
- The City's exposure would be limited and the threat of possible larger liability could be removed or reduced.

## ***Briefs***

### **Thousands of New York Voters Can Now Fix Faulty Mail-in Ballots**

Thousands of New Yorkers whose absentee ballots were disqualified for mailing errors have time to make corrections after the election under a new state law which affords voters up to five days to correct defects after being notified by election officials.

According to published reports, the City Board of Elections preliminary report released Tuesday found that 96 percent of the 713,536 absentee ballots received in the mail — or 688,636 — were deemed valid. Four percent or 15,330 ballots were disqualified for filing errors.

Of those, about 40 percent — 6,132 ballots — could be corrected for technical issues, according to the BOE. Most of the remaining 60 percent or 9,198 ballots were invalidated because a voter had already cast a ballot in person.

## **Connecticut Voters Support Restoration of Columbus Statue**

Voters of Waterbury, Connecticut cast ballots to keep the statue of Christopher Columbus on the front lawn of Waterbury's City Hall. The referendum results showed that nearly 60% of 27,957 votes favored keeping the statue in place.

On July 4th, the head of the statue was damaged and the headless statue remained while the City opted to place restoration of the statue on the ballot.

## **Governor Signs the Outdoor Rx Act**

### ***Legislation Requires State Division of Veteran's Services to Review Issues Relating to Veterans' Ability to Access State Parks, Lands and Facilities***

Governor Andrew Cuomo this week signed the Outdoor Rx Act (S.6706A/A.8094A) requiring the New York State Division of Veteran's Services to review issues relating to veterans' ability to access state parks, lands and facilities. The Outdoor Rx Act is the first step in identifying how New York State can better address the needs of veterans adjusting back to civilian life through outdoor activity. This legislation takes effect immediately.

According to proponents, recent studies have shown that time outdoors can be a valuable asset to traditional therapy. Outdoor-based therapeutic programs hold promise for individuals suffering from PTSD and Substance Abuse Disorder.

The measure was sponsored by Senator Brian Benjamin & Assemblymember Didi Barrett.

## **NY Eases Cancellation of Gym Memberships**

Governor Andrew Cuomo signed legislation Wednesday allowing gym members to cancel subscriptions and end recurring charges.

The legislation, sponsored by Assemblyman Jeffrey Dinowitz and Senator Brad Hoylman, requires businesses making an offer to New York consumers involving an automatic renewal or continuous service to clearly present the terms of the offer and get a consumer's affirmative consent before charging them. It also mandates that businesses provide a convenient method of canceling services — through a toll-free number, email address, postal address or another mechanism.

## **New York City Announces New Mental Health Teams to Respond to Mental Health Crises**

The de Blasio Administration this week announced that new Mental Health Teams of Emergency Medical Services (EMS) health professionals and mental health crisis workers will be dispatched through 911 to respond to mental health emergencies in two to-be-determined high-need communities.

Currently, NYPD officers and FDNY Emergency Medical Services Emergency Medical Technicians (EMTs) respond to nearly all mental health 911 calls. In the pilot announced this week, new Mental Health Teams of health professionals and crisis workers from FDNY Emergency Medical Services will be the default response to mental health emergencies in two high-need precincts.

Beginning in February 2021, new Mental Health Teams will de-escalate emergency mental health situations and reduce the number of times police will need to respond to 911 mental health calls in these precincts. These teams will have the expertise to respond to a range of behavioral health problems, such as suicide attempts, substance misuse, and serious mental illness, as well as physical health problems. NYC Health + Hospitals will train and provide ongoing technical assistance and support. In selecting team members for this program, FDNY will prioritize professionals with significant experience with mental health crises.

In emergency situations involving a weapon or imminent risk of harm, the new Mental Health Teams will respond along with NYPD officers.

## **City Corrections Officers Continue Legal Battle Against NYC's Jail Consolidation Plan Amidst COVID-19 Pandemic**

Queens Supreme Court Judge Kevin Kerrigan this week extended a temporary restraining order (TRO) preventing the City from closing two jails as part of its consolidation plan pursuant to a lawsuit filed by the Correction Officers' Benevolent Association (COBA). The original TRO was granted earlier in the week by Justice Anna Culley. COBA requested the TRO while the courts consider a request to permanently stop closure of the Otis Bantum Correctional Center (OBCC) and the Manhattan Detention Complex (MDC) until the COVID-19 pandemic subsides.

Under the TRO, which the City is contesting, the City must stop all actions to close the facilities, including correction officer and personnel transfers, as well as inmate transfers. The order remains in place until the Court makes a final ruling which is expected by the end of the month or is modified sooner pursuant to ongoing legal proceedings.

# Coming Up

## New York State

### Thursday, November 19<sup>th</sup>

**Assembly Committee on Libraries and Education Technology**, Virtual Hearing, 10 a.m.  
*COVID-19 and New York States Libraries*

**Senate Committee on Women's Issues**, Virtual Hearing, 1:30 p.m.  
*Maternal and Child Health in Upstate New York*

## New York City

### Monday, November 16<sup>th</sup>

**Committee on Mental Health, Disabilities and Addiction**, Remote Hearing (Virtual Room 3), 10 a.m.

**Committee on Civil and Human Rights**, Remote Hearing (Virtual Room 2), 10 a.m.  
*Oversight - Addressing Online Hate and Radicalization*

**Committee on Fire and Emergency Management**, Remote Hearing (Virtual Room 1), 10 a.m.

### Tuesday, November 17<sup>th</sup>

**Committee on Cultural Affairs, Libraries and International Intergroup Relations**, Remote Hearing (Virtual Room 3), 10 a.m.  
*Oversight - The New York City Public Libraries and COVID-19*

**Committee on Transportation**, Remote Hearing (Virtual Room 4), 1 p.m.  
*Oversight - Accessibility of Streets*

**Subcommittee on Landmarks, Public Sitings & Dispositions**. Remote Hearing (Virtual Room 1), 2 p.m.

### Wednesday, November 18<sup>th</sup>

**Committees on Youth Services & Women and Gender Equity**, Remote Hearing (Virtual Room 3), 10 a.m.  
*Oversight - DYCD Learning Labs*

**Subcommittee on Zoning and Franchises**, Remote Hearing (Virtual Room 4), 10 a.m.

**Committee on Parks and Recreation**, Remote Hearing (Virtual Room 2), 1 p.m.

***Thursday, November 19<sup>th</sup>***

***Committee on Finance***, Remote Hearing (Virtual Room 1), 9 a.m.

Authorizing an increase in the amount to be expended annually in two business improvement districts.

***City Council Stated Meeting***, Remote Hearing (Virtual Room 1), 1:30 p.m.

***Thursday, November 20<sup>th</sup>***

***Committee on Civil Service and Labor***, Remote Hearing (Virtual Room 2), 10 a.m.

*Oversight - Workplace Safety in the COVID-19 Era.*

***Committee on Economic Development***, Remote Hearing (Virtual Room 3), 10 a.m.

***Committee on Education***, Remote Hearing (Virtual Room 1), 10 a.m.

*Oversight - Examining Social-Emotional Learning and Support Staff in Schools.*

**“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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