



This Week in New York

Covering New York State and City Government

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December 9, 2022 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-

In the News – New York State



John B. King, Jr., former U.S. Secretary of Education & NYS Education Commissioner: SUNY’s 15th Chancellor

The State University of New York Board of Trustees this week appointed John B. King Jr. as the 15th chancellor of SUNY, the largest comprehensive system of public higher education in the United States.

King will succeed interim SUNY chancellor Deborah Stanley who has been filling the leadership post for the 64-campus system since Jim Malatras resigned a year ago.

“John King is an extremely smart, capable, steady, strong and fair educator. He’s just what SUNY needs.” said U.S. Senator Charles Schumer.

Chancellor King is currently the President of The Education Trust, a nonprofit organization that promotes high academic achievement for all students in early childhood, K-12 education, and higher education.

He began his career teaching high school Social Studies in San Juan, Puerto Rico, and Boston, Massachusetts. While in Boston, he co-founded a middle school intended to serve a high-poverty student population that eventually grew into the Uncommon Schools network, which he co-managed.

Chancellor King served from January 2015 to December 2015 as Delegated Deputy Secretary at the U.S. Department of Education, which included overseeing all pre-school through 12th grade policies with a focus on improving equity and closing achievement gaps. In the fall of 2015, President Obama tapped Chancellor King to serve as Education Secretary beginning in January 2016, and he was later confirmed by the Senate in a 49-40 vote.

Prior to joining the Obama administration, Chancellor King served as State Education Commissioner in New York – a post to which he was appointed in 2011 – overseeing all elementary and secondary schools, as well as public, independent, and proprietary colleges and universities, professional licensure, libraries, museums, and numerous other educational institutions.

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Chancellor King holds a Bachelor of Arts in Government from Harvard University, a Master of Arts in the teaching of social studies from Columbia University's Teachers College, a J.D. from Yale Law School, and a Doctor of Education degree in educational administrative practice from Columbia University's Teachers College.

Chancellor King was elected to serve on the Harvard University Board of Overseers in 2019, is a Vice Chair of the Board of the American Museum of Natural History in New York City, and also serves on the boards of the Robin Hood Foundation, the Century Foundation, and MDRC.

The State University of New York is the largest comprehensive system of higher education in the United States. Across the system, SUNY has four academic health centers, five hospitals, four medical schools, two dental schools, a law school, the state's only college of optometry, and manages one US Department of Energy National Laboratory. In total, SUNY serves about 1.3 million students amongst its entire portfolio of credit- and non-credit bearing courses and programs, continuing education, and community outreach programs.



Thruway Authority Board of Directors Okays Toll Increase Process

The New York State Thruway Authority Board of Directors this week authorized the start of the toll increase process on the New York State Thruway system. If approved it would be the first adjustment since 2014.

The vote marks the first step to proceed with a public toll adjustment process that will include public hearings, receipt and consideration of public comments, and ultimately final consideration by the Thruway Authority Board of Directors within the next year.

Specifics of the adjustments include:

SYSTEM-WIDE TOLL RATE ADJUSTMENTS	
Incentivize NY E-ZPass Usage	Beginning on January 1, 2024, increase the current 30 percent Tolls by Mail rate differential (a toll rate 30 percent above the NY E-ZPass rate) to a 75 percent differential. The differential will not be applied to NY E-ZPass customers.
Non-NY E-ZPass Rates	Beginning on January 1, 2024, increase the current Non-NY E-ZPass toll rate differential from a 15 percent rate differential (a toll rate 15 percent above the NY E-ZPass rate to a 75 percent differential. This differential will not be applied to NY E-ZPass customers.
NY E-ZPass Rates	On January 1, 2024 and January 1, 2027, increase the base NY E-ZPass rates by five percent from their prior levels.

GOVERNOR MARIO M. CUOMO BRIDGE TOLL RATE ADJUSTMENTS	
Toll Modification Element	Description
Gov. Mario M. Cuomo Bridge (GMMCB): Increase Base NY E-ZPass to a rate of \$7.75 by 2027	Beginning on January 1, 2024, provide \$0.50 annual increases to the base NY E-ZPass passenger toll rates on the GMMCB during the period 2024-2027. This would result in a base NY E-ZPass rate for passenger vehicles increasing to \$7.75 by 2027 (current rate is \$5.75). Commercial rate increases would be proportionate to the passenger rate increases.
40 Percent Commuter Discount Program*	Maintain the commuter discount rate of 40 percent off the NY E-ZPass rate for passenger vehicles that opt into the program. Similar to today, the rates assume that a minimum of 20 trips are made in that month; if fewer than 20 trips are taken per month, customers are charged for each trip not taken. This program is only offered to class 2L vehicles with a NY E-ZPass.
Resident Discount Program*	Increase the resident discount E-ZPass Plan for qualified Westchester and Rockland residents from its current 17 percent discount to a 20 percent discount off the NY E-ZPass rate. This program is only offered to class 2L passenger vehicles with a NY E-ZPass who opt into the plan and provide proof of residency.

In addition, the plan preserves the 40 percent commuter discount plan and provides a separate 20 percent resident discount (increased from the current 17 percent discount) for qualified Rockland and Westchester residents on the Governor Mario M. Cuomo Bridge.

In 2021, Thruway Authority staff conducted a five year “Needs Assessment” that identified an additional \$470 million in capital project needs that are currently not supported by the resources available for the existing 2022-2026 Capital Program. Eighty-five percent of the Thruway’s roadway base dates back to its original construction, highlighting the need for heavy maintenance, reconstruction, and rehabilitation activities to keep the riding surface in a state of good repair. Also, the average age of the Thruway’s 815 bridges is 55 years old with 75 percent of those bridges more than 60 years old. Over 85 bridges have been identified for replacement within the next decade and, according to the Authority, the need to replace bridges grows exponentially after the 10-year timeline.

In the News – New York City



Mayor Adams Unveils "Get Stuff Built" to Accelerate Affordable Housing

New York City Mayor Eric Adams this week unveiled "Get Stuff Built," a three-pronged effort to accelerate the City’s pace of housing production, with a goal of 500,000 new homes over the next decade. The plan focuses on building housing faster, everywhere, and together in partnership with New York State, the New York City Council, and New Yorkers in all five boroughs.

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Build Faster

The "Get Stuff Built" report includes 111 actions to improve efficiency and effectiveness of three governmental processes that, according to the Mayor, have slowed housing production: City Environmental Quality Review (CEQR), land use approvals, and the city's building permitting process. These improvements will shorten the time needed for these processes by 50 percent and include:

- **Speeding up the pre-certification process:** The New York City Department of City Planning (DCP) will remove and eliminate certain requirements and actions that will allow applicants to complete the pre-certification process much more quickly. ULURP application materials will also become available to community boards and the public earlier in the pre-certification stage.
- **Exempting small housing projects from the Environmental Assessment Statement:** This step will decrease overall cost and help open new homes to New Yorkers more quickly.
- **Improving traffic analysis:** Revising the methodology for traffic analysis could significantly improve the environmental review process and shorten the overall time required on a project. The City will update the current guidelines in the CEQR Technical Manual to utilize typical neighborhood congestion patterns and the size and type of the proposed project.
- **Streamlining construction inspections of fire protection systems:** The City will coordinate plan review between DOB and FDNY, and, in the long-term, will consider transferring FDNY's construction-specific permit responsibilities to DOB – while maintaining FDNY's authority in operation and maintenance of buildings for fire safety compliance.
- **Expanding **DOB NOW** to create a centralized city "one-stop shop" construction portal:** This portal creates a single point of contact for construction-related transactions across all city agencies involved in construction approval, permitting, and sign-off and allow applicants to track their approvals in real-time.

Build Everywhere

Bronx: The first project is aimed at leveraging four Metro-North train stations set to open in the East Bronx in 2027. The *City of Yes* Bronx Metro-North Plan would bring a projected 10,000 jobs; new public and private investments, including by large health care institutions already in Morris Park; and as many as 6,000 new homes – at least 1,500 of which will be permanently affordable. To support the environmental review process for this project, public information meetings are set for December 13 and 15, 2022, and a public scoping meeting will be held on January 9, 2023. The project is set to be certified and begin ULURP in summer 2023.

Brooklyn: The second major planning effort is a neighborhood development initiative in Central Brooklyn, the Atlantic Avenue Mixed-Use Plan. It is projected to include new homes, and permanently income-restricted homes, commercial and industrial jobs, infrastructure, and other improvements to Atlantic Avenue and its neighboring blocks in Crown Heights and Bedford-Stuyvesant. A steering committee formed to help shape the plan held its first meeting on December 1, 2022. Six months of public engagement is expected to begin in January and run through June 2023, followed by the release of a report. Certification is expected in 2024.

Citywide: The administration has proposed Zoning for Housing Opportunity, a citywide zoning text amendment included in the *City of Yes* plan. Scoping for this proposal will begin at the end of 2023 and will stimulate the creation of tens of thousands of new homes in neighborhoods across the entire city.

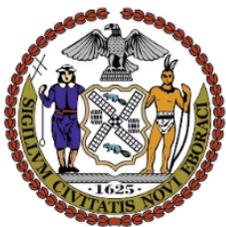
The text amendment would:

- Expand opportunities for affordable and supportive homes for New Yorkers by increasing the floor area ratio for all types of affordable housing, similar to the allowance already afforded to affordable housing for seniors.
- Broaden the acceptable variety of housing types and sizes, including studios, to accommodate a wider range of families and households where appropriate.
- Ease conversions of underutilized commercial buildings into homes.
- Reduce or eliminate unnecessary parking requirements that add cost and reduce the number of homes being built.

Build Together

Mayor Adams committed to working in partnership with Governor Kathy Hochul, legislative leaders and members of the State Legislature in Albany, the City Council, borough presidents, federal partners, and community leaders to advance a shared regional agenda. Priorities for the administration include:

- Prohibiting exclusionary zoning practices and encouraging appropriate density near jobs and public transit.
- Legalizing existing basement apartment units and allowing homeowners to create other accessory dwelling units.
- Providing New York City the ability to allow additional residential density in high-density neighborhoods.
- Allowing the New York City Department of Housing Preservation and Development (HPD) to finance and preserve more affordable housing, secure longer affordability, encourage affordable homeownership, and enable affordable housing to include critical resources like childcare and senior centers.
- Facilitating the conversion of obsolete office buildings into housing.
- Creating a tax benefit that enables multifamily rental development while requiring affordable housing.
- Establishing an incentive to preserve housing quality and ensure healthy, safe living conditions for tenants.



Adams Administration Appointments: Sheena Wright as First Deputy Mayor, Camille Joseph Varlack as Chief of Staff

New York City Mayor Eric Adams this week announced that current Deputy Mayor for Strategic Initiatives Sheena Wright will be elevated to the position of First Deputy Mayor, and that Senior Advisor to the Mayor Camille Joseph Varlack will serve as Chief of Staff. The appointments will be effective in January 2023.

Wright and Varlack will assume their roles following the planned departures of First Deputy Mayor Lorraine Grillo and Chief of Staff Frank Carone.

As Deputy Mayor for Strategic Initiatives, Wright has led on a variety of city priorities including the Blueprint for Child Care & Early Childhood Education in New York City—clearing the backlogged waitlist for vouchers and allowing families of 36,000 children to apply for childcare—and the Joint Taskforce to Get Nonprofits Paid on Time, which unlocked over \$4.2 billion in contractual dollars for more than 460 large and small organizations.

Deputy Mayor Wright previously served as the President and CEO of United Way of New York City and President and CEO of Abyssinian Development Corporation. Before joining the Adams administration, she was appointed to the city's Education Sector Advisory Council and the state's New York Forward Re-Opening Advisory Board.

She is a graduate of Columbia University and Columbia Law School, a trustee for Columbia University and has acted as a board member for New Visions for Public Schools, NYC Kids Rise, and the New York City Regional Economic Development Council.

Camille Joseph Varlack is currently a senior advisor to the Mayor, where she focuses on operations. She was a founding partner and chief operating officer for Bradford Edwards & Varlack LLP, where she was responsible for the day-to-day operational leadership. She recently served as a senior advisor for operations to the Chancellor of the New York City Department of Education, where she worked on a variety of matters, including advising the administration on COVID-19 operations within New York's public schools and the successful execution of the Summer Rising program.

Varlack was formerly the Deputy Director of a State Operations, Chief Risk Officer, and Special Counsel for New York State, where she was responsible for managing the operations of over 60 agencies and authorities.

A graduate of the University at Buffalo and Brooklyn Law School, Varlack started her career as an Assistant District Attorney in Kings County. She is a past chair of the New York State Joint Commission on Public Ethics; a trustee of the State University of New York; and a board member of the Metropolitan Black Bar Association.



Bills Approved by the City Council

Introduction 658-A, sponsored by Council Member Carmen De La Rosa, requires the Department of Citywide Administrative Services (DCAS) to establish a civil service ambassador program that will provide presentations and educational materials to high schools, universities, juvenile justice facilities, foster care programs, and other populations that would benefit from joining civil service and learning about the process of taking civil service examinations.

Introduction 698-A, sponsored by Council Member Sandra Ung, requires the Department of Citywide Administrative Services (DCAS) to operate a Public Service Corps program that offers internships at various city agencies.

Introduction 696, sponsored by Council Member Ung, amends certain requirements for the design and contents of Ranked Choice Voting (RCV) ballots. The goal of this legislation is to make RCV ballots easier to read, particularly for voters with lower literacy levels, voters with low vision, and voters who do not speak English as their primary language.

Introduction 76-A, sponsored by Council Member Justin Brannan, requires that the Department of Environmental Protection (DEP) establish a financial assistance program to reduce the costs of purchasing and installing backwater valves. This bill would also require that DEP, in consultation with other agencies or offices as designated by the Mayor, complete a study that evaluates where backwater valves should be installed to mitigate damage caused by backflow.

Briefs

Office of Cannabis Management Releases Cannabis Delivery Guidance

OCM Outlines Delivery Guidance Enabling New York State's First Adult-Use Retail Dispensary Licensees To Jumpstart Sales Guidance Allows Delivery by Bicycle, Scooters in Addition to Vehicles

Today, the Office of Cannabis Management shared guidance for Conditional Adult-Use Retail Dispensary (CAURD) Licensees interested in making sales by delivery. CAURD Licensees will be able to receive approval from the Office of Cannabis Management to begin delivery to customers, jumpstarting sales of New York cannabis products with a model that will help them compete while providing options to licensee-entrepreneurs as they build new adult-use cannabis businesses.

The Office of Cannabis Management delivery guidance allows:

- Retail licensees to secure a warehouse from which to fulfill delivery orders while building permanent dispensary locations for up to one year.
- Customers to place online/phone orders only; no in-person sales or pick-up from the warehouse location.
- Customers to make online pre-payments only; no cash payments from cannabis consumer to delivery employee
- Delivery to be made by bicycles, scooters or other similar methods of transportation as well as motor-vehicles
- Delivery to consumers 21+ in New York, with ID verification upon sale and delivery Up to (25) delivery staff per business, per requirements in the New York Cannabis law

The temporary delivery authorization will apply to all retail dispensary licensees and require adherence to all public health and safety regulations.

The OCM additionally informed qualifying business CAURD provisional licensees that they can submit for approval their own proposed location for their retail store and may still qualify for financial support for renovations from the Social Equity Cannabis Investment Fund operated by the Dormitory Authority of the State of New York (DASNY).

Hochul Administration Rejects Opioid Settlement Funding for Overdose Prevention Centers

The Hochul Administration has rejected a [proposal from the state's Opioid Settlement Fund Advisory Board](#) to support overdose prevention centers with a portion of the \$2 billion that New York has procured in legal settlements with drug manufacturers. The rejection was included in a [letter](#) sent to the board on Tuesday by Dr. Chinazo Cunningham, Commissioner of the state's Office of Addiction Services and Supports.

Dr. Cunningham indicated that the prevention centers violate “various state and federal substance-related laws, including laws that make it illegal to use, open or maintain property where any controlled substance is consumed.”

The State Legislature has an opportunity to weigh in on the proposals and the Advisory Board may respond as well. The Board is scheduled to meet Dec. 14.

Department of Financial Services Releases Redlining Report for Long Island, Rochester and Syracuse

The State Department of Financial Services (DFS) this week released a report detailing continued racial disparities in mortgage lending practices on Long Island, in Rochester and in Syracuse as part of an ongoing statewide investigation into redlining (when a particular ethnic group or race is denied financial services including mortgages, insurance, or loans).

DFS analyzed Home Mortgage Disclosure Act data and found:

- In Nassau County, where the population is 41.8 percent non-white, on average, lenders make 34.27 percent of their loans to borrowers identifying as people of color. Among lenders operating in the county, lending to borrowers identifying as people of color ranges from 14.9 percent to 50.22 percent.
- In Suffolk County, where the population is 33.7 percent non-white, on average, lenders make 21.86 percent of their loans to borrowers identifying as people of color. Among lenders operating in the county, lending to borrowers identifying as people of color ranges from 13.07 percent to 36.85 percent.
- In the Rochester metro area, where 23.9 percent of the population is non-white, on average lenders make 11.32 percent of their loans to borrowers identifying as people of color, less than half of what would be expected based solely on population make-up.
- Similarly, in the Syracuse metro area, 18.7 percent of the population is non-white, but on average lenders make 8.67 percent of their loans to borrowers identifying as people of color.

According to DFS, the Department is currently developing regulations to implement the updated New York Community Reinvestment Act which expands oversight to non-depository mortgage lenders operating in the state. The insights uncovered through these redlining studies and investigations will be reflected in these proposed regulations which will be published for public comment in 2023.

Fed Approves Plan to “Revive” Union Pensions

President Joe Biden on Thursday announced \$36 billion in federal support to “revive” pensions for 350,000 union workers and retirees, under a new program —Special Financial Assistance (SFA)—in last year’s COVID-19 relief bill.

The financially troubled Central States Pension Fund was expected to cut pensions by as much as 60% in the next few years, according to the White House.

“You track every dollar of that paycheck for groceries, for mortgages ... while knowing that when it's time to retire, though, that pension you earned is going to be there,” President Biden said in published reports. “But then imagine losing half of that pension or more through no fault of your own. You did your part. You paid in.”

The fund covers tens of thousands of Teamsters – truck drivers, warehouse workers, construction workers and food processors. It was projected to run out of money in 2025. Without the SFA Program, the Central States Plan would have been required to reduce participants’ benefits to the guarantee levels established by the Pension Benefit Guaranty Corporation, the federal agency charged with insuring defined-benefit pension plans, upon plan insolvency. The guarantee levels are approximately 60% below the benefits payable under the terms of the plan. SFA will enable the plan to continue to pay retirement benefits without reduction for many years into the future.

NYS DFS Adopts Regulations Protecting Consumers from Insurers’ Incorrect Data

New York State Department of Financial Services (DFS) has adopted a regulation to protect consumers from unfair, surprise costs when they relied on incorrect information in their insurer's healthcare provider directory.

Under the final regulation, provider directory misinformation occurs when:

- A provider who does not participate in the insurer's network is incorrectly listed as an in-network provider in the insurer's online or hard copy provider directory.
- In response to a consumer's request for information by telephone or through electronic means, an insurer indicates in writing that a provider is in-network when the provider is not in-network.
- An insurer fails to provide network status information in writing to a consumer within a certain number of days of the consumer's request for such information by telephone or through electronic means.

The regulation is consistent with the federal No Surprises Act requirements protecting consumers against provider directory misinformation.

NY State Chooses Location of First Official Adult-Use Cannabis Dispensary in Harlem

The State has identified the first location in New York for an officially licensed cannabis shop at 248 West 125th Street in Harlem.

“I’m pleased to announce that last night we signed our first lease,” Dormitory Authority president/CEO Reuben McDaniel III said at a board meeting, according to published reports. “For those of you familiar with Harlem, you can stand at the Apollo and throw a baseball right across the street.”

State regulators recently awarded the first 36 licenses in New York to sell cannabis: 28 to retailers and 8 to not-for-profit groups. The Dormitory Authority is tasked with identifying the sites for cannabis shops on behalf of the first private retail licensees, who were selected because they had a prior marijuana conviction and also had business experience. Not-for-profit organizations are not eligible for the DASNY siting program.

Comptroller DiNapoli: Nearly 14% of New Yorkers Live in Poverty

Almost 2.7 million New Yorkers, or 13.9% of the state’s population, lived in poverty in 2021, compared to 12.8% of all Americans, according to the first in a series of reports released today by State Comptroller Thomas DiNapoli examining “New Yorkers in Need.”

While poverty rates in the state declined prior to the pandemic, they were higher in 2021 than in 2019. New York ranked 13th among all states and had a higher rate of people in poverty than neighboring states and most large states.

Comptroller DiNapoli’s report found:

- Poverty rates are more than double for Hispanic New Yorkers compared to white, non-Hispanics. Black, Native Hawaiian and other Pacific Islander and American Indian New Yorkers experienced poverty at twice the rate of white New Yorkers.
- Poverty rates in counties ranged from 5.7% in Nassau and Putnam to 24.4% in the Bronx.
- Rates were significantly higher in some cities. In Syracuse, Rochester, and Buffalo one out of every four people were living in poverty, and one in four families in Syracuse and one in five in Rochester were living in poverty in 2021.
- Families with female heads of household with no spouse experienced poverty at more than two times the rate for all families and four times the rate of married couples.
- Poverty rates declined substantially as educational levels increased. In 2021, less than 6% of those with a bachelor’s degree or higher were in poverty, but the rate for those with less than a high school degree was almost five times greater.

Coming Up

New York State

Monday, December 12th

Home-Based Long-Term Care Services

Assembly Committee on Aging

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

Tuesday, December 13th

Examines the Overall Impact and Implementation of the 2022-2023 Enacted State Budget Related to Workforce Development Funding

Assembly Committees on Economic Development, Job Creation, Commerce and Industry, Labor, & Small Business

Roosevelt Hearing Room C, Legislative Office Building, 2nd Floor, Albany, 11 a.m.

Wednesday, December 14th

Student Learning Loss

Assembly Standing Committee on Education

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

Thursday, December 15th

The Future of New York's State's Libraries

Assembly Standing Committee on Libraries and Education Technology

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

New York City

Monday, December 12th

Committee on Consumer and Worker Protection, 250 Broadway – Committee Room, 16th Floor, 10 a.m.

Committees on Transportation & Infrastructure & Public Safety, Council Chambers – City Hall, 11 a.m.
Oversight – Public Safety in the Subway System.

Committees on Civil and Human Services & Women and Gender Equity, City Hall, 1 p.m.
Oversight – Coerced Debt.

Tuesday, December 13th

Committee on Government Operations, Council Chambers – City Hall, 10 a.m.

Oversight – New York City's Campaign Finance Program in the 2021 Citywide Elections.

Committees on Technology & Fire and Emergency Management, City Hall, 10 a.m.

Oversight – New York City Fire Department's Emergency Dispatch System.

Committee on Criminal Justice, Council Chambers – City Hall, 1 p.m.
Oversight – Nunez Compliance: DOC’s Action Plan Progress Update.

Committee on Veterans & Mental Health, Disabilities and Addiction, City Hall, 1 p.m.
Oversight – Veterans Treatment Courts.

Wednesday, December 14th

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

Committees on Aging & Sub Committee on Senior Centers and Food Insecurity, 250 Broadway –
Committee Room, 16th Floor, 10 a.m.
Oversight – Food Insecurity and Older Adult Centers.

Committee on Public Housing, 250 Broadway - Committee Room, 14th Floor, 10 a.m.
Oversight – Winter Preparedness Across NYCHA Developments.

Thursday, December 15th

Committee on General Welfare, Council Chambers – City Hall, 10 a.m.
Oversight – Timeliness of Public Benefits Processing at the Human Resources Administration.

Committee on Environmental Protection, Committee Room – City Hall, 12 p.m.
Oversight – New York City’s Air Quality, and its Effects on Public Health.

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