



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

April 16, 2021 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



Attorney General James Reaches Tentative Agreement for Dismantling and Cleanup of Indian Point

New York Attorney General Letitia James this week announced that her office has reached a provisional agreement with Holtec International and its subsidiaries (Holtec) regarding the decommissioning and cleanup of the Indian Point nuclear power facility in the lower Hudson Valley.

The joint proposal, which is subject to approval by the New York State Public Service Commission (PSC), was negotiated by the State of New York, environmental organizations, Entergy (the current owner of Indian Point), and Holtec.

The joint proposal is now available for public comment and is slated to be voted on by the PSC on May 13th. If approved by the PSC, the agreement would transfer ownership of the nuclear power facility to Holtec, which would be responsible for the decommissioning and remediation of the facility and site.

In 2017, Entergy agreed to close the two remaining and operating nuclear reactors at Indian Point. Unit 2 powered down in April 2020, and Unit 3 is scheduled to cease operations at the end of April 2021. In November 2019, Entergy and Holtec filed an application for license transfer with the federal Nuclear Regulatory Commission (NRC). In January 2020, the NRC announced that it was considering approval of an application by Entergy to transfer the Indian Point license—and the facility’s trust funds to pay for decommissioning—to Holtec to implement the facility’s decommissioning.

The NRC requires that nuclear facilities establish and maintain funding to pay for facility decommissioning following closure as the radiological cleanup and dismantling is demanding, both technically and financially.

Attorney General James engaged in legal action regarding the decommissioning plans to protect the State's interests, including its rate payers. Portions of Indian Point's three decommissioning trusts were funded by New York ratepayers through their electricity bills.

Holtec obtained the NRC's approval to use the trust money, not only to conduct the required radiological decommissioning, but also to fund spent fuel management and site restoration. Of the approximately \$2.4 billion of aggregated decommissioning trust funds, Holtec estimated that it will spend more than \$630 million for spent fuel management alone, which raised concerns whether the remaining funds were adequate to conduct safe and comprehensive decommissioning.

This joint agreement addresses the proposed license transfer and the state's concerns. It is intended to ensure that adequate funds are available to complete the project subject to state oversight. Under the agreement, Holtec is required to adhere to financial and administrative provisions, including:

- Maintaining a minimum balance of no less than \$400 million in the Decommissioning Trust Fund for 10 years following the Transaction Closing Date.
- Maintaining a minimum balance of no less than \$360 million in the Decommissioning Trust Fund at partial site release from the NRC for costs related to waste management and radiological cleanup of the site.
- Requiring Holtec to return 50 percent of the money it recovers from the Department of Energy (DOE) for spent fuel management costs to the Decommissioning Trust Fund.
- Conducting site restoration and remediation under an order on consent with the New York State Department of Environmental Conservation (DEC), which will oversee the hazardous materials cleanup at Indian Point, including through the use of an on-site monitor.
- Providing funds for state and local emergency management and response.
- Providing financial and project reporting to the state and the public through a website and other channels to ensure transparency regarding project status and costs.

Per additional agreement terms, the Office of the Attorney General, Riverkeeper, the Town of Cortlandt, and the Hendrick Hudson School District will withdraw their lawsuits against the NRC, which are currently pending in the U.S. Court of Appeals for the District of Columbia Circuit.



COVID-19 Updates

Food and Beverage Establishment Curfew (April 19th)

- Curfew for food and beverage establishments will be moved from 11 p.m. to midnight.
- Curfew for catered events will move from midnight to 1 a.m.

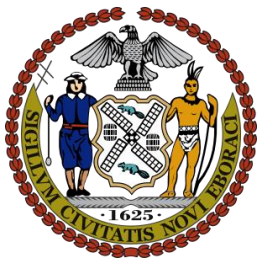
Auto and Horse Racing Venues (April 23rd)

- Spectators will be allowed at horse and auto races at 20 percent capacity. Spectators will be subject to the State's strict guidance, which is currently in effect for other professional sports competitions with fans. Attendees must show proof of a recent negative test or completed vaccination series prior to entry and are subject to the State's health and safety protocols on face coverings, social distancing, and health screening.

Indoor & Outdoor Graduation & Commencement Ceremonies (May 1st)

- Indoor and outdoor graduation and commencement ceremonies will be allowed with limited attendee capacity, depending on the event size and the location (e.g., stadium, arena, arts and entertainment venue). All event organizers and venues hosting ceremonies must follow the State's strict health and safety protocols, including requiring face masks, social distancing, health screenings and collection of contact tracing information. Detailed guidance for graduation events is available [here](#).

In the News – City



NYC Begins Construction of East Side Coastal Resiliency Project

Climate adaptation effort will protect a diverse East Side community, including over 28,000 NYCHA residents

New York City this week began major construction of the East Side Coastal Resiliency (ESCR) project, a \$1.45 billion climate resiliency plan that will extend flood protections and improve open spaces on Manhattan's East Side, from East 25th Street south to Montgomery Street.

ESCR will include an integrated 2.4-mile system of raised parkland, floodwalls, berms, and movable floodgates to create a continuous line of protection against sea level rise and coastal storms. The project involves significant upgrades to public open spaces and amenities, including improved waterfront access through reconstructed bridges and entry points. It will also upgrade existing sewer systems to capture and manage precipitation during storms.

Construction crews will begin installing an underground wall of structural sheeting in Stuyvesant Cove Park this week and will soon begin pile driving. This work is the first step toward constructing the above-ground floodwall that will protect Stuyvesant Cove Park and ultimately form an integrated flood protection system.

Work in East River Park will begin later this year using a phased construction schedule to ensure that roughly half of that park will remain open throughout the duration of the project.

The height of the flood protection throughout the project will extend between eight and nine feet above existing grade. In addition, the project also employs an adaptive design that can accommodate the addition of two more feet of elevation should sea levels in the coming decades rise significantly faster than these projections anticipate.

The City anticipates the project will be complete by 2025. The project is being managed by the NYC Department of Design and Construction (DDC).

In addition to protecting New Yorkers from coastal storms and sea level rise, the project will also improve local parks, playgrounds, and recreational facilities, including East River Park, a 45.88-acre waterfront park which will be revamped to protect both the park itself and the densely populated neighborhood behind it. The park will be elevated approximately eight feet with new amenities. The Tennis House, Track House and 10th Street Comfort Station will be reconstructed and improvements will be made increase waterside access.



NYC Advances Plan for Its First Pandemic Response Institute

The de Blasio Administration yesterday released a Request for Proposals (RFP) seeking partners to launch and operate the Pandemic Response Institute (PRI), a new institution dedicated to preparing New York City for future pandemics and public health emergencies.

Supported by a commitment of \$20 million in City funds, the PRI will work to make the best aspects of New York City's response to COVID-19 permanent, while addressing gaps in health infrastructure for the future.

The PRI, which will begin operations this year, will convene and coordinate City agencies, communities, industry, and academia to prevent, prepare for, respond to, and recover from future public health emergencies. It will pursue three main strategies:

- **Health Solutions and Innovation:** Throughout the pandemic, there has been widespread innovation by industry, academia, and community. However, according to Mayor de Blasio, lack of coordination has led to bottlenecks in bringing these innovations to all groups equitably. The PRI will promote research and development into innovations in public health delivery.
- **Data and Information for Decision Making:** Data sources on health are held across multiple organizations and silos, and clear and consistent information has sometimes been difficult for both policymakers and community members to obtain and trust during the pandemic, the Mayor explained. The PRI will work to gather and integrate health data so all New Yorkers have clear, actionable, and reliable information.

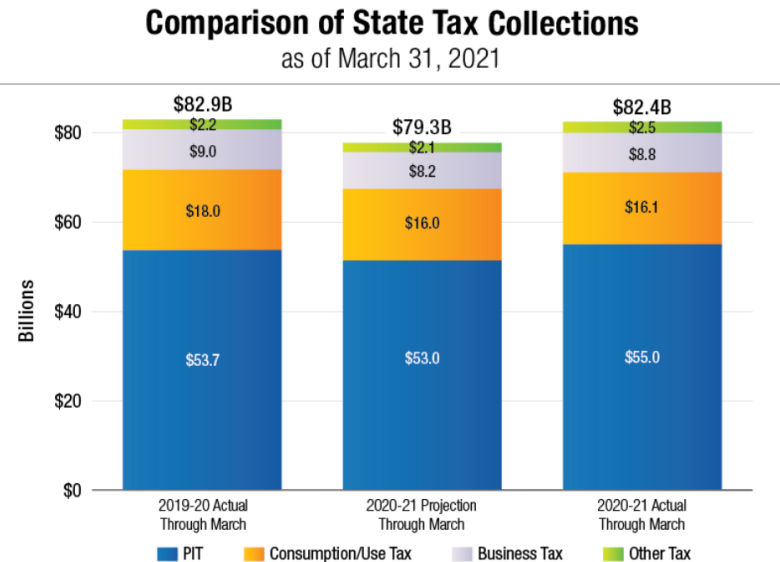
- **Community and Workforce Capacity Building:** According to Mayor de Blasio, COVID-19 demonstrated the importance of local organizations and a culturally and linguistically relevant workforce to reach hard-hit communities. A limited pipeline of workers with specialized skills that require more extensive training in fields like epidemiology and data science has led to an undersupply of labor, especially among people of color. The PRI will form partnerships to support local organizations to help fill these gaps.

Proposals for the RFP are due on Friday, June 4, 2021. The City is especially interested in responses from parties that represent multiple perspectives related to public health emergency response. Details and submission information can be found online at <https://edc.nyc/pandemic-response-institute-rfp>.

Briefs

Comptroller DiNapoli: 2020-21 Tax Revenues \$3 Billion Over Projections

Tax collections for State Fiscal Year (SFY) 2020-21 totaled \$82.4 billion—\$3 billion higher than forecast by the state Division of the Budget (DOB) in the Amended Executive Budget Financial Plan in February, according to the [March State Cash Report](#) released yesterday by New York State Comptroller Thomas DiNapoli. Total tax collections for SFY 2020-21 were \$513.3 million lower than the previous year.



“The state’s year-end financial position was significantly better than anticipated,” Comptroller DiNapoli said. “We face a long road to recovery, and the state’s economy still faces serious challenges, both in the short-term and long-term. Better-than-anticipated tax collections, federal resources and new revenues in the recently adopted budget allow for important investments in critical programs and services, but state policymakers must ensure that spending commitments are in line with recurring revenue sources.”

PSC Approves \$800 Million Investment to Maintain, Improve Reliability & Enhance Resiliency of NYC Transmission Grid Projects

The New York State Public Service Commission (PSC) this week approved a request by Consolidated Edison Company of New York, Inc. (Con Edison) to recoup the costs of three New York City Transmission Reliability and Clean Energy Projects (TRACE) through rate increases. The TRACE projects include the Rainey to Corona Project, the Gowanus to Greenwood Project, and the Goethals to Greenwood Project.

The PSC's decision is the first major utility transmission project approval to support New York's climate law that targets 70 percent renewables by 2030 and 100 percent emissions free by 2040

"It is clear that New York State is in the middle of a fundamental change in the generation and delivery of electricity," said Commission Chair John B. Howard. "Priority has shifted to ensuring renewable, clean sources are integrated into the grid while polluting sources are being phased out. Given this fact, it is expected that additions and modifications to the utilities' transmission infrastructure will be needed to accommodate the cleaner sources of electricity while ensuring reliability.

Mayor de Blasio Appoints Keri Butler As Executive Director of the Public Design Commission

Mayor Bill de Blasio appointed Keri Butler as the Executive Director of the Public Design Commission (PDC), New York City's design review agency. Butler, who has served at PDC in various roles for 15 years, has served as Acting Executive Director since December 2020.

She holds a Bachelor of Arts in Art from the University of North Texas and a Master of Arts in Arts Administration from the School of the Art Institute of Chicago.

NYRA Mulling Attendance Options

Following Governor Andrew Cuomo's announcement confirming that racetracks can open at 20% capacity beginning April 22nd, the New York Racing Association (NYRA) issued a statement that it will announce ticketing options once it reviews the "guidelines and protocols" for opening. Belmont is scheduled to open for its spring meet April 22nd.

"The New York Racing Association, Inc. looks forward to welcoming fans back to Belmont Park this spring and to Saratoga Race Course this summer," NYRA President and CEO Dave O'Rourke said. "... We will announce ticketing options for fans once we further review the guidelines and protocols set forth for thoroughbred tracks in New York state. NYRA has dearly missed the passion and excitement that fans bring to the sport of thoroughbred racing. Today's announcement by the Governor is one more indication that we are collectively moving toward a return to normalcy."

NYRA spokesman Pat McKenna said in published reports that it was premature to predict how many fans will be allowed to attend Belmont and Saratoga races. "As the rate of vaccination continues to increase across New York State, we are optimistic that capacity restrictions will continue to ease in the coming months in advance of the Belmont Stakes and the 2021 summer meet at Saratoga Race Course."

Coming Up

Remains of the Day - 2021 Legislative Session

APRIL						
S	M	T	W	T	F	S
18	19	20	21	22	23	24
25	26	27	28	29	30	

MAY						
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

JUNE						
S	M	T	W	T	F	S
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6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

New York State

Monday April 19th

Senate Standing Committee on Health, Online Meeting, (<https://www.nysenate.gov/>), 10:30 a.m.

Senate Standing Committee on Environmental Conservation, Online Meeting, (<https://www.nysenate.gov/>), 11:00 a.m.

Senate Standing Committee on Internet and Technology Online Meeting, (<https://www.nysenate.gov/>), 11:30 a.m.

Senate Standing Committee on Investigations and Government Operations, Online Meeting, (<https://www.nysenate.gov/>), 12:00 p.m.

Senate Standing Committee on Veterans, Homeland Security and Military Affairs, Online Meeting, (<https://www.nysenate.gov/>), 12:30 a.m.

Senate Standing Committee on Civil Service and Pensions, Online Meeting, (<https://www.nysenate.gov/>), 1:00 p.m.

Senate Standing Committee on Procurement and Contracts, Online Meeting, (<https://www.nysenate.gov/>), 1:30 p.m.

Assembly Session, NYS Capitol Building, Online Meeting, (<https://www.nyassembly.gov/>), 1:45 p.m.

Senate Session, NYS Capitol Building, Online Meeting, (<https://www.nysenate.gov/>), 3:00 p.m.

Tuesday April 20th

Senate Standing Committee on Judiciary, Online Meeting, (<https://www.nysenate.gov/>), 10:00 a.m.

Senate Standing Committee on Corporations, Authorities, and Commissions, Online Meeting, (<https://www.nysenate.gov/>), 10:30 a.m.

Senate Standing Committee on Finance, Online Meeting, (<https://www.nysenate.gov/>), 11:00 a.m.

Senate Standing Committee on Higher Education, Online Meeting, (<https://www.nysenate.gov/>), 11:30 p.m.

Senate Standing Committee on Transportation, Online Meeting, (<https://www.nysenate.gov/>), 12:30 a.m.

Assembly Session, NYS Capitol Building, Online Meeting, (<https://www.nyasembly.gov/>), 12:45 p.m.

Senate Session, NYS Capitol Building, Online Meeting, (<https://www.nysenate.gov/>), 3:00 p.m.

Wednesday April 21st

Assembly Session, NYS Capitol Building, Online Meeting, (<https://www.nyasembly.gov/>), TBD.

Senate Session, NYS Capitol Building, Online Meeting, (<https://www.nysenate.gov/>), 11:00 a.m.

Thursday April 22nd

Joint Public Hearing: To examine potentially unfair and deceptive practices occurring in New York State's primary and secondary ticket marketplaces for live events in order to identify any legislative and policy reforms, Online Hearing, (<https://www.nysenate.gov/>), 10:00 a.m.

New York City

Monday April 19th

Committee on Consumer Affairs and Business Licensing, Remote Hearing (Virtual Room #2), 11:00 a.m.

Tuesday April 20th

Committee on Cultural Affairs, Libraries, and International Intergroup Relations, Remote Hearing (Virtual Room 2), 10:00 a.m.

Subcommittee on Zoning and Franchises, (Virtual Room #1), 10:00 a.m.

Committee on Veterans, Remote Hearing (Virtual Room #3), 11:00 a.m.

Wednesday April 21st

Committee on Criminal Justice, Remote Hearing (Virtual Room #1), 10:00 a.m.

*Subcommittee on Landmarks, Public Sitings, and Depositions, Remote Hearing (Virtual Room #3),
2:00 p.m.*

**“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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**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 19th Street NW
Washington, D.C. 20036**
Telephone (202) 964-4753
Facsimile (202) 964-5754