



# This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

August 25, 2017 Edition

## In the News – New York State

### Governor Mario M. Cuomo Bridge Opens

***First Span of Bridge Set to Open to Traffic; Rockland-Bound Traffic Shift Begins Friday Night at 9 p.m.***

***Bridge Connecting Rockland and Westchester on Track to Open in 2018 and on Budget at \$3.98 Billion***



On Thursday, Governor Andrew Cuomo announced the opening of the first span of the twin-span cable-stayed Governor Mario M. Cuomo Bridge. The Governor was joined at the ribbon-cutting ceremony by more than 800 dignitaries and residents from Rockland and Westchester counties. Four lanes of Rockland-bound traffic will begin crossing the first span late Friday night into Saturday morning.

"The new Mario M. Cuomo Bridge is much more than a magnificent, cutting-edge structure, it is a symbol for this state and this nation. The opening of this new span shows the world that we have our energy and our boldness back, that we will continue to accomplish great things, and that we are building bigger and better than we have in decades," Governor Cuomo said. "Excelsior reminds us that the motto of this state says reach even higher, and we're not only building a new bridge with this in mind - we are building a new state and a stronger economy. This historic project is providing quality jobs, hope and opportunity to both residents and visitors of this state, and I look forward to future generations of New Yorkers crossing the Hudson River on this new bridge for the next 100 years."



or the next few months, northbound/westbound drivers on the New York State Thruway (I-87/I-287) will cross the Hudson River on the new bridge, while southbound/eastbound drivers will use the old bridge. Later this fall, the new bridge will completely replace the 62-year-old Tappan Zee Bridge when four lanes of Westchester-bound traffic are also shifted onto the first span.



Governor Cuomo drove on the new bridge span in a 1955 Corvette with Armando "Chick" Galella, who drove the same model year Corvette as part of the inaugural procession that crossed the Tappan Zee Bridge on December 15, 1955. The Sleepy Hollow resident is a veteran and Bronze Star recipient who survived the December 7, 1941 attack on Pearl Harbor.

After all traffic has been shifted onto the first span, design-builder Tappan Zee Constructors will demolish the landings of the old bridge, which occupy the same footprint of the second span, and connect the second span to land. When completed, the 3.1-mile twin-span will include:

- Eight general traffic lanes;
- Four breakdown and emergency lanes;
- Space for future bus rapid transit and commuter rail;
- A bicycle and walking path with six unique viewing areas;
- Cashless tolling; and
- Energy-efficient LED lighting.

Currently more than 140,000 vehicles cross the bridge daily.

The new Governor Mario M. Cuomo Bridge uses steel cables placed at an angle to connect the bridge deck to vertical towers that extend high above the roadway. The bridge features eight 419-foot towers standing at a five-degree angle, and has a total of 192 stay cables that would stretch 14 miles if laid end-to-end. More than 110,000 tons of all-American steel is being used to build the bridge, and approximately 7,000 people have contributed to the project to date, totaling nearly 9 million work hours.

The New York State Thruway Authority is the owner of the project to replace the Tappan Zee Bridge; Tappan Zee Constructors is the consortium designing and building the new bridge.

Earlier this week, Governor Cuomo clarified that the bridge will not be funded by Thruway tolls

"The Thruway will not subsidize the Tappan Zee Bridge," Governor Cuomo said. "As a matter of fact for many years the revenue from the Tappan Zee subsidized the Thruway."

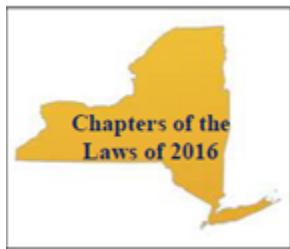
## **Governor Cuomo Announces Administration Appointments**

Governor Andrew Cuomo this week announced Matthew Driscoll will be nominated Executive Director of the Thruway Authority and Cathy Calhoun will serve as Acting Commissioner of the Department of Transportation.

Matthew Driscoll will be nominated to serve as Executive Director of the Thruway Authority. Mr. Driscoll previously served as Commissioner of the New York State Department of Transportation. Prior to that, he served as President and CEO of the New York State Environmental Facilities Corporation.. Mr. Driscoll has also held a number of cabinet positions in Governor Cuomo's administration, including Co-Chair of the New York State Storm Recovery Task Force, member of the Strategic Implementation Assessment Team to assist in the progress of the Regional Economic Development Council, and board member of the Financial Restructuring Board, which delivers targeted restructuring solutions to assist New York municipalities under fiscal stress.

The Thruway Board of Directors will meet to name Matthew Driscoll Acting Executive Director of the Thruway Authority. He will be nominated for official Senate confirmation in January.

Cathy Calhoun will serve as Acting Commissioner of the Department of Transportation. Previously, Ms. Calhoun served as Chief of Staff at the Department of Transportation. Ms. Calhoun previously served as a Central New York representative for former U.S. Senator Hillary Clinton. Ms. Calhoun also previously worked for former Governor David Paterson in intergovernmental affairs.



## Bills Signed by the Governor

**Chapter 173 – sponsored by M of A Bichotte/Senator Savino** -- Relates to determining how candidates are placed on a ballot for separate elections of males and females.

**Chapter 176 - sponsored by M of A Galef/Senator Avella** -- Relates to designating and nominating petitions.

**Chapter 192 - sponsored by M of A Crespo/Senator Klein** -- Authorizes schools to screen for childhood obesity as part of their health services plan.

**Chapter 192 - sponsored by M of A Dinowitz/Senator Razenhofer** -- Relates to reporting requirements for reciprocal agreements concerning suspension or revocation of registration of a motor vehicle for violations of toll collection regulation.

**Chapter 200 – sponsored by M of A Buchwald/Senator Murphy** -- Relates to authorizing the employees of certain entities to administer.

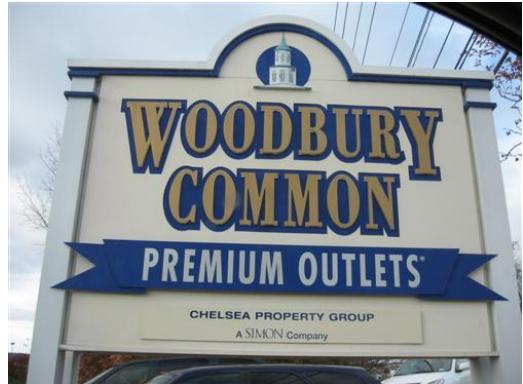
**Chapter 206 - sponsored by M of A Gottfried/Senator Hannon** -- Relates to requiring that a hospice program providing hospice care in a patient's home shall comply with the home care services worker registry.

**Chapter 216 – sponsored by M of A Simon/Senator Golden** -- Directs the commissioner of education to issue a guidance memorandum to school districts and BOCES to inform them of the unique educational needs of students with dyslexia, dyscalculia and dysgraphia.

**Chapter 228 - sponsored by Senator Ortt/M of A Gunther** -- Creates the mental illness anti-stigma license plate and the mental illness anti-stigma fund.

**Chapter 233: sponsored by Senator Gallivan/M of A Gunther** -- Adds adult siblings to those who may have access to clinical records.

## *In the News – New York City*



### **A.G. Schneiderman Announces Settlement To Stop Anticompetitive Tactics At Woodbury Common Outlet Center**

#### ***Simon Property Group, Inc Has Agreed To Stop Anticompetitive Tactics That Blocked Competition From New Outlet Centers In NYC***

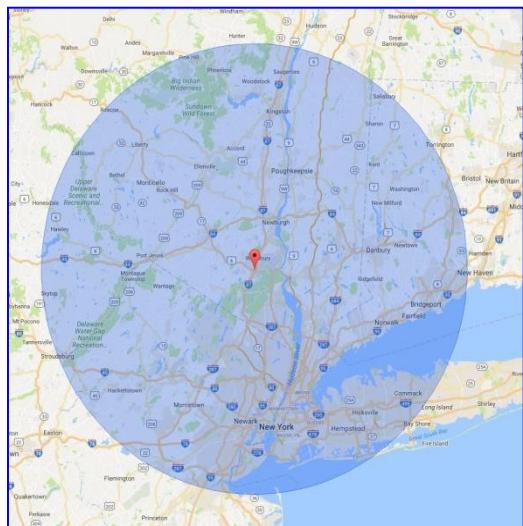
Attorney General Eric Schneiderman this week announced a settlement with Simon Property Group that prohibits Simon from using anticompetitive tactics to thwart the development of competing outlet centers in New York City.

According to the Attorney General, Simon has agreed to immediately modify contractual restrictions that have prevented retailers at its flagship Woodbury Common center from opening outlet stores in New York City locations. The settlement will allow for the opening of outlet malls in Brooklyn, The Bronx, Queens and Staten Island.

In addition to a \$945,000 monetary payment to New York State, the settlement includes:

- ***Ending exclusive agreements with retailers.*** Simon has agreed to revise existing leases to remove radius restrictions that would otherwise prevent outlet center development.

- **Prohibiting future interference with outlet retail.** For the next 10 years, Simon has agreed to cease using radius restrictions, or other exclusionary tactics, that might deter retailers from opening additional outlet stores.



The Attorney General's investigation into Simon's practices at Woodbury Common indicated that Simon had monopoly power in the market for retail space in outlet centers in the New York City area. The investigation also confirmed that many retailers at Woodbury Common wished to open additional outlets in New York City, but were largely prevented from doing so by so-called radius restrictions in their leases at Woodbury Common. These clauses typically restrict retailers (by threat of a substantial penalty) from opening a second store within 60 air miles of Woodbury, creating a vast 11,000 square mile zone in which Simon faced little effective competition from other outlet centers.

According to Attorney General Schneiderman, the investigation also revealed that several developers had

attempted to develop outlet centers in New York City, but were thwarted in signing up the necessary retailers due to the Woodbury Common radius restrictions.

Simon has also agreed to the appointment of an independent monitor to ensure compliance with the terms of the settlement. Attorney General Schneiderman's office will oversee the monitor, and work to maintain an outlet retail market free from anticompetitive restrictions.

## Bills Signed by the Mayor

**Introduction 1000-B, sponsored by Council Member Torres**, requires the NYPD to issue regular reports about property they have seized.

**Introduction 1234-A, sponsored by Council Member Salamanca**, requires that the Department of Transportation notify Council Members and community boards at least 10 days before a muni meter is installed in their district and provides an opportunity for public comments on the installations.

**Introduction 1519-A, sponsored by Council Member Koslowitz**, will further enable the enrollment of low-income New Yorkers in SNAP food assistance at senior centers.

**Introduction 1646-A, sponsored by Council Member Rodriguez**, requires a tipping option for for-hire vehicles through the same method that riders use to pay their fares.

**Introduction 407-A, sponsored by Council Members Vacca and Borelli**, requires that the Parks Department notify Council Members if there is a price change of at least 10 percent for construction projects costing more than \$500,000.

**Introduction 1411-A, sponsored by Council Members Vacca and Borelli**, mandates that all athletic facilities are safely and directly accessible from roads via sidewalks and paths.

**Introduction 671-A – sponsored by Councilman Vallone**, requires the Department of Transportation to study the potential impact of pedestrian countdown timers near schools and parks and install them where appropriate.

## Bills Passed by the City Council

**Introduction 119-D, sponsored by Council Member Williams**, would require bi-annual reporting by the Law Department on lawsuits alleging police misconduct; regular studies by the PD-IG examining all sources of information on police misconduct held by various City entities, identifying patterns, and issuing recommendations on ways to reduce misconduct; and a study by the Police Department on determinations by judges that an officer's testimony at a trial is not credible.

**Introduction 135-A, sponsored by Council Member Crowley**, would expand this reporting to include all categories of medical emergencies, more detailed reporting on response times to serious medical emergencies and fires, and response times by community district and FDNY division. This bill will provide a fuller picture of response times to help the public and policymakers make informed decisions on these crucial issues.

**Introduction 1013-A, sponsored by Council Member Johnson**, would mandate that meaningful discharge planning be provided to any incarcerated individual sentenced to more than 30 days in DOC custody. Currently, inmates in the custody of the Department of Correction ("DOC") with serious mental health issues are required to be provided with discharge planning services through the settlement of the Brad H. lawsuit. The DOC has recently expanded discharge planning to other inmates as well, in an effort to reduce recidivism. This bill would mandate that meaningful discharge planning be provided to any inmate sentenced to more than 30 days in DOC custody.

**Introduction 1148-A, sponsored by Council Member Daniel Dromm**, would require comprehensive reporting regarding mandatory and optional educational services offered by the Department of Education ("DOE") to 16-17 year-old inmates and 18-21 year-old inmates, respectively. This would include information regarding the rates of attendance in non-mandatory services, rates of diploma and GED completion, class sizes, credits accumulated, rates of attendance in school post-release, rates of assaults and the use of force by staff on inmates, and a report on any plans by the DOE and DOC to ensure a continuity of education post-release.

**Introduction 1237-A, sponsored by Council Member Fernando Cabrera**, would require the Administration for Children's Services (ACS) to review the department's current system for maintaining health records in the juvenile detention system, including whether it would improve the current system to maintain such records electronically. ACS would be required to submit a report to the Council by December 31, 2017 regarding any recommended improvements to the health records maintenance system and a timeframe for implementation of any improvements.

**Introduction 1348-A, sponsored by Council Member Robert Cornegy**, would require the Department of Correction (“DOC”) to provide inmates vocational or educational programming. This bill would codify a requirement to provide at least five hours of programming per day to most inmates, including those in pre-trial detention.

**Introduction 1439-A, sponsored by Council Member Antonio Reynoso**, would require any city agency, before disposing of confiscated food that is safe and edible, to notify at least one food rescue organization that they may retrieve such food at their own expense before disposing of the food.

**Introduction 1451-A, sponsored by Council Member Fernando Cabrera**, would require the Administration for Children’s Services (ACS) to allow appropriate adults such as a coach, teacher or clergyperson, to visit youth in secure detention facilities unless the facility director feels the visit would be detrimental to the youth, the visitor has refused to comply with the rules governing visitation, or the visit would not be consistent with public safety.

**Introduction 1452-A, sponsored by Council Member Fernando Cabrera**, would require the Administration for Children’s Services (ACS) to facilitate video conference visitation for youth in secure detention facilities. Youth would be permitted to video conference with family or legal guardians, as defined by ACS, except when the facility director determines that such communication is detrimental to the youth or not consistent with public safety. Video conferences would primarily be for the purposes of discharge planning, treatment, and rehabilitative conversations.

**Introduction 1500-B, sponsored by Speaker Melissa Mark-Viverito**, would require certain agencies to complete gender, racial, sexual orientation and income assessments of their services and programs, employment practices, contracting practices, and budgeting, and to create action plans to address the findings of these assessments. The agencies would be obligated to report by July 1, 2019 and annually thereafter, on efforts undertaken to implement action plans. The bill would also create an equity committee to advise the relevant agencies and to review annual reports.

**Introduction 1512-A, sponsored by Council Member Daniel Dromm**, would require certain city agencies to provide all of their employees with trainings on implicit bias, discrimination, cultural competency and structural inequity, including with respect to gender, race and sexual orientation, and on how these factors impact the work of such agencies.

**Introduction 1514-A, sponsored by Council Member Rafael Espinal and Speaker Melissa Mark-Viverito**, would require the Department of Sanitation (DSNY) or another appropriate agency designated by the Mayor to create and maintain a food donation web portal. In this portal, restaurants, grocery stores, produce markets, dining facilities and food rescue organizations could post notifications regarding the availability, retrieval and transportation of food that would otherwise end up in the waste stream, with the goal of facilitating logistics between prospective food donors and food rescue organizations.

**Introduction 1520-B, sponsored by Council Member Brad Lander**, would require the Mayor to include information on gender, racial, sexual orientation and income equity in the annual report on social indicators, which would be retitled as the “Report on Social Indicators and Equity.” The Social Indicators Report is an annual report which presents data from various indicators, and collectively describes social conditions in New York City. Currently, information on gender, racial, sexual orientation and income equity is not mandated in the report.

**Introduction 1688-A, sponsored by Council Member Rafael Espinal**, would establish a Nightlife Advisory Board and an Office of Nightlife. The Board would consist of 12 members, eight appointed by the Council and four by the Mayor, and be tasked with evaluating City laws and policies on an ongoing basis to make findings and recommendations that address common issues and trends in the nightlife industry. The Office will conduct outreach, review information on complaints and violations, and serve as a liaison between nightlife establishments, residents, and government. The Office will also assist nightlife establishments navigate city licensing requirements, permits, and other approvals. The Office will advise the Mayor and various agencies on trends in the nightlife industry, as well as make policy recommendations on an ongoing basis.

## Briefs

### Comptroller DiNapoli Releases July State Cash Report

State income tax collections increased \$88.2 million in July from a year earlier, helping lift the state's total tax collections slightly above updated projections, according to the state cash report issued this week by State Comptroller Thomas DiNapoli.

The year to year increase was primarily due to federal receipts (up \$1.3 billion or 7.9 percent), miscellaneous receipts (up \$488.3 million or 6.6 percent) and business tax receipts (up \$245.9 million or 13.5 percent), and was partially offset by lower personal income tax collections, down nearly \$1.5 billion or 9.2 percent, for the year to date.

Overall tax collections totaled \$23.1 billion through July 31, a decline of \$1.1 billion or 4.6 percent from the same period last year. That figure was \$10.4 million above updated projections, but \$346.6 million below initial projections in the Enacted Budget.

All Funds spending totaled \$50.4 billion through July 31, approximately \$3.1 billion or 6.6 percent higher than the same period last year. Significant increases included spending for Medicaid (up \$1.4 billion primarily from federal sources) and education (up \$855.3 million). All Funds spending was \$122.4 million above latest projections, but \$1.8 billion below initial projections from the Enacted Budget Financial Plan.

### Mayor de Blasio and First Lady McCray Announce Jacqueline Ebanks as Executive Director of Commission on Gender Equity

Mayor Bill de Blasio and First Lady Chirlane McCray this week announced that Jacqueline Ebanks will serve as the new Executive Director of the Commission on Gender Equity.

Created in June 2015, the Commission is an advisory body that works across City agencies to help achieve the Mayor's commitment to reduce gender-based inequity and build a safer, more inclusive city for women, girls, transgender and gender non-conforming New Yorkers. As Executive Director, Ebanks will oversee the City's first-ever Commission on Gender Equity, leveraging the power of City government to expand and increase opportunity for all New Yorkers regardless of sex, gender or sexual orientation in order to build a city that is safe and free of discrimination.

## *Coming Up*

***No Meetings scheduled for Week of August 28<sup>th</sup>.***

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