



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

December 1, 2017 Edition



In the News – New York State

Mark Your Calendars!!



New York State Legislative Session Calendar January — June 2018



The New York State legislative session calendar establishes a schedule for the 2018 legislative session and provides dates important to the legislative process. The session calendar is intended to afford Members flexibility in conducting legislative business in Albany and planning activities within their home districts. The session calendar will foster orderly and timely consideration of legislation. Unforeseen events may require modification of the session calendar.

JANUARY						
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January 3 2018 Legislative Session convenes
 January 8 Start of sessions
 January 15 Martin Luther King, Jr. Day
 January 16 Final Day for Submission of Executive Budget

February 19 Presidents' Day
 April 1 Beginning of new Fiscal Year
 May 28 Memorial Day

 Indicates session day

Chapters of the NY Laws of 2017

Chapter 409 – Sponsored by M of A Gunther/Senator Hannon -- Directs the president of the civil service commission to study and publish a report on nurse practitioners.

Chapter 410 – Sponsored by M of A Skoufis/Senator Larkin -- Relates to policies that allow students with disabilities to participate in a high school graduation ceremony.

Chapter 411 – Sponsored by M of A Dinowitz/Senator Alcantara -- Requires the commissioner of health to take action when areas of lead poisoning are designated.

Chapter 412 – Sponsored by M of A Weprin/Senator Montgomery -- Requires parole decisions to be published on a publicly accessible website within 60 days of such decision.

Chapter 413 – Sponsored by M of A Dinowitz/Senator -- Provides for the sanitization of every used mattress or bedding material transported, stored or sold in the state.

Chapter 414 – Sponsored by M of A Seawright/Senator Griffo -- Requires certain health insurance policies to include mammography screening by breast tomosynthesis.

Chapter 424 – Sponsored by Senator Kennedy/ M of A Mayer -- Directs the council on children and families to establish an online listing and map of publicly funded or registered afterschool and school age child care programs.

Chapter 430 – Sponsored by Senator Hannon/ M of A Gottfried -- Authorizes nurse practitioners to execute orders not to resuscitate and orders relating to life sustaining treatments.

Chapter 435 – Sponsored by Senator Alcantara/ M of A Ryan -- Relates to establishing an advisory panel on employee-owned enterprises within the division of small business services.

Chapter 436 – Sponsored by Senator Alcantara/ M of A De La Rosa -- Relates to establishing the adolescent suicide prevention advisory council.

Chapter 439 – Sponsored by Senator Squadron/ M of A Rozic -- Requires the president of the civil service commission to prepare a biennial report relating to current programs within state agencies that allow for alternative work schedules or flexible work hours.

Chapter 445 – Sponsored by Senator Dilan/ M of A Walker -- Allows members of the New York city transit authority twenty-five year and age fifty-five retirement plan to purchase credit for prior service.

Chapter 446 – Sponsored by Senator Golden/ M of A Harris -- Relates to protecting tenants from illegally converted dwellings.

2017 Vetoes

Veto Memo 175 – Sponsored by M of A Zebrowski/Senator Griffo -- Permits an authorized physician to direct that physical therapy care may be rendered by a duly licensed physical therapist assistant.

Veto Memo 181 – Sponsored by M of A Abbate/Senator Lanza -- Relates to a reduced retirement age for certain Triborough bridge and tunnel authority employees.

Veto Memo 183 – Sponsored by Senator Rivera/ M of A Perry -- Requires Medicaid coverage of both blood testing and skin prick testing for allergies.

Veto Memo 185– Sponsored by Senator Gallivan/ M of A Paulin -- Relates to optional disability coverage for county probation officers.

Veto Memo 186 – Sponsored by Senator Hannon/ M of A Rosenthal -- Requires retailers of electronic cigarettes or liquid nicotine, not otherwise registered with the department of taxation and finance to sell tobacco products, to register with such department.

Veto Memo 194 – Sponsored by Senator Tedisco/ M of A Abinanti -- Relates to changes in health insurance contracts or plans for retired officers, employees, and their families.

Veto Memo 196 – Sponsored by Senator Golden/ M of A Abbate -- Relates to disability retirement benefits for sheriffs, deputy sheriffs, undersheriffs and correction officers in Nassau County.

Veto Memo 198 – Sponsored by Senator Phillips/ M of A Abbate -- Relates to providing performance of duty disability retirement benefits for ambulance medical technician supervisors, ambulance medical technician coordinators and ambulance medical technicians in Nassau County.

Veto Memo 203 – Sponsored by Senator Seward/ M of A Cook – Revises disclosure requirements in relation to wireless communications equipment insurance.

NY's Rate of Uninsureds Drops

The number of New Yorkers without health insurance dropped to 4.7% in 2017, according to the Centers of Disease Control and Prevention. The rate was 10% in 2013. More than 4 million -- more than 1 in 5 New Yorkers -- have enrolled in health insurance coverage through NY State of Health.

For 2018, NY State of Health announced that more than 45,800 new enrollees have enrolled in coverage in the first four weeks of the 2018 open enrollment which started on November 1. Enrollment is outpacing last year by about 13 percent. Open Enrollment in a QHP continues through January 31, 2018. Consumers must enroll by December 15, 2017 for coverage beginning January 1, 2018. Enrollment in the Essential Plan is open all year.

2018 Employer Sponsored Health Plans

quick look

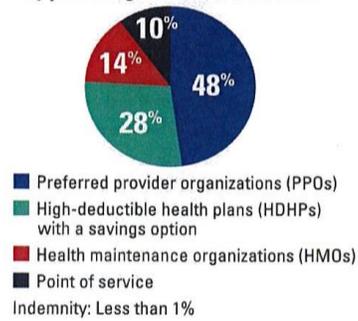
health care costs

It's open enrollment season, and plan sponsors are asking plan participants to make their choices for health care coverage. Here's a look at costs for employer-sponsored health insurance in 2017 and how employers and employees plan to manage health care costs in 2018.

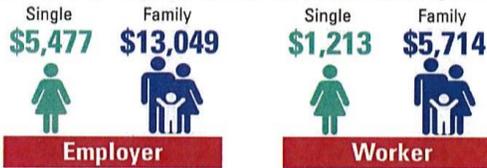
2017 annual average premium



Most common plan types, by percentage of workers enrolled



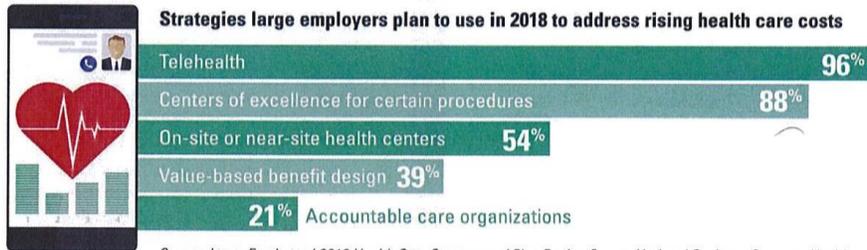
2017 average employer/worker contribution toward premiums*



*Employer and worker contributions may not equal total due to rounding.

Source: Employer Health Benefits Survey 2017, Kaiser Family Foundation and Health Research & Educational Trust.

Strategies large employers plan to use in 2018 to address rising health care costs



Source: Large Employers' 2018 Health Care Strategy and Plan Design Survey, National Business Group on Health.

To pay for rising health care costs, employees are reducing spending in these categories.



Source: 2017 Workplace Benefits Report Supplement: A Closer Look at Healthcare, Bank of America Merrill Lynch.

Administration Appointments

Cathy Calhoun has been appointed Director of State Operations. Previously, Ms. Calhoun served as Acting Commissioner of the Department of Transportation and as DOT Chief of Staff. She was Deputy Comptroller for Intergovernmental Affairs for Comptroller Thomas DiNapoli.. Ms. Calhoun also previously worked for former Governor David Paterson in intergovernmental affairs.

Linda Lacewell has been appointed Chief of Staff and Counselor to the Governor. Ms. Lacewell most recently served as executive director of the Cancer Breakthroughs 2020 at the Chan Soon-Shiong NantHealth Foundation in Santa Monica, California. Prior to that, Ms. Lacewell served as chief risk officer and counselor to Governor Cuomo. She also served as special counsel to Attorney General Cuomo. Ms. Lacewell earned her B.A. from New College of the University of South Florida and her J.D. from the University of Miami.

Letizia Tagliafierro has been appointed Deputy Secretary for Intergovernmental Affairs and Special Counsel to the Governor. Ms. Tagliafierro presently serves as Special Counsel for Public Safety. Prior to that, Ms. Tagliafierro served as Deputy Commissioner of the Criminal Investigations Division at the New York State Department of Taxation and Finance and as the Executive Director and Director of Investigations and Enforcement of the New York State Joint Commission on Public Ethics. Ms. Tagliafierro also served as Director of Intergovernmental Affairs in the Executive Chamber, Special Counsel for the New York State Attorney General, and Assistant District Attorney in Erie County. Ms. Tagliafierro holds a J.D. from Albany Law School and B.A. from SUNY University at Albany.

Paul Karas has been appointed Commissioner of the Department of Transportation. Before joining the Cuomo Administration, Mr. Karas served as Vice President and Manager of RS&H, Inc., a transportation and buildings infrastructure consulting firm. Prior to that, he served as President and Founder of Karas Associates Co., an infrastructure development consultancy. Mr. Karas served as director of the John F. Kennedy International Airport Redevelopment Program and was the Commissioner of Public Works for the City of Chicago for three years.. Mr. Karas received his Bachelor of Science in Civil Engineering from the University of Notre Dame, and a MBA from the University of Michigan.

Richard White has been appointed Deputy Secretary for Public Safety. Previously, Mr. White led the Tenant Protection Unit at New York State Homes and Community Renewal. In addition, he as Deputy Commissioner for Investigation, Trials & Litigation at the New York City Department of Correction and Deputy Commissioner of Operations at the New York City Department of Probation. Mr. White also served as a Senior Trial Attorney for Robert M. Morgenthau in the Manhattan District Attorney's Office. Mr. White received a Bachelor of Arts degree in Economics from Franklin & Marshall College, his law degree from Delaware Law School.

Peter Ajemian has been appointed Deputy Communications Director for Transportation. Prior to joining the Governor's Office, he served as Chief of Staff to State Senator Brad Hoylman. He is a graduate of Boston University and The New School.

In the News – New York City

Comptroller Stringer Report: MTA Buses Lost 100 Million Passenger Trips Since 2008

In the last eight years, the MTA bus system lost 100 million passenger trips and buses traveled at the slowest speeds in the country among large cities, according to a report released by New York City Comptroller Scott Stringer.

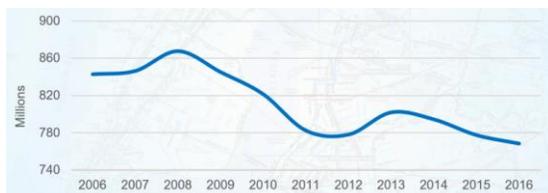
The report, *The Other Transit Crisis: How to Improve NYC's Bus System*, also found that the decline in New York City's bus service over the last decade disproportionately impacts immigrant and lower-income New Yorkers, since they make up the highest share of city bus riders.

New York City's bus system includes 5,700 buses, 330 routes, and 15,000-plus stops serving over two million passengers each day..

Speed: MTA uses are now the slowest in the nation among large cities. In fact, bus service can often be slower than walking speed.

- The average New York City Transit bus travels 7.4 miles per hour along its local, SBS, and express routes.
- The typical New York City bus spends half its time in-motion/in-traffic. Another 21 percent is spent at red lights and 22 percent at bus stops.
- Average bus speeds vary among the boroughs, with the slowest average speeds in Manhattan (5.5mph), Brooklyn (6.3mph), and the Bronx (6.5mph). This is significantly lower than local routes in Queens (8.1mph) and Staten Island (11.4mph).

Ridership: As service has deteriorated, ridership has plummeted.



The MTA bus system has lost 100 million passenger trips in the last eight years. That decline is most prevalent in Manhattan, where ridership is down 16 percent since 2011, and Brooklyn, which has seen a four percent decline over the same time period.

MTA Bus Ridership, 2006-2016

According to the Comptroller, this decline is happening at a time when NYC's economy – and commuting patterns – are changing. Increased job growth outside of Manhattan necessitates new routes. For example, from 2006 to 2016, the number of jobs located in Brooklyn jumped by 49 percent, in the Bronx by 35 percent, in Queens by 34 percent, and in Staten Island by 27 percent. The changing jobs geography means residents of every borough are now more likely to commute within their home borough.

Comptroller Stringer explained that as new employment centers emerge outside of Manhattan, the bus system has not kept pace. Specifically, neighborhoods like Williamsburg, Morris Park, Norwood, Greenpoint, Glen Oaks, Red Hook, and the two Queens airports remain underserved by a declining bus system.

The report found that the average personal income of bus commuters is \$28,455, lower than subway commuters. Fifty-five percent of bus riders are foreign born, and 75 percent are New Yorkers of color.

	Bus Commuters	Subway Commuters	All New Yorkers
Median Income (of employed)	\$28,455	\$40,000	\$38,840
Bachelor’s Degree or Higher (Age 25+)	31%	48%	36%
Share of Working Population that is age 60+	12%	8%	10%
Parent (age 16+) with Children at Home	42%	33%	36%
Single Parent (age 16+)	17%	10%	12%
Foreign Born	55%	49%	41%
Person of Color	75%	66%	67%
Work in Healthcare, Hospitality, Retail, Food Services, or Cultural industries	49%	38%	38%

Source: United States Census Bureau. 2011-2015 5-Year Estimates

The Comptroller’s report noted a number of areas where the MTA could improve service:

MTA often fails to follow its own design standards, schedules, and protocols for bus routes.

- **Stop spacing:** In order to keep buses moving, the MTA aims to locate bus stops at least 750 feet apart. This “stop-spacing” standard is very low compared to other major cities, and yet it is applied very loosely by the MTA. On ten routes, for instance, bus stops are spaced more than 1,200 feet apart, or nearly double the standard, which can make access difficult for seniors and the disabled.

Meanwhile, 30 percent of routes do not maintain even this minimum standard. In fact, among Manhattan bus routes, the *average* distance between bus stops is 757 feet.

- **Route Inefficiency:** The MTA has expressly acknowledged that “long and meandering” bus routes are inefficient and unreliable. Yet bus routes remain highly circuitous, with over 38 making at least 15 turns and the average Staten Island route making 13. City-wide, the average local route is 6.8 miles long and in Staten Island, 10.6 miles.
- **Vehicle Life:** Based on the MTA’s own 12-year replacement cycle for buses, the average age of vehicles should be 6 years. In fact, the average age of an MTA bus is 7.8 years, and 22 percent are still on the road after a dozen years.

NYC’s bus system has fractured management structure that needs to be better coordinated.

- **Management:** The bus system’s management is divided between two agencies: New York City Transit Bus and the MTA Bus Company.
- **Operating Costs:** The operating costs per passenger for the NYCT Bus (\$3.98) and MTA Bus Company (\$5.48) ranked them 7th and 14th among the 17 largest city bus companies in the United States.
- **Services:** Both the MTA and City DOT have struggled to implement new technologies and core amenities that could improve the speed and reliability of bus service, including Select Bus Service (SBS) and Transit Signal Priority (TSP).

Bills Passed by City Council

Introduction 152-C, sponsored by Council Member Brad Lander, creates a certificate of no harassment (CONH) pilot program, requiring certain buildings to apply for a CONH before obtaining Department of Buildings (DOB) approval of permits of other construction documents for certain covered work

Introduction 231-A, sponsored by Council Member James Vacca, requires the Department of Transportation to notify applicants for sidewalk construction permits to consult the Department of Parks and Recreation’s website for information on scheduled tree planting.

Introduction 443-A, sponsored by Council Member Ben Kallos, would impose age limitations on cranes used in New York City.

Introduction 799-B, sponsored by Council Member Daniel Garodnick, establishes a Small Business Tax Credit against the Commercial Rent Tax. Taxpayers who report incomes of \$5 million or less and who pay between \$500,000 and \$550,000 per year in rent, and taxpayers who report incomes between \$5 million and \$10 million and who pay less than \$550,000 per year in rent would receive a partial, sliding scale credit.

Introduction 955-A, sponsored by Council Member Daniel Garodnick, increases the maximum civil penalties for street construction, maintenance, repair, obstruction, and closure violations.

Introduction 973-B, sponsored by Council Member Corey Johnson, would create a Committee on City Health Services to review data and other information on the health of New Yorkers, and the effectiveness of health services provided by city agencies.

Introduction 1210-A, sponsored by Council Member Ritchie Torres, requires the Department of Housing Preservation & Development (HPD) to create a publicly available speculation watch list of rent-regulated buildings where, based on several factors, tenants might be at risk of being displaced.

Introduction 1251-A, sponsored by Council Member Alan Maisel, requires the Department of Transportation to prioritize repairs of ponding conditions on roadways.

Introduction 1278-A, sponsored by Council Member Margaret Chin, requires social adult day cares (SADCs) operating in the City to provide proper services to vulnerable senior citizens such as those suffering from Alzheimer's or dementia.

Introduction 1300-A, sponsored by Council Member Daniel Garodnick, requires the Department of Environmental Protection to collect all noise mitigation plans from construction sites and make those plans publicly available on the DEP website.

Introduction 1400, sponsored by Council Member Helen Rosenthal, amends Local Law 67 of 2008 in relation to participation of minority- and women-owned business enterprises in construction projects receiving benefits under the Industrial and Commercial Abatement (ICAP) program.

Introduction 1403-A, sponsored by Council Member Jumaane Williams, requires the installation of anemometers on cranes.

Introduction 1431-A, sponsored by Council Member Barry Grodenchik, requires registration of lift directors and sets forth the qualifications and duties of lift directors.

Introduction 1461-A, sponsored by Council Member Stephen Levin, requires the Human Rights Administration/Department of Social Services to conduct customer service and professionalism training for all employees that interact with members of the public and work in Job Centers or Supplement Nutrition Assistance Program (SNAP) Centers.

Introduction 1590-A, sponsored by Council Member Fernando Cabrera, requires Administrative for Children's Services (ACS) to require all individuals providing preventive services to attend trainings on an ongoing basis and no less than once per year.

Introduction 1607-A, sponsored by Council Member Deborah Rose, requires ACS to complete a study on child protective caseloads and workloads.

Introduction 1609-A, sponsored by Council Member Rafael Salamanca, requires ACS to submit to the Council and post on its website an annual report regarding fatalities of children who were known to ACS.

Introduction 1636-A, sponsored by Council Member Corey Johnson, requires the Mayor's Office of Criminal Justice ("MOCJ") to address issues related to erroneous criminal and juvenile records and would also require the New York City Police Department to quickly respond to records requests necessary to rectify erroneous records.

Introduction 1650-A, sponsored by Speaker Melissa Mark-Viverito, prohibits any person from charging consumers for services intended to change a person's sexual orientation or gender identity.

Introduction 1721-A, sponsored by Council Member Jumaane Williams, amends the definition of harassment to include acts or omissions related to violations of the construction code.

Briefs

New JCOPE Lobbying Regulations Will Carry Force of Law

NYS Joint Commission on Public Ethics Acting Chairman Rozen this week affirmed that the proposed “comprehensive” lobbying regulations will have the force and effect of law when ratified. Speaking at the monthly Commissioners’ meeting, Mr. Rosen wanted to be “very clear” and dispel any confusion regarding the strength of the regulations.

Mr. Rozen said that the Commission has authority to issue the lobbying regulations – as the entity charged with administering and enforcing lobbying laws in New York – and failure to follow the regulations will result in penalties.

Governor Cuomo: Budget Won’t Be Easy

The state budget could be a difficult document to put together this year, Gov. Andrew Cuomo on Tuesday told reporters in Syracuse. The budget deficit as it stands now could be as high as \$4.6 billion, based on an estimate by the state comptroller’s office. The deficit could grow even higher by the time the budget is expected to pass in late March.

“The budget is not going to be an easy budget and we’re going to have find additional savings in the budget,” he said. “That’s clear, no matter whose numbers you use. I’m also confident we can get it done.”

Scientists, Advocates, Elected Officials Warn of Dire Consequences of Climate Change at PA James Hearing

Public Advocate Letitia James this week hosted a hearing to discuss the consequences of climate change and how New York City can implement strategies and solutions to challenge its effects. The hearing followed the fifth anniversary of Superstorm Sandy.

The hearing featured testimony from scientists, advocates, public health professionals, business leaders, and elected officials. It highlighted the consequences of human-induced climate change and proposed strategies and solutions that New York City can employ to prevent future damage.

As a trustee of the New York City Employees’ Retirement System (NYCERS), Public Advocate James supported an immediate divestiture from coal in 2015. She also supported a long-term investment strategy, including commissioning a study to evaluate NYCERS’ investment holdings in fossil fuel investments. The results of the study, which are pending, will propose recommendations for reducing the impact that the City’s investments have on climate change, while ensuring the financial security of New York City retirees.

Mayor de Blasio Signs Legislation to Repeal Cabaret Law

Mayor Bill de Blasio this week signed legislation to repeal the 91 year-old Cabaret Law. Establishments previously required to obtain a cabaret license must continue to abide by these requirements. Establishments must install and maintain security cameras; and if they employ security guards, the law ensures such security guards are licensed pursuant to state law and to maintain a roster of such security guards

The Prohibition-era Cabaret Law was originally created to monitor illegal venues, and while many specific restrictions embedded in the law came and went, the ban on dancing has remained. Though the law is rarely enforced in recent years, the law has survived numerous repeal attempts. As of today, only 104 establishments have the license due to the expensive and time-consuming application process.

Coming Up

New York State

Monday December 4th

Water Quality and Budget Implementation

Joint Assembly Standing Committee on Environmental Conservation, Committee on Health and Subcommittee on Oversight of the Department of Environmental Conservation;
Assembly Hearing Room, 250 Broadway, Room 1923, New York, 10 a.m.

Tuesday December 5th

The Minority and Women-Owned Business Enterprise (MWBE) Program

Joint Assembly Standing Committee on Governmental Operations, Committee on Labor, Committee on Small Business and Subcommittee on Minority and Women Owned Business Enterprise;
Hamilton Hearing Room B, Legislative Office Building, 2nd Floor, Albany, 11 a.m.

Annual Budget Oversight Hearing of the 2017-2018 State Budget

Assembly Standing Committee on Tourism, Parks, Arts and Sport Development;
Roosevelt Hearing Room C, Legislative Office Building, 2nd Floor, Albany, 11 a.m.

To gain insight on the logistics of the NY Prize Program, including timeframes, cost, and efficacy of the program

Senate Standing Committee on Energy and Telecommunications;
Senate Hearing Room, 250 Broadway, 19th Floor, New York, 10 a.m.

Wednesday December 6th

Examination of Non-Medical Programs that Support Seniors in the Community

Assembly Standing Committee on Aging;
Hamilton Hearing Room B, Legislative Office Building, 2nd Floor, Albany, 11 a.m.

Budget and programs for veterans related to monies in support of veteran-to-veterans programs.
Assembly Standing Committee on Veterans Affairs;
Roosevelt Hearing Room C, Legislative Office Building, 2nd Floor, Albany, 11 a.m.

New York City

Monday December 4th

Subcommittee on Zoning and Franchises, Committee Room, 16th Floor – 250 Broadway, 9:30 a.m.

Committee on Fire and Criminal Justice Services, Council Chambers – City Hall, 10 a.m.

Subcommittee on Landmarks, Public Siting and Maritime Uses, Committee Room 16th Floor – 250 Broadway, 11 a.m.

Subcommittee on Planning, Dispositions and Concessions, Council Chambers – Committee Room 16th Floor – 250 Broadway, 1 p.m.

Tuesday December 5th

Committee on Parks and Recreation, Committee Room, 16th Floor – 250 Broadway, 10 a.m.

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

Wednesday December 6th

Committee on Juvenile Justice, Committee Room – City Hall, 1 p.m.

Committee on Technology, Committee Room, 16th Floor – 250 Broadway, 1 p.m.

Thursday December 7th

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

Committee on Education, Council Chambers – City Hall, 1 p.m.

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