



# This Week in New York

## Covering New York State and City Government

*A Publication of Pitta Bishop Del Giorno & Giblin LLC  
May 14, 2010 Edition*



### *In the News – New York State*

## **Governor Paterson Establishes Cabinet to Implement Federal Health Care Reform in New York**

Governor David A. Paterson this week created the Governor's Health Care Reform Cabinet to manage the implementation of federal health care reform in New York State.

The Cabinet will advise and make recommendations to the Governor on all aspects of federal health care reform and strategic planning to guide the implementation of the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act. The Cabinet will be chaired by Valerie Grey, Director of State Operations, with Wendy Saunders, Deputy Secretary for Health, Medicaid and Oversight; and Jeffrey Mans, Deputy Secretary for Labor and Financial Regulation; serving as vice-chairs.

The Health Care Reform Cabinet is charged with:

- ▶ Identifying deadlines for the completion of interim or final steps necessary or desired to comply with the provisions of federal health care reform;
- ▶ Identifying those provisions of federal health care reform with which the State must comply and those that are optional, and evaluating whether participation in optional programs is appropriate;
- ▶ Assessing the State's capacity to carry out those provisions of federal health care reform that affect or potentially affect the State;
- ▶ Identifying any changes needed to State statute, regulation, policy or procedure in order to implement such provisions and facilitating the achievement of such changes as necessary;
- ▶ Communicating with the federal government, local governments, other states, health care providers, and other stakeholders as advisable or necessary; and
- ▶ Providing for outreach to the public to educate them on the implementation of reforms as necessary.

In addition, the Governor will name an external advisory group to assist and advise the Cabinet on reform provisions and ensure stakeholder and public engagement. The advisory group will include organizations representing health care providers, consumers, businesses, organized labor, local governments, and health plans and health insurers, as well as health policy experts.

## **Comptrollers DiNapoli and Liu Team Up to Audit MTA**

*Audit Will Examine Fiscal Impact of Service Disruptions,  
Management Efficiency*

New York State Comptroller Thomas P. DiNapoli and New York City Comptroller John C. Liu this week announced their offices would conduct a joint audit of the Metropolitan Transportation Authority (MTA). The comptrollers said the audit would review the fiscal and community impact of subway and commuter rail service disruptions, as well as how effectively and efficiently the MTA managed the planned service changes.

The audit partnership, announced during a City Hall press conference, is the first joint effort between the City and State Comptrollers in more than 10 years. In addition to addressing the fiscal impact upon communities directly affected by MTA service disruptions, the audit will also answer the following questions:

- ▶ Is the maintenance and capital work scheduled to promote efficient, cost effective maintenance?
- ▶ Is the maintenance and capital work scheduled to minimize service disruption?
- ▶ Is the riding public adequately informed of potential service disruption?

The audit period will cover January 2009 until the end of the audit field work, scheduled to begin next week. In total five auditors from both Comptroller DiNapoli and Liu's office will begin work on the audit next week. The audit is expected to take at least six months.

The Comptroller double team audit comes in the same week as the MTA announced that it is considering a fundamental change to how it performs major repair projects - shutting large stretches of subway lines for long periods, including weekdays, to finish faster instead of dragging work out over numerous weekends.

"Maybe, in some cases, we need to say, 'The line is not running,'" said MTA Chairman Jay Walder said, according to published reports. "And we'll get in there and do the track work and do the other work ... all-out, in a very concentrated period of time."

## *In the News – New York City*

### **City Council Votes to Take Steps to Ensure Safe Neighborhood Playing Fields**

In an effort to ensure that the City review all building related materials used in neighborhood playgrounds, the City Council this week approved legislation to create a committee to advise on which materials are safe to install in neighborhood playgrounds and playing fields. The legislation is in response to evidence of elevated levels of lead found following renovations to a Harlem ballfield.

According to Council Member Melissa Mark-Viverito, Chair of the Parks and Recreation Committee, after the Department of Parks and Recreation (DPR) installed crumb rubber synthetic turf at Thomas Jefferson Field in East Harlem, the agency soon found elevated levels of lead in the field.

The committee, which will be comprised of nine appointed members, will give recommendations to the agency on whether it should install the proposed type of material, and may make suggestions for alternate materials. This committee will meet every six months, or every time DPR decides to install a new kind of material in its playing fields or playgrounds. The DPR Commissioner will be required to report every six months to the committee regarding any new surfacing materials that are being contemplated, and no new material can be installed without committee review. The reports of both DPR and recommendations of the committee will be available online for public viewing.

“Ever since Thomas Jefferson Field in my district was found to contain high levels of lead, I have been very concerned about the potential dangers posed by the use of synthetic turf on our athletic fields,” said Council Member Mark-Viverito said. “At the same time, I do recognize that many New Yorkers value synthetic turf, since it creates more opportunities for recreation in our parks. This legislation will help ensure that the Parks Department is looking at issues of health, safety and environmental impacts when considering the introduction of new surface materials on our fields and playgrounds.”

### **City Council Introduces Legislation to Combat Asthma Triggers**

Council member Rosie Mendez, Chair of the Public Housing Committee, introduced legislation this week to that will help identify buildings throughout the five boroughs have the greatest number of mold, rats, mice, insects, water and garbage violations – conditions that are considered triggers for pulmonary problems such as asthma. Council Speaker Christine Quinn co-sponsors the legislation (Intro 224).

The program will be a 24-month pilot that will be implemented as a joint effort of the Department of Housing, Preservation and Development and the Department of Health and Mental Hygiene.

“Asthma is a huge public health problem in New York City, especially in low-income neighborhoods,” said Council Member Rosie Mendez, Chair of the Public Housing Committee. “Among the most serious asthma triggers affecting city kids are indoor allergens like mold and pests in poorly maintained buildings.”

## ***In Brief***

### **Speaker Silver Calls on MLB to Move All Star Game**

Assembly Speaker Sheldon Silver this week called on Major League Baseball Commissioner Bud Selig to move the 2011 All-Star Game out of Arizona in protest of the immigrant-related law that state recently passed. Silver wrote Selig that while he appreciates the advice of former Commissioner Fay Vincent that the league steer clear of state politics, “Arizona’s Immigration Law is fueling an increasingly emotional, national debate over the very constitutional principles that define our nation.” Speaker Silver has asked the league, out of respect for its many players and fans of Hispanic descent, to send a clear message that our national pastime stands for tolerance and respect for all people.

### **Public Advocate Advances Legislation to Restrict the Use of Polystyrene and to Formalize Mayoral FOIL Requirements**

Public Advocate Bill de Blasio this week requested the introduction of legislation (Intro 227) restricting the use of polystyrene in the City (Intro 228) and requiring mayoral agencies to issue monthly reports to the Council and the Public Advocate on compliance with the New York State Freedom of Information Law.

Int. No 228 restricts the use of polystyrene foam packaging in food service establishments and in City agencies and prohibits the dispensing or sale of polystyrene foam products for use with food or beverages. Exemptions are provided in certain instances, including the inability to find an alternative means. Violations may result in penalties of \$100 to \$500 for the first violation, \$500 to \$1,000 for the second violation, and \$1,000 to \$5,000 for the third and any subsequent violations.

Under Int. No 227, each mayoral agency would be required to submit a monthly report to the Council and the Public Advocate on the fourteenth day of each month regarding requests made to that agency to view records pursuant to the state freedom of information law in the preceding month. The report must be shall be made available to the public free of charge on the internet and include: (1) the total number of requests made during the month; (2) the number of requests granted by the agency; (3) the number of requests denied by the agency and, in the case of a denial of, or the exclusion of records from, such a request the report shall include the reason or reasons for denial of, or exclusion of, records

from the request; (4) the number of business days that elapsed between the receipt of such a request and the issuance of an acknowledgment of or response to such request; (5) the number of instances in which a final determination regarding the request was not made within five business days of the issuance of an acknowledgment of such a request; (6) the number of times in the preceding month that an agency determination regarding a request to view records pursuant to the state freedom of information law was appealed by the requestor; and (7) the number of times an agency determination was appealed by the requestor and subsequently underwent a judicial review in a proceeding under Article 78 of the Civil Practice Law and Rules, including a description of the outcome of each such proceeding.

### **Mayor's School Nurse Initiative Introduced**

As part of Mayor Michael Bloomberg's budget proposal, Councilmember Maria del Carmen Arroyo introduced legislation this week reducing the requirements for providing onsite nursing services in City schools. Intro 205 requires the Department of Education to provide at least one full-time nurse at each City school that has at least 300 hundred students. Currently, if a school has 200 or more students, DOE is required to have a full-time nurse on staff.

Last week, the Mayor released a budget which assumed that Albany will be reducing its assistance to the City for education by \$493 million. To offset this reduction, the Mayor is proposing a reduction of 6,414 teachers and other pedagogical positions in the coming school year - 4,419 through layoffs and 1,995 through attrition.

### **Director of Mayor's Office of Operations, Jeffrey Kay, to Step Down**

Mayor Michael R. Bloomberg this week announced that Jeffrey Kay, Director of the Mayor's Office of Operations, will leave City government at the end of June for a position in the private sector. Since March 2006, Kay has led the Mayor's Office of Operations, which oversees a wide range of City operations, focused on holding City agencies accountable for results, improving agency operations and making City government accountable to New Yorkers through the public dissemination of data. He has been at the forefront of many of the Administration's signature initiatives and has been a senior advisor to the Mayor. Kay is also one the Mayor's designees on the Metropolitan Transportation Authority (MTA) Board and has been a chief advisor to the Mayor on MTA matters. Mr. Kay will become the chief operating officer at Muss Development.

## ***Coming Up***

### ***New York State***

***Monday, May 17<sup>th</sup>***

***Bimonthly Lobbyist & Public Corporation March-April Reports Due***

New York State Commission on Public Integrity

***From Battlefields to Classrooms***

Senate Committees on Veterans & Higher Education

Van Buren Hearing Room A, Legislative Office Building, 2nd Floor, Albany, Noon to 3 p.m.

***Water Quality in Nassau County***

Senate Committee on Investigations and Government Operations

Elmont Memorial Library, 700 Hempstead Turnpike, Elmont, 10 a.m. to Noon

***Wednesday, May 19<sup>th</sup>***

***General Educational Development (GED) Test***

Assembly Standing Committee on Education

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

***Friday, May 21***

***Mitchell-Lama Housing***

Assembly Committee on Housing & Subcommittee on Mitchell-Lama

Assembly Hearing Room, 250 Broadway, Room 1923, 19th Floor, New York, 11:30 a.m.

***New York City***

***Monday, May 17<sup>th</sup>***

***Period 2 Lobbyist & Public Corporation Reports Due***

New York City Clerk's Office

***Committee on Finance Jointly with the Committee on Governmental Operations, the Committee on Aging and the Committee on Juvenile Justice, Council Chambers - City Hall, 10:00 AM***

***Executive Budget Hearings - Finance Oversight NEW YORK CITY COUNCIL FISCAL YEAR 2011***

***EXECUTIVE BUDGET HEARINGS***

- 10:00 - 10:45 Citywide Administrative Services
- 10:45 - 11:45 Board of Elections
- 11:45 - 1:15 Aging
- 1:15 - 2:15 Juvenile Justice

***Subcommittee on Zoning and Franchises, 250 Broadway - Hearing Room, 16th Fl., 9:30 AM***

***Subcommittee on Planning, Dispositions and Concessions, 250 Broadway - Hearing Room, 16th Fl., 1 p.m.***

**Tuesday May 18, 2010**

**Committee on Finance Jointly with the Committee on General Welfare and the Committee on Women's Issues, Council Chambers - City Hall, , 9:30 a.m.**

Executive Budget Hearings - Finance Oversight

- 9:30 - 11:00 Human Resources Administration / Social Services
- 11:00 - 1:00 Administration for Children's Services
- 1:00 - 3:00 Homeless Services

**Friday May 21, 2010**

**Committee on Finance Jointly with the Committee on Transportation and the Committee on Public Housing, Council Chambers - City Hall, 10:00 AM**

Executive Budget Hearings - Finance Oversight

- 10:00 - 10:30 Transportation (Expense)
- 10:30 - 11:15 Transportation (Capital)
- 11:15 - 11:45 MTA NYC Transit (Capital)
- 11:45 - 12:15 MTA NYC Transit (Expense)
- 12:15 - 1:00 Taxi & Limousine Commission
- 1:00 - 1:45 NYCHA

---

**Disclaimer:** The materials in this *This Week in New York* report are provided for informational purposes only and are not intended to be a comprehensive review of legislative or governmental or political developments, to create a client-consultant/lobbyist relationship, or to provide consulting, lobbying or political advice. Readers are cautioned not to attempt to solve specific problems on the basis of information contained in this *This Week in New York*. If consulting, lobbying or government relations advice is required, please consult a professional expert in such matters. The information contained herein, does not necessarily reflect the opinions of Pitta Bishop Del Giorno & Giblin LLC, or any of its partners or employees or its clients. Neither Pitta Bishop Del Giorno & Giblin LLC, nor its partners or employees make any warranty, expressed or implied, and assume no legal liability with respect to the information in this report, and do not guarantee that the information is accurate, complete, useful or current. Accordingly, Pitta Bishop Del Giorno & Giblin LLC is not responsible for any claimed damages resulting from any alleged error, inaccuracy, or omission. This communication may be considered an advertisement or solicitation.

**To Our Clients:** If you have any questions regarding any of the matters addressed in this newsletter, or regarding any legislative, government relations or political or consulting or related issues in general, please contact the Pitta Bishop Del Giorno & Giblin LLC professional with whom you usually work.

**To Our Clients and Friends:** To request that copies of this publication be sent to a new address or fax number, to unsubscribe, or to comment on its contents, please contact Theresa Cosgrove at [tcosgrove@pittabishop.com](mailto:tcosgrove@pittabishop.com) or at (518) 449-3320.

---

*This Week in New York* is a publication of Pitta Bishop Del Giorno & Giblin LLC, 120 Broadway, 28<sup>th</sup> Floor, New York, New York 10271.