Governor Cuomo and HUD Announce Approval of New York State's Disaster Recovery Action Plan

$1.7 billion to help communities in Empire State to rebuild from Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee

Governor Andrew M. Cuomo and U.S. Housing and Urban Development (HUD) Secretary Shaun Donovan today announced federal approval of New York State’s recovery action plan to help homeowners and businesses following Superstorm Sandy, Hurricane Irene, and Tropical Storm Lee.

Funded through HUD’s Community Development Block Grant Disaster Recovery (CDBG – DR) program, New York State’s recovery action plan calls for a combined $1.7 billion investment in a variety of housing, infrastructure and business recovery activities.

On January 29th, President Obama signed the Disaster Relief Appropriations Act, 2013 into law, providing a total of $16 billion in CDBG Disaster Recovery funding. HUD allocated $5.4 billion to five states (including New York) and New York City. New York State submitted its required action plan describing how the funds will be used on April 3rd and HUD conducted an expedited review to enable New York State to access these funds as quickly as possible.

The CDBG Disaster Recovery funding gives grantees flexibility in determining how best to use their funds to meet the greatest unmet needs. In general, the funds are intended for the restoration of housing and infrastructure as well as economic revitalization in disaster-impacted areas. The funds are to meet recovery needs that are not otherwise covered by other federal assistance, private insurance, or other sources.

According to the Governor, New York State’s approach will focus principally on meeting the immediate recovery needs for housing and business assistance in the communities affected by Hurricane Sandy. These activities include $838 million to support a variety of housing programs and $415 million to assist economic revitalization programs. The full plan can be found at http://www.nyshcr.org/Press/ActionPlan/

The $1.7 billion in CDBG funding approved by the federal government today also includes support to help New York’s homeowners and businesses recover:
HOUSING

- **Single Family Housing: $663 Million:**
  
  *Recreate NY Smart Home Repair and Reconstruction Grants* - $233 million: Homeowners located in the counties affected by Superstorm Sandy, Hurricane Irene and Tropical Storm Lee, whose cost to repair or replace their home exceeds the funding they received from other sources may be eligible for Recreate NY Smart Home Repair and Reconstruction Grants. These Grants will cover the difference between reimbursements received and the amount of loss suffered by the homeowner. For example, if a homeowner that suffered $110,000 of damage has already received $50,000 from FEMA and her insurance company, she may be eligible for an additional $60,000 grant for qualified repairs under this program. Repair and rehabilitation may be required to meet green building standards and to improve energy efficiency, where applicable.

- **Recreate NY Smart Home Resilience Grants** - $259 million: A homeowner whose partially damaged property is located in the 100-year flood plain or whose property located outside of the floodplain was substantially damaged may be eligible for funding to support mitigation projects that reduce the risk of future damage to their homes. In most cases, the grants will cover the full cost of such mitigation that has not been covered by other assistance. Building mitigation may be required to meet green building standards and to improve energy efficiency, where applicable.

- **Recreate NY Smart Home Buyout Program** - $171 million: New York State will offer homeowners the option of selling their homes that were substantially damaged or destroyed inside the highest risk areas, or located within designated buyout areas where damage occurred and where property may be susceptible to future damage due to sea level rise and other factors. These enhanced buyout areas will be selected in consultation with county and local government officials.

  In very high risk areas, there will be a prohibition on rebuilding and these areas will be used as buffer zones. Under the State’s proposal, and subject to approval by HUD, re-development of property outside of the highest risk areas that is acquired through a buyout would be permitted, so long as the new structure is built to mitigate future flood impact.

  Homeowners eligible for a full buyout in the highest risk areas will receive the full pre-storm fair market value for their home up to the FHA loan limit. An incentive of up to 5% will also be offered to families that relocate within their home county or borough.

**Multi-family Housing: $124 Million:**

- **Small Multi-Family Repair and Reconstruction Grants** - $31 million: Grants will be available to help repair rehabilitate and/or reconstruct 3 -7 unit properties that have suffered storm damage. In all cases, such grants will cover those losses that are not compensated by other sources. Repair and rehabilitation may be required to meet green building standards and to improve energy efficiency, where applicable.
Small Multi-Family Mitigation Grants - $62 million: Grants will be available for 3 to 7 unit properties located in the 100-year floodplain to support mitigation projects that reduce the risk of future damage. To receive grants under this program, property owners for rental properties will be required to rent a minimum of 51% of the units in the property to New Yorkers with low- and moderate-incomes. In all cases, such grants will cover the costs of such mitigation that are not compensated by other sources. Building mitigation may be required to meet green building standards and to improve energy efficiency, where applicable.

Large Multi-family Mitigation Grants - $31 million: Multifamily housing property owners, with property containing 8 or more units, are expected to maintain appropriate insurance coverage that will compensate them for storm-related damages. Mitigation grants may be made available for select projects that demonstrably improve the building’s resilience against future storms, such as moving electrical systems from basements to higher levels inside the building. Eligibility is limited to buildings that have incurred damage from Sandy and are located within the 100-year floodplain. Individual building grants will be subject to a cap for each building. Building mitigation may be required to meet green building standards and to improve energy efficiency, where applicable.

**BUSINESS ASSISTANCE**

Bringing Back Business: $415 million

Small Business Grants – $232 million: New York State will direct grant funds to help businesses, including farming and agricultural operations, and non-profits that suffered physical damage or inventory loss, as a result of Superstorm Sandy, Hurricane Irene, or Tropical Storm Lee. Grants of up to $50,000 to cover eligible, uncompensated losses are proposed to enable an affected business to purchase or repair needed equipment, repair or rebuild facilities that were damaged or destroyed in the storm, and/or provide the working capital necessary to sustain and grow the business. The State may extend grants up to a total grant amount of $100,000 to businesses that suffered physical damage and are at risk of closure or significant employment loss without an increase in grant size. Special Business Mitigation Grants of up to $100,000 are also proposed to cover expenses such as installing back-up generators or elevating key equipment, to help prevent damage to these businesses in future disasters.

Small Business Loans - $130 million: New York State will create a low-interest loan program to help small businesses, including farming and agricultural operations, and non-profits that are at risk because they suffered losses of inventory, or physical assets as a result of the storm. Loans of up to $1 million may be available to help these businesses purchase or repair needed equipment, repair and rebuild facilities that were damaged or destroyed in the storm, and/or provide the working capital necessary to sustain and grow the business. Loans of higher amounts may be offered to eligible businesses that are at risk of closure or significant employment loss. Terms will be flexible, with interest rates held below 2% for borrowers.

Legal Assistance, Business Consulting, & Other Services – $3 million: New York State will support legal assistance for small businesses trying to get back on their feet, and provide a network of support including financial management, real estate, marketing, legal, and industry-specific assistance.
Coastal Fishing Industry Recovery Program—$20 million: New York State will create a targeted program to support grants of up to $50,000 available to affected businesses. These grants would cover otherwise eligible, uncompensated losses and help the industry prepare now for the upcoming fishing season.

Seasonal Tourism Industry Recovery Program—$30 million: The State seeks to provide grants of up to $50,000 to eligible businesses in this industry. The grants will cover otherwise eligible, uncompensated losses and working capital needs to help them prepare for the coming season.

In conjunction with the funding announcement, Governor Cuomo unveiled the Community Reconstruction Zones (CRZ) program, a community initiative that will empower localities that were severely damaged by Superstorm Sandy, Hurricane Irene, or Tropical Storm Lee to develop comprehensive local rebuilding plans that will be funded by the state and federal government.

Under the CRZ program, New York State will allocate federal planning grants approved by HUD to localities to develop comprehensive rebuilding plans that consider current damage, future threats, and the community’s economic opportunities. The amounts ultimately allocated to communities will be based on damage assessed by FEMA and the population and will be awarded for projects and activities approved by HUD once the community’s plan is complete and meets established criteria. For most communities, grants will range from $3 million to $25 million if approved. Eligible communities will be provided with initial planning grants to produce CRZ plans.

Comptroller DiNapoli: State’s Brownfield Cleanup Program Needs to Reach More Sites and be More Cost Effective

Report Calls for Separating Clean Up and Development Tax Credits

The New York State Legislature should examine options to restructure the State’s primary program to revitalize contaminated properties — the Brownfield Cleanup Program (BCP) — in order to fully achieve the important economic, public health and environmental goals set when the program was created, according to a report released this week by State Comptroller Thomas P. DiNapoli.

Comptroller DiNapoli’s report examined the performance of the BCP and found, as of February, 128 sites have been remediated at a cost of close to $1 billion, mostly in the form of as-of-right tax credits. The credits awarded under the program have ranged from a low of $120 to a high of $113.8 million, and an average of $9.4 million per site. Based on an analysis of the 389 sites currently enrolled in the BCP, Comptroller DiNapoli projects an overall tax credit liability of $3.3 billion.
According to the Comptroller, at the start of the program, the Division of the Budget projected that average annual program costs would be $135 million. To date, actual average annual costs have totaled nearly $190 million, a figure that is expected to balloon if the program stays on the current path.

To control costs, the Comptroller DiNapoli recommends that the legislature consider maintaining as-of-right tax credits for site clean-ups, but decouple the tax credits for site redevelopment from admission to the program. As-of-right tax credits are automatically granted to enrollees in the program. Incentives needed to encourage development of the reclaimed properties and determinations on appropriate development credits should properly rest with the state’s economic development agencies.

As the program is currently formulated, financial incentives are predicated upon completing site cleanup by the end of 2015. Cleanup projects typically take several years to complete, and the uncertainty over incentive eligibility might already be deterring new projects, according to Comptroller DiNapoli.

The Comptroller noted that the impending sunset of the existing program provides a unique opportunity to consider needed reforms to maximize the return on taxpayers’ underwriting of brownfield cleanups by examining the best level of state assistance for municipal remediation efforts.

Citing the success of the cleanup program in New York City, the report includes a recommendation that lawmakers identify low-cost options for projects that are viable without financial incentives, as well as exploring ways to ensure long-term financing for the state Superfund.

Based on an evaluation of the experience with brownfield cleanup programs in New York and neighboring states, the report sets out a series of recommendations to reach more contaminated sites in a more cost effective manner. These include:

- Maintain tax credits for cleanup costs, provide additional benefits where projects are consistent with local and state economic development priorities, and restrict credits for development costs for projects that can proceed without state assistance.
- Provide state support from existing revenue sources for the environmental and other assessments that municipalities or project developers currently must undertake before deciding to proceed with a cleanup.
- Identify potential new sources of financing to support cleanup of municipally owned sites under the existing Environmental Restoration Program.
- Authorize a new program that provides liability protections and a streamlined cleanup process without financial incentives for sites with limited contamination based on the expired Voluntary Cleanup Program.
- Reduce administrative burdens to simplify participation in the cleanup programs.
- Partner with municipalities to increase overall capacity for brownfield remediation.
- Require detailed public reporting on redevelopment projects, and enhance the state’s database of environmental remediation sites.
In the News – New York City

Port Authority Approves Staten Island Bridge Updates

The Port Authority Board of Commissioners this week voted to approve construction projects on the Goethals Bridge, the Bayonne Bridge, and the Outerbridge Crossing, which all connect Staten Island to northern New Jersey.

Under the program, the Goethals Bridge will be replaced, the roadway to the Bayonne Bridge will be raised, and the Outerbridge Crossing will be resurfaced. Together, the projects will create almost 5,000 construction jobs; generate more than $600 million in wages; and more than $2.5 billion in economic activity for the region. Construction on all three projects will begin this year.

“Employing a public-private partnership to build a new Goethals Bridge and utilizing unique engineering strategies to raise the roadway of the Bayonne Bridge demonstrate our ability to build major transportation infrastructure in a smart and cost effective manner,” Governor Andrew Cuomo said. “This action will create thousands of jobs and serve as a major economic boost for New York and New Jersey.”

Building a New Goethals Bridge to Replace the Current Span

The Board will award a 40-year design-build-finance-maintain contract as part of a $1.5 billion public-private partnership to build a new Goethals Bridge to replace the existing structure. The new bridge will include wider travel lanes that will ease congestion and accommodate anticipated future traffic volumes as well as restore pedestrian access with a pedestrian/bicycle pathway. The bridge will be constructed to allow for mass transit options in the future. Once the new bridge is completed, crews will remove the current span.

According to the Governor, the public-private partnership will provide the agency with cost predictability over the life of the agreement. The financial incentives included in the deal—including that the Port Authority makes no payments until significant construction milestones are achieved—are expected to speed the delivery of the completed bridge by at least six months.

The project will create more than 2,250 construction jobs, more than $200 million in wages and $850 million in economic activity for the region. Work will begin this year, with the bridge first opening to traffic in 2016 and substantial completion expected in 2017.
Raising the Roadway of the Bayonne Bridge

The Board will award a contract as part of a $1.29 billion program to raise the roadway of the Bayonne Bridge. The project will increase the bridge’s navigational clearance to allow larger post-Panamax container ships to pass beneath. The new roadway will feature widened lanes, shoulders, and a 12-foot bike/pedestrian walkway and provide the ability to include mass transit options in the future.

Work will commence immediately after the completion of the Coast Guard’s environmental review process and the receipt of required permits, with crews beginning to build a new elevated roadway 64 feet above the existing deck. Once completed, the Bayonne Bridge roadway will be 215 feet above the Kill Van Kull waterway, allowing larger cargo ships to pass beneath. The Port Authority is expediting the work to coincide with the widening of the Panama Canal, which is expected to be done in 2015.

The project will result in 2,500 construction jobs, $380 million in wages and $1.6 billion in regional economic activity and benefit the ports in both New York and New Jersey. Crews will complete the removal of the current roadway in the fall of 2015 and the remainder of the project will wrap up in 2017.

Resurfacing the Outerbridge Crossing

Work on the resurfacing of the Outerbridge Crossing will be completed in 2013. The project will result in 40 jobs and $39 million in regional economic activity.

Bloomberg Administration Submits Action Plan
$1.8 Billion in Grants for Sandy Recovery Initiatives

The City has formally submitted its Community Development Block Grant Disaster Recovery Action Plan to the U.S. Department of Housing and Urban Development, following the completion of a 14-day public comment period.

Pursuant to Federal guidelines, the City last month released its Community Development Block Grant Disaster Recovery Action Plan A for public review and comment. The Action Plan details how the City intends to spend the initial $1.77 billion allocated by the Department of Housing and Urban Development for Hurricane Sandy relief, including new programs for housing recovery, business recovery and infrastructure resiliency. Under the plan, the City would spend $720 million on housing, $185 million on businesses, and $140 million on competitions to help utility companies protect their networks against future storms.

During the two-week comment period, the City received nearly 400 comments and suggestions on the plan from the public, stakeholder groups and elected officials. The City made revisions to the Action Plan based on these comments, including the addition of a program that will reimburse qualifying homeowners who incurred out-of-pocket expenses to repair their homes, to the extent that these costs are not already covered by insurance, FEMA funds or other sources. The submission of the Action Plan to the Department of Housing and Urban Development for approval represents the next step towards receiving the initial allocation of Federal disaster aid under the Disaster Relief Appropriations Act.
Updates to the City’s Community Development Block Grant Action Plan

Reimbursements: The City amended its programs to include reimbursement of out-of-pocket expenses for qualifying owners of one- to four family homes, as permitted by the Department of Housing and Urban Development. The City will only reimburse qualifying owners for repairs that are in compliance with the New York City Building Code and satisfy all Department of Housing and Urban Development and other requirements. Additional details for these programs, including qualifications, will be announced following approval from the Department of Housing and Urban Development.

Prioritization: The City will prioritize the limited initial funding based on the level of damage and financial need, using national objectives set by the Department of Housing and Urban Development. Based on comments received, the City has streamlined the program priorities for this round of funding to include low-income families with any level of damage among the first priority.

Contractor Selection for Home Repair: The City will give homeowners more flexibility to select a contractor for reconstruction and rehabilitation. The same program requirements and parameters for grant assistance will apply for owners who select this option.

Elevation Standards: The City’s intention is to use FEMA’s Preliminary Flood Insurance Rate Maps for New York City when they are issued, rather than the current Advisory Base Flood Elevation Maps. The City will require that projects funded with Community Development Block Grant meet elevations from the Preliminary Flood Insurance Rate Maps, plus additional freeboard. Freeboard is one or two feet, depending on building occupancy and flood zone.

Rental Subsidy Program: The Department of Housing and Urban Development recently approved a waiver that will allow the City to create a rental subsidy program to serve families displaced by Hurricane Sandy. This program will be used to assist those who do not qualify for programs currently in place to help displaced residents – such as the additional Section 8 vouchers being provided by Housing Preservation and Development; apartments made available by the New York City Housing Authority; FEMA Rental Assistance; and the FEMA Disaster Housing Assistance Program.

Briefs

Long Island College Hospital Gets Reprieve

The State University of New York has opted to withdraw its closure plan for Long Island College Hospital.

“The financial conditions at LICH remain unchanged,” said Downstate President Dr. John F. Williams, Jr. in a release. "LICH’s continued financial losses still threaten the viability of Downstate Medical and our world-renowned medical school. We are withdrawing the closure plan so we can work with the State and other stakeholders on a sustainability plan for Brooklyn’s only medical school and to ensure quality medical care throughout the borough. The current legal proceedings prohibit this dialogue."
Per the release, the current state budget provides SUNY with a new and comprehensive set of tools for Downstate to restructure itself. SUNY and Downstate, with the approval of DOH and the State Division of the Budget, are now required to develop a Sustainability Plan by June 1. Implementation will begin mid-month.

**Binding Arbitration Continues in Limelight**

Governor Andrew Cuomo kept the pressure on the State’s expiring binding arbitration program for municipal employees, calling it “an opportunity to do something real” to address efforts to help financially strapped upstate municipalities.

"Let's put together a financial restructuring board, and local governments that are in financial distress can come before the board, and this board will work with them to restructure the government so it's economically viable. And part of that will be working out the contracts with their police and fire," Governor Cuomo said. "We have to restructure these local governments so that they're financially solvent I have not wanted to subsidize the problem; I want to solve the problem."

The current statute is scheduled to expire the end of June. Government employees chair Peter Abbate introduced two pieces of the legislation: one to extend it for another four years and one to make it permanent. Both bills were favorable reported from the Government Employees Committee this week and are on the Assembly calendar. There are no companion bills in the Senate.

Currently, police and fire unions may enter binding arbitration if an impasse is declared during contract talks. A three-member panel is chosen — with one member selected by the union and municipality, the third by consensus — to make decisions on a contract increase.

As part of his Executive Budget, Cuomo proposed to cap the wage and benefit increases that arbitration panels could assign if the municipality is deemed to be under "fiscal distress." The proposal was rejected by the Legislature.

**Management Confidential Employees Get Some Relief**

Management/confidential state employees will get step raises or longevity bonuses in May, according to a bulletin issued Monday by the state Budget Division. According to the bulletin, mid- to lower-level workers at Grade 17 will get longevity bonuses or step increases. Those at levels of Grade 18 or above, are not eligible for longevity hikes, but will receive step increases if applicable.

According to budget officials, there are approximately 10,500 M/C employees statewide. Fewer than half will get the increase. The remaining employees have reached their maximum "step" or salary based upon the years on the job.

With respect to the longevity bonuses, employees who have been at the top of their pay grades for five or more years will get $1,250, while those who have remained more than 10 years will get $2,500.
The increase comes as lawmakers are considering a proposal to create an M/C pay commission, similar to one set up by legislation in 2010 to study and then mandate raises for state judges. Enabling legislation, sponsored by Senator John DeFrancisco and Assemblyman Denny Farrell is currently on the calendar in the Senate and was favorably referred to the Ways and Means Committee this week.

City Begins Expanded Recycling Program to Include All Rigid Plastics

The Bloomberg administration this week announced the expansion of the City’s recycling program to include for the first time the recycling of all rigid plastics, including toys, hangers, shampoo bottles, coffee cups and food containers. The expansion of plastics recycling – which began this week – is part of the City’s Solid Waste Management Plan and is made possible, in part, through a partnership with SIMS Municipal Recycling whose recycling facilities are equipped to handle the broad range of plastic recycling.

Coinciding with the expanded recycling, New Yorkers will receive mailers that describe the expansion of the recycling program and include easy-to-understand illustrations of what they can recycle and how. The City will also send decals to landlords and homeowners to replace the current labels on their recycling bins. The new program starts today, although the City won’t begin enforcement until rules are adopted in July.

Daniel Horowitz Appointed New JCOPE Chair

Current Chair Janet DiFiore to Resign to Run for Reelection

Governor Andrew M. Cuomo today appointed Daniel J. Horwitz to serve as the Chair of the Joint Commission on Public Ethics (JCOPE). Mr. Horwitz was appointed to JCOPE by Governor Cuomo in December 2011. The current Chair, Westchester County District Attorney Janet DiFiore, will resign in order to run for reelection in November 2013.

Mr. Horwitz is currently a partner at Lankler Carragher & Horwitz, LLP, a boutique litigation law firm in New York City. Prior to joining the firm, Mr. Horwitz was a partner in an AmLaw 100 law firm. He previously served as a New York County assistant district attorney for nearly a decade. Prior to his legal career, Mr. Horwitz served as legislative director to Congressman Thomas J. Downey.

Mr. Horwitz received his J.D. cum laude from the American University Washington College of Law and his B.A. from Columbia University. Mr. Horwitz was appointed to the Commission by Governor Cuomo.
Coming Up

New York State

Monday April 29th
New York State Legislative Session Day

Tuesday April 30th
New York State Legislative Session Day

Hearing for Court of Appeals Nominee Judge Sheila Abdus-Salaam
Senate Standing Committee on Judiciary
State Capitol Building- Rm 124, Albany, 11 a.m.

Wednesday May 1st
New York State Legislative Session Day

Thursday May 2nd
To Examine Requiring Ignition Interlock Devices for School Buses in Light of Events Involving Intoxicated School Bus Drivers
Senate Standing Committee on Transportation
Farmingdale State College, 2350 Broadhollow Road, Campus Center Ballroom, Farmingdale, 10 a.m.

New York City

Monday April 29th
Committees on Environmental Protection and Small Business, 250 Broadway, 14th fl, 10 a.m.

Committee on Technology, 250 Broadway– Committee Rm, 16th fl, 10 a.m.
Int 0132-2010- in relation to requiring that all public meetings be webcast.

Committee on Parks and Recreation, Fresh Kills Park, Staten Island, 10:45 a.m.
T2013-6133- Tour: Fresh Kills Park.

Subcommittee on Senior Centers and Committee on Cultural Affairs, Libraries, and International Intergroup Relations, 250 Broadway– Committee Rm, 16th fl, 1 p.m.
T2013-6106- Oversight - Seniors and Cultural Options
Committee on Lower Manhattan Redevelopment, 250 Broadway– Hearing Rm, 16th fl, 1 p.m.

Committee on Sanitation and Solid Waste Management, 250 Broadway, 14th fl, 1 p.m.

Tuesday April 30th
Subcommittee on Zoning and Franchises, City Hall- Council Chambers, 9:30 a.m.

Committee on Civil Service and Labor, 250 Broadway – Committee Rm, 16th fl, 1 p.m.

Committee on Contracts, 250 Broadway – Hearing Rm, 16th fl, 1 p.m.
T2013-6134- Resolution adopting the rule amendment of the Procurement Policy Board to raise the micropurchase limit to $20,000.

Committee on Housing and Buildings, 250 Broadway – Committee Rm, 14th fl, 1 p.m.
Int 0188-2010- in relation to sales of cooperative apartments.

Int 1003-2013- in relation to signs at construction sites with fences or sheds and repealing section BC 3301.9 of the New York city building code in relation thereto.

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