



NEW YORK STATE SENATOR

Thomas K. Duane

December 2009 Community Report

THOMAS K. DUANE December 30, 2009

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Dear Neighbor:

The following is a summary of some of my office's activities since my last community report:

Albany Update

Please see the [statement](#) I released on December 2 following the deeply disappointing marriage equality vote in the New York State Senate. While the defeat of marriage equality was a crushing blow, the Senate did manage to pass other important pieces of legislation during the recent Extraordinary Session.

- In the shadow of the ever-growing fiscal crisis, the Legislature passed a Deficit Reduction Plan (DRP) that closes nearly \$3 billion of New York's budget gap. The product of two months of negotiations, the final DRP balances the state's budget without any new taxes or fees. While this plan is not perfect, DRP enables sustainable spending while not turning

the state's back on the poor and elderly. In January, the Legislature will again face a tough fiscal challenge with the 2010-2011 state budget and I will continue to fight for the vital programs we need and deserve.

- A large and substantial expenditure for state and local governments are pension costs for their employees. In order to save the state and its localities over \$48.5 billion during the next 30 years, the Legislature approved a new Tier V pension plan that will be implemented for new employees. By establishing a cost-effective benefit structure and capping the amount of overtime that can be used in calculating pension benefits, this new tier will provide substantial benefits to our state and local employees while at the same time remaining fiscally prudent.
- Another cost saving measure implemented last week was legislation that requires the state to fill all information technology (IT) jobs in-house rather than out-sourcing the work. It is estimated that New York will save \$70 million per year if 500 consultant positions are replaced with state employees.
- In other fronts, the State Senate passed historic public authority reforms. The legislation will place stringent public disclosure and reporting requirements on more than 1,000 public authorities across the state, including the New York Power Authority and the Metropolitan Transportation Authority. The legislation insures that the decades of irresponsibility, lack of oversight and fiscal recklessness resulting in billions of dollars of debt will be a thing of the past.

Seeking to Make Federal Health Care Reform Better for New York

As I noted last month, I am working with the Paterson administration, U.S. Senator Chuck Schumer and our other federal representatives to ensure that federal health care reform

does not penalize New York State for currently providing more expansive health care coverage and stronger consumer protections than most other states. Please see an [op-ed](#) I wrote on this topic for *Gotham Gazette*.

Passing Leandra's Law

On November 18, Governor Paterson signed Leandra's Law, which makes it a felony to drive while intoxicated when a child fifteen years of age or under is a passenger, and requires ignition interlock devices for those convicted of driving while intoxicated. Named for Leandra Rosado, an 11-year-old resident of my district who was killed when the drunk driver of the vehicle in which she was a passenger crashed, this law puts New York State at the forefront of the fight against drunk driving. I am also recommitted and encouraging my colleagues to address prevention of the disease of alcoholism and substance abuse, which so negatively affects the chemically dependent person and the entire family and community. Please see the text of the [speech](#) that I made on the State Senate floor before this bill's unanimous passage.

Opposing Devastating MTA Cuts

On December 16, Assembly Member Micah Z. Kellner and I held a [press conference](#) with disabilities advocates, for-hire vehicle industry representatives, and Access-A-Ride (AAR) users to oppose the Metropolitan Transportation Authority's (MTA) plans to slash \$40 million from the AAR operating budget. What I find especially egregious about these cuts is that over a year ago, Assembly Member Kellner met with the MTA and proposed an overhaul of AAR that would both improve services for its users and save the MTA \$50 million a year. I find it reprehensible that the MTA is attempting to balance its budget on the backs of one of our City's most vulnerable populations. Please click the link above to our press release for

more information.

I have also spoken out against the MTA's announced elimination of the Student Metrocard Program. I believe that punishing New York City schoolchildren and their parents for the MTA's short-sighted budgeting and the government's underfunding of mass transit is outrageous. The elimination of the program must not stand.

Objecting to Natural Gas Drilling in and around New York's Water Supplies

Since the New York State Department of Environmental Conservation (DEC) first proposed to permit hydraulic fracturing in New York State's Marcellus Shale, I have stood with environmental advocates in expressing grave concerns about its impacts on local and municipal water supplies and other precious natural resources. On October 23, I submitted testimony at a New York City Council Environmental Protection Committee Hearing raising objections to DEC's draft Supplemental Generic Environmental Impact Statement on well permit issuance for such drilling in the Marcellus Shale and other gas reservoirs (dSGEIS). My testimony opposed natural gas drilling in or around not only New York City's watershed but all water supplies statewide, and called on DEC to implement a phased-permitting policy to ensure that the agency has the staff and resources to oversee all drilling operations before allowing an onslaught of, indeed any, new wells. I submitted expanded [testimony](#) at DEC's only local public hearing on this dSGEIS on November 10. Please see the testimony as well as my recent [letter to the editor](#) of *The Villager* regarding the need for a no-risk policy for gas drilling so that we protect all our sources of drinking water.

For more information on the risks associated with horizontal drilling and high-volume hydraulic fracturing, please visit my "[Drill Watch](#)" blog at www.nysenate.gov/senator/thomas-duane/blog

Fighting for More Affordable Housing on and off the Western Rail Yard Site

On November 23, I submitted [testimony](#) regarding the land-use applications related to the Western Rail Yard (WRY) development to the New York City Council Subcommittee on Zoning & Franchises. Among the reservations I continue to have about the proposal is the lack of sufficient on- and off-site affordable housing. It is particularly galling that the Metropolitan Transit Authority (MTA) is seeking 30,000 square feet of office space in the building on 9th Avenue between West 53rd and 54th Streets designated for off-site affordable housing. I have written a [letter](#) to recently-confirmed MTA Chair Jay Walder highlighting this distressing problem and urging him to facilitate an amenable solution.

Participating in a War Room to Combat Systemic Overcrowding in School District 3

I am very concerned about growing elementary and middle school overcrowding in Community School District 3 and the failure of the New York City Department of Education (DOE) to develop reality-based enrollment projections and utilization rates on which to base capital planning. That is why I am working together with Manhattan Borough President Scott Stringer, City, State and Federal elected officials throughout the Upper West Side, DOE, Community School District 3 Education Council, CB7, and parent representatives in a Community School District 3 War Room on school overcrowding. In addition, while I have been in Albany these past two weeks, my staff has been touring schools throughout the district to gain the most up to date and comprehensive understanding of each school's challenges and needs. There are many urgent problems we are working to resolve, including impending kindergarten overcrowding crises at PS 199, PS 87, PS 9, and a number of elementary schools north of my Senate District, as well as the dearth of middle schools seats to accommodate these elementary school students as they ascend through the grades. One

possible solution for which I have been strongly advocating is the incubation of at least one new school. I will continue to work with Borough President Stringer, my other colleagues and stakeholders with an even greater appreciation for the urgency for finding solutions to these problems which have gone unresolved for far too long.

Sharing Great News Regarding the Far West Village Rezoning

On November 17, the NYC Department of City Planning (DCP) met with local elected officials' staffs to present the results of its detailed lot-by-lot study of the C6-1 district between Greenwich and Washington Streets and West 12th and West 10th Streets. I am pleased to report that DCP determined that a rezoning of this area is warranted and that a C1-6A district, the contextual zoning designation for which we and the community have long advocated, would be appropriate.

Attending the Stuyvesant Town-Peter Cooper Village Tenants Association Meeting

On Saturday, December 5, I attended and spoke at the Stuyvesant Town-Peter Cooper Village (ST-PCV) Tenants Association meeting. At the meeting, which focused on the status of Major Capital Improvement (MCI) requests and ongoing negotiations stemming from Roberts V. Tishman Speyer, I reiterated my commitment to passing Senate Bill 745A, of which I am an original co-sponsor, which would reform the way MCIs are handled by the New York State Department of Housing and Community Renewal (DHCR). In addition, I reported on communication that my and New York State Assembly Member Brian Kavanagh's offices have had with DHCR regarding the need for ST-PCV tenants to have complete access to pending MCI applications that Tishman Speyer has submitted. As I noted,

I will be joining New York City Councilmember Daniel Garodnick, Assembly Member Kavanagh, Manhattan Borough President Scott Stringer and U.S. Representative Carolyn Maloney on December 18 at a meeting with DHCR representatives to discuss unresolved questions and complaints surrounding both pending and previously-approved MCI applications submitted by Tishman Speyer.

Commenting on the Draft Scope of Work for the St. Vincent's Redevelopment Project

On December 8, I submitted [testimony](#) at the NYC Department of City Planning's (DCP) public scoping meeting on the St. Vincent's Hospital redevelopment project.

Even though this public meeting has passed, DCP will be accepting comments until Tuesday, December 22. The scoping documents can be found at <http://tinyurl.com/ScopingDoc> and comments should be addressed to Robert Dobruskin, Director, Environmental Assessment and Review Division, New York City Department of City Planning, 22 Reade Street, 4E, New York, New York 10007.

This is only the first in a series of opportunities for public input during the environmental and land use review process, and I will be letting you know as further opportunities present themselves.

Expressing Outrage Over Approval of General Theological Seminary's Commercial Hotel

On November 25, I [wrote](#) to New York City Mayor Michael Bloomberg, New York City Department of Buildings Commissioner Robert LiMandri, New York City Mayor's Office of

Special Enforcement Director Shari Hyman, and New York City Department of Finance Commissioner David Frankel to express my outrage at their handling of General Theological Seminary's application to amend its restrictive declaration in order to operate a commercial hotel in the Desmond Tutu Center.

Submitting Testimony on P.S. 51/Gotham West

On December 2, I submitted [testimony](#) regarding the land-use applications related to the P.S. 51/Gotham West development to the New York City Planning Commission. I am pleased that some of the promises made to the community during the Hudson Yards rezoning will be brought to fruition, though I have several outstanding concerns.

Continuing the Fight Against Sightseeing Helicopters

For more than a decade, I have worked together with community advocates and my colleagues in government to ban sightseeing and other unnecessary helicopter flights over New York City. Unfortunately, the fight continues. This summer, in response to the tragic collision over the Hudson River between a sight-seeing helicopter and a small private plane, I joined U.S. Representatives Jerry Nadler and Carolyn Maloney and others in making a number of demands of the Federal Aviation Administration (FAA), including that it regulate New York City's airspace below 1,100 feet – where helicopters fly – in order to prevent future accidents and relieve congestion. Regrettably, the new FAA rules, which went into effect on November 19, do not address the root of the problem, which is the acute congestion of our airspace. I again join my colleagues in government in calling on the FAA to reconsider the conditions that caused the recent accident and to make real changes to its regulations, including strict oversight of all helicopters and commuter planes.