



NEW YORK STATE SENATE

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New York State Senate
Albany, NY 12247



TOWN HALL MEETING SEPTEMBER 1ST *See inside for details.*



NEW YORK STATE SENATOR

THOMAS K. DUANE

29TH SENATE DISTRICT

DUANE.NYSENATE.GOV

DUANE@SENATE.STATE.NY.US

DISTRICT OFFICE:

322 8TH Avenue, Ste. 1700

New York, NY 10001

Tel: (212) 633-8052

Fax: (212) 633-8096

ALBANY OFFICE:

430 State Capitol Building

Albany, NY 12247

Tel: (518) 455-2451

Fax: (518) 426-6846

ALBANY UPDATE



Senator Duane addresses the Senate floor

The 2009 Legislative Session was unique, complicated and at times extremely frustrating and infuriating. The Session started on a positive and exciting note in January. For the first time in 43 years the Senate Democrats were elected to the Majority and I was honored to be named Chair of the Senate Health committee, which strengthened my ability to fight for affordable and compassionate healthcare for all New Yorkers.

While we had many significant accomplishments, unfortunately, because of the June 8 coup attempt and the month-long stalemate, citizens across the state were livid at the inaction by members of the Senate and rightfully so. I am angry, embarrassed and sad about this painful and disturbing episode. I am committed to working with my colleagues from both sides of the aisle to restore to the Senate decorum, dignity, fairness,

and bipartisan collegiality, as well as hard work with real results.

I am also committed to bringing to the floor for a vote—and passing—critical legislation that fell by the wayside, including bills that would repeal vacancy decontrol, strengthen tenant protections, grant marriage equality, safeguard reproductive health rights, protect transgender people from discrimination, extend paid family leave, deter bullying in our schools and provide tax relief for the middle class, among others. The coup attempt may have delayed our progress, but it will not stop it.

It is understandable that many believe that the 2009 Senate Session achieved nothing more than budget cuts and partisan gridlock, yet there was significant movement on many key issues:

- Shortly after the Democrats assumed the Senate Majority, we passed a **Deficit Reduction**

Plan to address fiscal year 2008-09 budget deficits of over \$1.7 billion. This was an awful process for me, but I believe we made across-the-board cuts that, while painful, were enacted in as fair a manner as possible.

- In April, we passed a **Fiscal Year 2009-10 Budget** which addressed a budget gap of over \$17 billion with no additional spending outside of federal stimulus funding, which prevented wholesale cuts to education and healthcare. Unfortunately, as the recession has deepened, revenues have fallen short, making further deficit reduction likely in the months ahead.
- We adopted a temporary **plan to make New York's tax code more fair and progressive** and created a new Select Committee on Taxation to address structural tax issues for the first time with the goal of a stronger, more stable state revenue stream.
- We **made reforms to the healthcare system** to reduce inflated inpatient rates and shifted focus from the expensive model of treating people after they become ill to increasing access to community-based primary care.
- We restored over \$800 million in healthcare cuts that had been proposed by the Governor, including **funding for the New York State Elderly Pharmaceutical Insurance Coverage (EPIC) "wrap around,"** which pays for needed drugs not covered by Medicare Part D plans.
- We enacted **sweeping reforms to the Rockefeller Drug Laws,**

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PRESERVING NEW YORK'S ARCHITECTURAL AND CULTURAL HERITAGE



While responsible development is vital to our City's growth, it is equally important to preserve our historic buildings and neighborhoods to ensure that our City retains its distinctive character and history. I am pleased to be part of the West End Preservation Society (WEPS), a group of community members, elected officials and advocates dedicated to preserving the grand apartment buildings, brownstones and churches along West End Avenue from West 70th Street to West 107th Street. I urge my constituents to join me in this effort to persuade the New York City Landmarks Preservation Commission (LPC) to grant WEPS' Request for Evaluation and ultimately to confer this historic district designation. For more information or to get involved visit www.westendpreservation.org.

Among other preservation efforts I have actively pursued is the campaign to landmark the Interborough Rapid Transit Powerhouse (the Powerhouse), which covers the entire block running from 58th to 59th Streets between 11th and 12th Avenues. This magnificent 1904 Beaux Arts facility powered the original IRT subway line that revolutionized mass transit and, indeed, New York City. I joined other elected officials, advocates like Landmark West!, Manhattan Community Boards 7 and 4 and other community organizations in compelling LPC to schedule a July 14 hearing on the Powerhouse's potential designation. As I stated in my testimony delivered at the hearing: "Sadly, New York has already lost many of its architecturally and historically significant powerhouses...It would be a travesty to leave one of the last such powerhouses in New York City vulnerable to a similar fate." LPC should make a formal decision on whether to confer landmark protection on the building in the coming months.

ADDRESSING THE PRE-KINDERGARTEN CRISIS IN GREENWICH VILLAGE

This past Spring, the New York City Department of Education (DOE) announced it would remove pre-kindergarten classes from Greenwich Village's PS 3 and PS 41 to make room for kindergarten students that it had placed on waiting lists. Parents of prospective pre-K students were rightfully outraged, particularly given our many warnings to the DOE about impending overcrowding at these schools. To solve this crisis situation, I joined New York City Council Speaker Christine Quinn, U.S. Representative Jerrold Nadler, Manhattan Borough President Scott Stringer, New York State Assembly Member Deborah Glick, other elected officials, Community Education Council District 2 and DOE in forming a Rapid Response Task Force to find a suitable location for temporary pre-school classrooms. Parents took the initiative and identified prospective locations which we, Task Force members and our staffs carefully vetted. Our efforts paid off when DOE signed a short-term lease for three pre-school classrooms at Greenwich House on Barrow Street. While this will allow PS 3 and PS 41 to accommodate their in-district kindergarten students in the short-term, it is imperative that DOE plan for the future so that we have sufficient public school space to provide quality education to students in all of our neighborhoods.

PROMOTING BETTER SCHOOL GOVERNANCE

Since the start of this year, I have convened and participated in numerous meetings and discussions with parents, teachers, principals and education advocates on whether the New York State Legislature should renew the so-called "Mayoral Control Law," which expired on June 30, 2009. While certainly Mayoral Control led to some improvements in New York City's public school system, it was clear to me from both my conversations and my work with stakeholders in my district's schools that the law at the very least needed to be amended to enhance parental input, independent oversight and transparency.

I have no doubt that many of the issues that we have struggled with in 29th Senate District schools—including

overcrowding and the elimination of cluster rooms across the district, the shortage of pre-kindergarten seats at PS 3 and PS 41, and the slow and insufficient response to the presence of PCBs at PS 199, among other crises—could have been averted if parents and other stakeholders had a venue to be heard in the school governance process.

On July 17, I was one of 15 members of the New York State Senate who voted for "The Better Schools Act," an alternative school governance bill that, while not perfect, would have enhanced Mayoral Control of New York City's public schools by expanding the Panel for Educational Policy, giving all its members fixed terms and by

creating a Parent and Student Training Center, among other key provisions.

I was one of eight State Senators who voted against the school governance bill that ultimately passed the Senate on August 6 because it did not adequately empower parents as partners in education or provide the degree of accountability to all school stakeholders that I had sought. Despite my misgivings about this legislation, I will continue to work with the New York City Department of Education, parents, teachers, administrators and students to preserve and expand the great elements of New York City's public education system as well as fight to better our schools in areas that need investment and improvement.

CONSTITUENT TOWN HALL MEETING ON SEPTEMBER 1

Please join me on September 1 at The Duke on 42nd Street Theater, 229 West 42nd Street 2nd Floor (between 7th & 8th Avenues) from 6:30-8:30 p.m. for a Town Hall meeting to discuss the state of the Senate and what's ahead in Albany and the 29th District. Please email duane@senate.state.ny.us or call my district office at (212)-633-8052 to let us know if you are planning to attend or for more information.

TEACHING CITY STUDENTS ABOUT NEW YORK STATE AGRICULTURE



Maple syrup isn't just something New Yorkers love on their pancakes—it's also one of our state's key agricultural products. Last year, New York State's approximately 1,500 maple syrup producers made more than 332,000 gallons of syrup—second in the nation behind Vermont. To educate students in my Manhattan district about this sustainable agricultural industry, I was pleased to co-sponsor with New York State Assembly Member Linda Rosenthal a Mobile Maple Exhibit, which was presented by an Oneida County chapter of the Future Farmers of America to second through fifth graders from PS 19 in the East Village and PS 111 and PS 191 on the Upper West Side. The exhibit engaged students in an

interactive demonstration of the five steps of maple production, from the tapping of trees through the boiling of sap into delicious maple syrup, maple sugar candy and other products.

We also learned that while sap is a renewable resource, boiling it down by traditional methods is energy intensive. Assembly Member Rosenthal and I have asked the New York State Energy Research and Development Authority to help maple producers invest in new, energy-efficient sap reduction technology that will not only reduce their fuel costs but also shrink the carbon footprint of the industry as a whole. Together we can make this thriving sector of New York's economy even more vibrant and green.

MARCHING FOR SAFER STREETS

Too often in New York City, where walking is a crucial mode of transportation, pedestrians are at risk of being hit by reckless drivers who are not held responsible for the harm they cause. On June 13, I joined New York State Assembly Members Dick Gottfried and Linda Rosenthal, members of the Clinton/Hell's Kitchen Coalition for Pedestrian Safety, Transportation Alternatives, the Hell's Kitchen Neighborhood Association, the West Side Neighborhood Alliance and many others in a memorial march for the half-dozen pedestrians tragically killed by automobiles in recent years on Ninth Avenue in Clinton-



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Hell's Kitchen. The concerns that were raised at this somber event are regrettably applicable throughout my district and across the City. I will continue to fight for safer streets, tougher traffic laws, and stricter enforcement so that New York City becomes entirely safe and completely pedestrian friendly!

PROTECTING TENANTS AT STUYVESANT TOWN-PETER COOPER VILLAGE AND CITYWIDE



In fighting on behalf of tenants, I have long argued that under New York State law, landlords who receive New York City tax abatements for renovations must extend rent stabilization protections to their tenants during the abatement period. I was pleased that on March 5,

2009, the New York Supreme Court Appellate Division decisively agreed, ruling unanimously in a lawsuit brought by Stuyvesant Town-Peter Cooper Village (ST-PCV) tenants that the complex's current and previous owner improperly deregulated apartments while receiving City of New York J-51 tax benefits. Days after the decision, I joined U.S. Representative Carolyn Maloney, Manhattan Borough President Scott Stringer, New York State Assembly Member Brian Kavanagh, New York City Council Member Dan Garodnick, tenant advocates and ST-PCV residents to celebrate this monumental legal victory, which also

affects tenants in thousands of other buildings throughout the City.

Unfortunately, the decision is not final: ST-PCV owner Tishman Speyer was given permission to appeal the ruling to New York State's highest court, which is slated to hear arguments in the case in September. In the meantime, we celebrated another small but significant victory when a group of elected officials that I helped spearhead compelled the New York State Department of Housing and Community Renewal to halt deregulation and eviction proceedings in all buildings that receive City tax abatements until the outcome of this case.

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greatly expanding drug treatment programs, giving judges authority to order non-violent drug offenders to treatment as an alternative to prison, and creating a new class A-1 felony for predatory drug kingpins to ensure they get the punishment they deserve. These reforms, for which I long advocated, will achieve significant cost-savings for the state by helping those who are addicted to drugs recover and become functioning members of society. Furthermore, it will help those who are used by kingpins to sell drugs—mostly women with children—to receive treatment instead of incarceration so that families are no longer torn apart.

- We authorized a **four-year plan to cap caseloads for civil legal service** attorneys in New York City, which will improve the quality of representation for clients.
- We restored \$600,000 in the 2009-10 budget **for programs to assist domestic violence survivors.**
- We enacted the **Bigger, Better Bottle Bill** which expanded the existing law to include water and other bottles. Further, the Legislature put **\$17 million in additional funding into the Environmental Protection Fund.**
- We restored base aid funding to community colleges and restored **37 university-wide SUNY and CUNY programs.**
- **We fully restored the Tuition Assistance Program (TAP) funding,** which helps eligible New York residents pay college tuition at approved New York State schools.
- We passed a number of **significant pieces of health legislation that I sponsored,** including: the **Family Health Care Decisions Act,** which grants medical decision-making authority to loved ones of

incapacitated patients who do not have a health care proxy or other advance directive; the **Nursing Care Quality Protection Act,** which requires nursing homes and hospitals to disclose their nurse staffing ratios so that patients and their families will be able to receive quality care from qualified nurses; a bill which improves **patient protections and rights for nursing home residents facing** negligent treatment or malpractice; as well as a bill that requires the New York State Department of Health to study the quality of care given to state prisoners with HIV, AIDS, or Hepatitis C, which **improves the health of prison inmates as well as those in the communities to which they return.**

- We approved **new protections for managed care consumers,** including patients and businesses, to limit denial of care and ensure prompt payment for necessary treatment.
- We passed a bill that I sponsored **authorizing New York City to move forward with a \$3 million biotech tax credit** proposed by New York City Council Speaker Christine Quinn that will encourage biotechnology firms to bring their jobs, innovation, and emerging technologies to the five boroughs.
- We also secured \$350 million in **new authorizations for the New York State Film Production Credit Program.** This is a particular victory for the 29th Senate District, which is home to six major production facilities and thousands of professionals employed directly or indirectly by the film and television industries.
- In these tough economic times, we **extended unemployment insurance benefits** by adding an extra 13 weeks to the current 26 week benefit. In addition, we

increased benefits so that employees who lose their jobs may **continue their health insurance under COBRA from 18 to 36 months.**

- We passed legislation that will **make more seniors eligible for the Senior Rent Increase Exemption (SCRIE) program** by deducting the amount of any unreimbursed out-of-pocket medical and prescription drug expenses from eligible seniors' annual income calculation. We also **passed legislation to expand income eligibility for the EPIC drug assistance program.**
- We passed my legislation that would **cap at 30% of income the rent contributions of low-income people with AIDS** receiving housing assistance from the New York City HIV/AIDS Services Administration (HASA). This would bring HASA into line with other enhanced rental assistance programs.
- We initiated **new gun-violence prevention initiatives** that link to local police to protect youth, communities and police officers from harm.
- We approved **far-reaching Rules Reforms** that empower individual Senators, strengthen democracy in floor and committee operations and make Senate administration more equitable and fair.

In conclusion, despite the coup attempt and the extraordinary fiscal challenges that New York, like the rest of the nation, has been facing, the Senate passed key legislation that is vital to New Yorkers' economic, physical and social well-being. Nonetheless, there is much more work to do. I am committed to getting it done and to restoring your faith in the State Senate and our government in the process.

HOW MY OFFICE CAN BETTER SERVE YOU

My staff can assist you with questions about a wide range of issues including housing, healthcare, benefits/entitlements, education, etc., and can often help you resolve problems with City and State agencies. While we cannot offer legal advice or intervene in pending litigation, nor can we guarantee that any agency will decide a matter in your favor, we can help you cut through

“red tape” and either make sure—or show you how to make sure—that your inquiry is given the time and attention it deserves. So that we may best serve you, when you call or write my district office, please have copies on hand of all written communication about the matter as well as notes of any calls, including dates, times and names of people with whom you have already spoken.

If your concern is a local issue, please first lodge your complaint with the City by calling 311 and make sure you write down your complaint number. If you do not receive satisfactory results from your efforts, please call my office at (212) 633-8052 and tell us your name, address and general area of concern. You will then be directed to me or the staff member best able to help you.