



NEW YORK STATE SENATOR

Thomas K. Duane

May 2009 Community Report

THOMAS K. DUANE May 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:

Advancing in the Fight for Marriage Equality

As many of you know, on May 12 the New York State Assembly passed the Governor's marriage equality bill by a bipartisan vote of 89 to 52. As I said in a formal statement, "The eyes of the State, and indeed the nation, now turn to the New York State Senate in the fight for marriage equality. The vote in the Assembly in favor of same-sex civil marriage once again proved that civil rights cannot and will not be denied. I am confident that this year my Senate will uphold this fundamental legal principle and vote for my right, our right, to be married this year."

As the sponsor of the marriage equality program bill in the Senate, I addressed a crowd of thousands on May 17th at the Action = Marriage Equality rally sponsored by Broadway Impact, Human Rights Campaign, The Empire State Pride Agenda, Civil Rights Front, Marriage Equality New York and Broadway Cares/Equity Fights AIDS. At the time, there were just 18 days remaining in the 2009 Legislative Session and I implored those gathered to ask their friends and relatives across New York State to go to www.BroadwayImpact.com and contact their Senators to encourage them to vote in favor of marriage equality. There is still time left to make a difference. Together we can secure the right to civil marriage for all New Yorkers.

Extending New York State Unemployment Benefits

On May 19, I and my colleagues in the New York State Senate passed critical legislation (S.4110-A) that will provide an additional 13 weeks of extended benefits to nearly 120,000 current or soon-to-be unemployed New Yorkers. Later that day the bill was passed by the Assembly and on May 20 it was signed into law by Governor Paterson. Unemployment benefits for approximately 56,000 jobless New York residents had been set to expire that week, with nearly 5,000 people losing benefits every week over the next 2-3 months. As a result of the legislation, funds from the American Recovery and Reinvestment Act of 2009 will be used to extend unemployment benefits for those currently unemployed as well as to stabilize New York's Unemployment Insurance Trust Fund. This legislation will keep our economy moving forward by helping those who have lost their jobs get back on their feet, and I am proud to have supported it.

Working for Permanent, True Mental Health Parity in New York State

On May 5, Governor Paterson announced legislation to make permanent “Timothy’s Law,” which requires insurers issuing group or school blanket health insurance policies or contracts in New York to provide a minimum of 30 inpatient days and 20 outpatient visits for the treatment of mental health conditions. Timothy’s Law took effect on January 1, 2007 and is currently set to expire on December 31, 2009.

I spearheaded the Senate’s passage of Timothy’s Law in 2006, and while I commend Governor Paterson for taking the steps to make Timothy’s Law permanent, critical gaps in the law’s coverage remain. Compromises made at the time of Timothy’s Law’s passage deprived individuals with Post-Traumatic Stress Disorder and chemical dependence of its protections. State law must also fully encompass all of New York State’s publicly accessible and publicly funded health care plans. The Federal Mental Health Parity provisions take effect in 2010. This law, combined with a permanent mental health parity law in New York State, will give us the best opportunity to make our state foremost in providing mental health coverage in the nation. This is New York’s challenge and I look forward to working with the Governor in making this the reality for our State.

Advancing Stronger Tenant Protections

On May 12, I joined more than a dozen of my Democratic Senate Colleagues, Housing Here and Now, the Real Rent Reform Campaign and other tenant advocates at a press conference in Albany pledging an aggressive effort to pass a package of legislation that would strengthen tenant protections before the Legislative Session ends on June 22. Please see coverage of the event from the [Legislative Gazette](#).

Introducing Legislation to Legalize Medical Marijuana

On April 21, Assemblymember Dick Gottfried and I announced the introduction of identical bills in the Assembly and the Senate to legalize the use of marijuana for medical purposes. If passed, the new law would provide a framework for the New York State Department of Health to create legal and safe methods for growing, prescribing and disseminating marijuana to seriously ill patients. As I said at the press conference announcing the bills' introduction, "This is about compassion. This is about medicine. This isn't about politics."

Seeking to Restore the Commuter Tax

This past Tax Day, April 15, Assemblymember Linda Rosenthal and I once again announced our introduction of legislation (S.4122/A.5959), which will restore the New York City commuter tax. Since 1999, New York City residents have been subsidizing the thousands of commuters who come to our City daily but do not pay for the services they use. A commuter tax would provide a fair, equitable and stable source of revenue to fund services that residents and commuters alike share, just as it did for more than three decades before it was repealed. I have been fighting to get the commuter tax back ever since the repeal and I will not stop trying until it is a reality.

Participating in a Summit on Submetering

On Saturday, May 16, I co-sponsored and attended a Summit on Residential Electric Submetering, which was organized by the Waterside Tenants Association along with the Public Utility Law Project of New York, Inc. Spurred by economic and environmental concerns, a growing number of building owners have pursued submetering, which is the measurement and billing of electric use in individual apartment units in a master-metered multi-family building. Correspondingly, a growing number of tenants have expressed concerns about how submetering impacts them. Tenant concerns and myths and realities

about submetering were addressed at the summit and I was pleased that representatives from the New York State Energy Research and Development Authority, New York State Public Service Commission, and New York State Division of Housing and Community Renewal were on hand to explain their roles in the submetering process as well as to field audience questions.

As I stated at the summit, I believe that submetering is a good environmental policy. However, it is only one element in the greater energy savings picture, and other measures should be enacted by building owners to achieve the goal of reducing energy consumption and optimizing energy efficiency. I encourage all tenants in submetered or soon-to-be submetered buildings to be fully informed and stay involved in the process.

Addressing the School Overcrowding Crisis in Greenwich Village

For almost a year, I, along with other elected officials, education advocates and parents, have been warning the New York City Department of Education (DOE) about impending over-enrollment in District 2 schools. I have told DOE repeatedly that they must plan ahead to ensure that all children can go to a public elementary school in their neighborhood.

Late last month, when DOE acknowledged that 91 kindergarten-aged children zoned for PS 3 and PS 41 had been placed on a waiting list for the fall, the crisis level of this situation became undeniable. New York City Council Speaker Christine Quinn hosted a meeting of area elected officials with New York City Schools Chancellor Joel Klein in which we created a Rapid Response Task Force, which includes Community Education Council District 2, elected officials and DOE, to find space to alleviate overcrowding in PS 3 and PS 41. Although I share the frustration of parents and believe thoughtful and inclusive planning would have prevented this crisis, I am encouraged by the amount of progress we have been able to make

in the past several weeks. Our task force has identified space in Greenwich Village to accommodate three pre-Kindergarten classrooms which will be moved from PS 3 and PS 41 in order to make room for increased numbers of incoming Kindergarten students. I want to thank all the parents who made this short-term solution possible by scouring the Village for potential spaces over the past year. Unfortunately, this is just a temporary solution and I will continue to demand that DOE plan for the future to reduce class sizes, reclaim cluster spaces and prevent such a crisis from ever occurring again.

Seeking Input on the Design of the Mulry Square Fan Plant

Nearly two years ago, the Metropolitan Transportation Authority New York City Transit (NYCT) proposed the construction of an emergency ventilation fan plant in the Mulry Square area (Greenwich Avenue and Seventh Avenue South) where the Seventh and Eighth Avenue subway lines intersect. Despite concerns that I, CB2 and others raised about the installation of such a facility at this location within the Greenwich Village Historic District, NYCT has determined that it is the only feasible site at which a single fan plant could serve the two subway lines. Moreover, NYCT has determined that it is most practical and cost-effective to house the fan plant in an above ground structure on its property at 61 Greenwich Avenue.

NYCT has, however, heeded our request for community input in the design process for the site, and has agreed to incorporate the September 11, 2001 memorial tiles currently at the site into the fan plant's design. On June 22 at 6:30 pm at St. Vincent's Cronin Auditorium, NYCT will be making a presentation on design alternatives and accepting comments from the public. I urge members of the community who are concerned about the structure's size, the placement of the tiles, the need to maximize open space on the site and other aspects of the

fan plant's design to attend this meeting and make their voices heard.

Fighting to Save the IRT Powerhouse

I was pleased to learn that the New York City Landmarks Preservation Commission (LPC) will officially consider the Interborough Rapid Transit (IRT) Powerhouse for landmark designation – a move for which I have long advocated. It is a testament to the hard work of preservation advocates like LANDMARK WEST!, Manhattan Community Board 7 and other community organizations that we were able to reach this point. We will need a similarly concerted and committed effort to persuade LPC at its July 14 hearing to recognize the profound historic and aesthetic significance of the Powerhouse – an enduring monument of the original IRT subway line that revolutionized mass transit and, indeed, New York City. Please see the linked article from the [West Side Spirit](#).

Saving the Columbus Circle Post Office

On April 7, I joined U.S. Representative Jerrold Nadler, CB7 and other elected officials in writing to the United States Postal Service (USPS) expressing concern about the announced closing of the Columbus Circle Post Office and USPS's lack of community consultation in making that determination. On April 15, our staffs met with the USPS to discuss strategies for maintaining service at this location and, less than two weeks later, I was pleased to receive a letter from the USPS District Manager announcing that the post office would remain open for at least one more year. I pledge to continue to work with the USPS, CB7 and my colleagues in government to maintain convenient and accessible mail service on the Upper West Side and throughout my district.

Creating a District 3 War Room

On May 1, my staff participated in the first Community School District 3 War Room, convened by Manhattan Borough President Scott Stringer, to facilitate a dialogue between the New York City Department of Education and elected officials and parent representatives from the Upper West Side regarding critical issues in District 3 schools, including overcrowding and the importance of diversity.