



# TRANSPORT WORKERS UNION

OF GREATER NEW YORK • AFL-CIO • LOCAL 100

Department of Communications

## Strained States Turning to Laws to Curb Labor Unions

By STEVEN GREENHOUSE  
Published: January 3, 2011

Faced with growing budget deficits and restive taxpayers, elected officials from Maine to Alabama, Ohio to Arizona, are pushing new legislation to limit the power of labor unions, particularly those representing government workers, in collective bargaining and politics.

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Narayan Mahon for The New York Times  
Scott Walker, new Republican governor of Wisconsin, is threatening to take away government workers' right to form unions and bargain contracts.

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Cuomo, Before Seeking a Wage Freeze, Says He Will Cut His Salary 5% (January 4, 2011)

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Rick Gershon/Getty Images  
Gerald McEntee, president of the American Federation of State, County and Municipal Employees.

State officials from both parties are wrestling with ways to curb the salaries and pensions of government employees, which typically make up a significant percentage of state budgets. On Wednesday, for example, New York's new Democratic governor, **Andrew M. Cuomo**, is expected to call for a one-year salary freeze for state workers, a move that would save \$200 million to \$400 million and challenge labor's traditional clout in Albany.

But in some cases — mostly in states with Republican governors and Republican statehouse majorities — officials are seeking more far-reaching, structural changes that would weaken the bargaining power and political influence of unions, including private sector ones.

For example, Republican lawmakers in Indiana, Maine, Missouri and seven other states plan to introduce legislation that would bar private sector unions from forcing workers they represent to pay dues or fees, reducing the flow of funds into union treasuries. In Ohio, the new Republican governor, following the precedent of many other states, wants to ban strikes by public school teachers.

Some new governors, most notably Scott Walker of Wisconsin, are even threatening to take away government workers' right to form unions and bargain contracts.

"We can no longer live in a society where the public employees are the haves and taxpayers who foot the bills are the have-nots," Mr. Walker, a Republican, said in a speech. "The bottom line is that we are going to look at every legal means we have to try to put that balance more on the side of taxpayers."

Many of the proposals may never become law. But those

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The New York Times

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that do are likely to reduce union influence in election campaigns, with reverberations for both parties.

In the 2010 elections, Republicans emerged with seven more governor's mansions and won control of the legislature in 26 states, up from 14. That swing has put unions more on the defensive than they have been in decades.

But it is not only Republicans who are seeking to rein in unions. In addition to Mr. Cuomo, California's new Democratic governor, Jerry Brown, is promising to review the benefits received by government workers in his state, which faces a more than \$20 billion budget shortfall over the next 18 months.

"We will also have to look at our system of pensions and how to ensure that they are transparent and actuarially sound and fair — fair to the workers and fair to the taxpayers," Mr. Brown said in his inaugural speech on Monday.

Many of the state officials pushing for union-related changes say they want to restore some balance, arguing that unions have become too powerful, skewing political campaigns with their large war chests and throwing state budgets off kilter with their expensive pension plans.

But labor leaders view these efforts as political retaliation by Republicans upset that unions recently spent more than \$200 million to defeat Republican candidates.

"I see this as payback for the role we played in the 2010 elections," said Gerald W. McEntee, president of the American Federation of State, County and Municipal Employees, the main union of state employees. Mr. McEntee said in October that his union was spending more than \$90 million on the campaign, largely to help Democrats.

"Now there's a bull's-eye on our back, and they're out to inflict pain," he said.

In an internal memorandum, the A.F.L.-C.I.O. warned that in 16 states, Republican lawmakers would seek to starve public sector unions of money by requiring each government worker to "opt in" before that person's dues money could be used for political activities.

"In the long run, if these measures deprive unions of resources, it will cut them off at their knees. They'll melt away," said Charles E. Wilson, a law professor at Ohio State University.

Of all the new governors, John Kasich, Republican of Ohio, appears to be planning the most comprehensive assault against unions. He is proposing to take away the right of 14,000 state-financed child care and home care workers to unionize. He also wants to ban strikes by teachers, much the way some states bar strikes by the police and firefighters.

"If they want to strike, they should be fired," Mr. Kasich said in a speech. "They've got good jobs, they've got high pay, they get good benefits, a great retirement. What are they striking for?"



# TRANSPORT WORKERS UNION

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Department of Communications

**The Chief**

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*Jeopardized Workers, Public'*

## TWU Blasts 'Transit' For Bumbling Snow Response

By FLORA FAIR

City Bus Operators were literally left out in the cold following last week's snowstorm, and unions blame bad decisions by management.

Dumping up to two feet of snow in some boroughs, the storm and its aftermath stranded a total of 1,029 buses when it hit the city. In the hours and days that followed, snowdrifts and clogged streets kept many of those buses stranded—and the drivers along with them.

Bus operators were told by their command center to stay with their vehicles and leave them running to avoid the possibility of stalling.

### 'Total System Failure'

Transport Workers Union Local 100 Brooklyn Division Chair J.P. Patafio described the situation as a "total system failure," saying that some operators were told to stay with their buses until they ran out of fuel. Commuters would get off the bus, and operators would stay on—often for hours.

"I've had members stuck on buses for 30 hours that are depending on the kindness of strangers to use their bathrooms and for food," Mr. Patafio said. One Bus Operator, he continued, asked for an ambulance to get him because he was feeling ill, until MTA officials eventually picked him up.

Frank Austin, Bronx division chair for Local 100, experienced the same problems for depots in The Bronx and upper Manhattan. Among the three depots Mr. Austin oversees, six operators were stuck on buses for more than 24 hours, with five additional operators stuck between 12 and 14 hours. There were also dozens of buses left stranded.

MTA officials say it was a perfect

storm of weather and tough logistics that created the delays. "The rate of snow plus the winds, which caused the drifts to pile up, really caused a standstill with all the buses on the road," spokeswoman Deirdre Parker said. "It's just been very difficult to get all of the streets clear."

### 'Transit' Slow to Mobilize

Compounding the problems was that New York City Transit executives did not shift from their mildest response protocol for bad weather to their most-urgent, which mobilizes regular staff and emergency workers, until 11 a.m. Dec. 26, after the snow had begun falling, according to The New York Times.

Ms. Parker said that the day before the snow began, the MTA put chains on articulated buses and those that were going to run during the night. But union officials disagree.

"They do not have chains; they have what's called 'spring-loaded devices,'" Mr. Austin said. "That is good for maybe 2 to 3 inches. Anything over 3 inches, those spring-loaded coils do not drive safely in the streets. The MTA will call them chains, but they are not."

He also blamed management's or-

ders to drive down unplowed streets, and Mr. Patafio agreed. "You put a bus on the road without chains and there's a blizzard, and everyone knows that this storm is laying down 2-3 feet of snow. You know it's coming and you don't start calling buses in by Sunday night. What do you do?" he said.

### Mayor Cites Abandoned Vehicles

Mayor Bloomberg said in a press release that the biggest challenge during the storm was stuck and abandoned vehicles, including buses and ambulances. "These abandoned vehicles are making it very difficult for our plows to move as quickly as they usually do, and that is one of the real differences between this storm and past ones that we've dealt with," he said.

However severe the weather, Local 100 said transit officials are to blame for how it was handled. "The response from the MTA was terrible," Mr. Austin said Dec. 28, when service problems were still rampant. "I've been involved in these storms since '91. When things of that nature happen, we would normally get together and do an assessment of what is passable and what's not. That didn't happen this time... The people on the ground should be consulted also."

Even after many of the buses were cleared off the roads, operators couldn't drop off and pick up passengers at bus stops covered with snow. "We're actually part of the congestion right now because we have to stop in the middle of the street," Mr. Austin said.

Though the decision to leave drivers on their buses overnight in the cold may not be a violation of contract rules, Mr. Patafio called it "a violation of common sense."

There could be a policy change going forward, and union officials believe that TWU will ask all members who feel that their contractual rights were violated to weigh in. "The Bus Operator's health and safety is the most important thing," Mr. Patafio said. "We're going to have to revisit this issue with the Transit Authority because whatever procedure they had in place didn't work, and they put members and the public in jeopardy."



New York Post, Sunday, January 9, 2011

# MTA plan **D**-railed



**SEVERE DELAYS:** Although some schedule signs like this one have been installed, the system is hundreds short of the goal of equipping every station.

## Lost \$500M of taxpayer money on boondoggle

**EXCLUSIVE**

By HEATHER HADDON

This train still hasn't left the station.

More than a decade after the MTA pledged to transform the subway data network, the equipment is still busted and the multimillion-dollar price tag is growing.

The \$530 million boondoggle has skyrocketed from the original estimate of \$324 million, according to a Post analysis of transit budget documents, and it will take another pile of cash for it to go fully live — if it ever does.

In 2000, the MTA announced it would revolu-

tionize the subway's information grid, with a new fiber-optic network, security cameras, more PA systems, digital train-arrival boards, and a centralized way to monitor trains.

And while riders were hit with four fare increases in the decade since, and two troubled firms made millions on the project's contracts, the Synchronized Optical Network (SONET) has continued to stall.

"No one looked at the bigger picture," said one transit source. "There should have been a comprehensive planning effort."

The first \$112 million contract was awarded to a consortium between the German engineering giant

Siemens and a partnership of E.A. Technologies of Long Island and Petrocelli Electric of Queens.

Problems quickly mounted, including:

■ Servers fried in underground storage rooms, where temperatures can climb to 120 degrees.

■ Ten-year-old fiber-optic cables couldn't hold up under the strain of the new network.

■ The server cabinets in many stations would suddenly start rolling, and server batteries died or exploded.

Meanwhile, the subcontractors were dealing with heavy legal baggage.

In 2006, the engineering brain behind E.A. Technologies, Charles Boyce, became increasingly concerned that the compa-



**DEALMAKER:** Contractor Santo Petrocelli has pleaded guilty to making payoffs for city work.

ny's co-owner, Edward Willner, could not "adequately perform" work he solicited from the MTA, according to a suit he filed in Manhattan Supreme Court in 2009.

Willner used an undisclosed amount of company money to pay for his \$134,100 home in Wading River, NY, another pad in the Ritz Carlton Residences in Florida, and international travel and car trips for him and his wife, the suit alleges. He is also accused of making undisclosed loans to himself and propping up the com-

pany with his own check-book.

Meanwhile, the head of Petrocelli Electric, Santo Petrocelli Sr., 75, pleaded guilty to paying off a corrupt union official for city lighting contracts in 2009.

The MTA said the first phase of SONET was accepted last year and it is running "as intended." Transit officials have said they are closely watching money spent on SONET and addressing problems with the contractors as they come up.

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# TRANSPORT WORKERS UNION

Department of Communications

*'Senior Management Failure'*

## Council Prods NYC Transit To Turn Off Signal Fraud

By FLORA FAIR

"You have to hang a chicken to scare the monkeys."

That was City Councilman Peter Koo's advice to top officials of New York City Transit, which has been dealing with allegations of signal-inspection fraud for at least a decade, but has yet to fix the problem or even identify the culprits. Mr. Koo (R-Queens), like other Council Members, insisted during a Jan. 6 hearing that people must be held accountable if they hoped to stop the practice.

The Council Transportation Committee called for a hearing on the scandal following a December report from Metropolitan Transportation Authority Inspector General Barry Kluger that transit employees were falsifying inspection documents and not completing the signal work to ensure train safety and prevent delays.

### 'Widespread Fraud'

The committee heard testimony from transit officials and union members, as well as one former employee who claimed he filed a complaint about false signal-inspection records back in 1989.

Committee Chair James Vacca (D-NY) said that the IG reports—from 2000, 2006, and now 2010—indicate whistleblowers over the last 10 years have identified "widespread fraud within the MTA inspection system," indicating that hundreds of signals in the system were not inspected.

NYC Transit President Thomas Prendergast said that Mr. Kluger called last July to inform him about several anonymous complaints of falsifying inspection records, and told him that the investigation could lead to criminal findings.

Though transit officials can't say exactly how many inspection documents were falsified, Mr. Prendergast said that at the time of the 2006 IG investigation, as many as 90 percent of all signal-inspection documents contained some kind of falsification. At this point, he said, the number is down to 60 percent.

### 'My Job to Fix It'

When asked who was responsible for the mess, Mr. Prendergast placed

the burden squarely on his own shoulders, calling it a "senior management failure" that he inherited when he became president in December 2009, but one that he was ultimately responsible for fixing.

He also said he convened a task force in response to the latest IG report, and it found no correlation between the falsified records and train delays or impaired safety over the last decade. It also found that suspected false records appear to have been spread throughout the system, pointing to a "culture" of falsification ingrained in the workplace.

"We created a culture that rewarded and endorsed improper behaviors. That's where the blame should lie," he said, adding that newly appointed Chief Electrical Officer Wynton Habersham was looking into it.

Mr. Habersham also testified, saying that the MTA set a goal to have the signals serviced at a 95-percent rate—meaning on a given day, 95 percent of them are up-to-date on their maintenance and inspection. Currently, he said, the signal maintenance is being performed at a 77-percent rate, and the switch maintenance at a 70-percent rate.

### Remove Unrealistic Targets

Transit officials presented a Signal Maintenance Recovery Plan developed by the task force. It included short- and long-term plans to improve signal work, but remained vague on a timeline. In addition to the plan, the task force recommended that NYC Transit officials make it clear that there would be no punitive action for not completing unrealistic amounts of signal-inspection work. Union members have said repeatedly that there was not enough staff to complete the inspections, and assignments would often include more inspections than could be completed. The agency has about 900 Signal Maintainers and 200 Signal Helpers inspecting the subway system's 15,000 signals.

In 2002 and 2007, transit employees, including a signal-inspection worker, were killed while working on subway tracks. "In order to protect our employees on the right of way, it required more employees," Mr. Haber-

sham said. "We did not adequately support that need over the years."

Mr. Kluger, who is currently working with the Manhattan District Attorney's office on the investigation, sent a letter to the City Council outlining his concerns. "The people who were identified as being involved in this falsification problem continue to be on the MTA payroll and continued in their roles for many, many years," the letter said.

### Looking for Repeat Offenders

"Do we have people now doing inspections who were the subject of previous IG reports?" asked Mr. Vacca. Mr. Prendergast countered that allegations made during past cases against many managers and supervisors could not be confirmed. "If we find complicity, we're not going to give them a pass," he said. "We must go through the entire organization to see if any one of the senior managers, middle managers or supervision was involved in one of the earlier investigations."

Mr. Prendergast warned that removing workers at this point would further threaten the integrity of safety inspections, but this did not sit well with the committee.

"I do not want people who are under a cloud being put in charge of inspecting signals on our trains," Mr. Vacca said. "No one can tell me that these individuals are so needed by our system that no one else has the capacity on an interim basis to assure our safety. It really bothers me that these people are still there. Some of them are there from 2000."

"If you falsify a report, it's a crime and you should be fired," said Council Member Jessica Lappin (D-Manhattan). "I don't care how good you are at maintaining that signal."

There was also some discussion about the barcodes used to scan signal equipment to record an inspec-

(Continued on reverse side)

## The Chief

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The Chief Leader/Andrew Hinderaker

**'A GUN TO THE HEAD': TWU Local 100 President John Samuelsen blamed falsified signal-inspection records on management, saying supervisors 'put a gun to the head of Signal Maintainers' to sign off on inspection work that hadn't been completed.**

tion. Past IG reports stated that these barcodes were being photocopied so they could be scanned from anywhere, without having to go to the actual site. But Transport Workers Union Local 100 President John Samuelsen insisted that this problem was limited to non-union management.

#### Wants Joint Review Panel

Mr. Samuelsen also jumped on the fact that no signal maintainer was told of the task force or asked to be a part of it. Calling the task force "illogical," he said Local 100 was recommending the formation of a Signal Safety Oversight and Review Committee with union reps, as well as a hiring plan.

Mr. Samuelsen called the signal-in-

spection work the "most difficult and dangerous job in the subway system," and one that required the most difficult training. He pointed to a constant tension between safety and stats.

"At the heart of this matter is a severe deficiency in the number of Signal Maintainers that would be required to do their inspections," he said, blaming senior management for putting pressure on field management, which then trickled down to signal workers. He also warned that once scrutiny eased, the same habits would re-appear.

"The Transit Authority is covering this up and trying to railroad my members," said TWU Rapid Transit Operations Vice President Kevin Harrington. "They don't care."

#### 'Going on Since '89'

But the most surprising was the testimony from former MTA signal inspector Gerald Cymbalsky, who was the lead whistleblower in a similar case with the IG's office more than 20 years ago. "I'm horrified that there's been no mention that this has been going on since 1989," he said during testimony. According to Mr. Cymbalsky, he was demoted several times as a result of his efforts to uncover widespread inspection falsification at the MTA. "Where's the 1989 report, Councilman? That's what I want to know," he said.

No one seemed to have an answer.

All parties agreed on one thing: the Signal Equipment Information System (SEIS) used to record inspections of the signals is outdated and in need of replacement. Transit officials pointed to this database as the reason they couldn't accurately tell how inspections were conducted. They also said it would take incredible effort to go back through a decade of records to find out which had been falsified.

"This is a credibility problem with the MTA, and you know the MTA has many credibility problems," Mr. Vacca said promising a followup hearing



Department of Communications

# Stop robbing the money train

Thursday, January 20, 2011

DAILY NEWS

**H**ere's how Gov. Cuomo can get a good start on his pledges to reform the budget and restore confidence in the honesty of state government: by creating a lockbox guaranteeing that funds intended for mass transit are spent solely on mass transit.

Over the years, various state laws that created "dedicated" transit funds guaranteed that they would be spent for the "sole purpose" of supporting public transit. Last year, former Gov. David Paterson and the Legislature broke this public promise. They smashed open the piggy bank and took \$143 million in transit funding for other purposes. This triggered extensive cuts in bus and subway service.

Cuomo must make sure that doesn't happen again. Yes, times are very tough, and the state faces a huge budget gap — a gap the governor has pledged to close without raising taxes.

But as a reformer, Cuomo ought to know that creating a tax for a special purpose and then spending it on something else is bad policy.

Not only does raiding a dedicated tax fuel public cynicism, which could hardly be higher than it already is in New York, but it shifts some of the high costs of state government onto the shoulders of transit riders and downstate taxpayers.

There is no free lunch. The money Albany takes out of dedicated transit funds will result in higher fares and expensive repairs of a system hurt by deferred maintenance down the line.

More raids will also mean more service cuts. That will create a drag on the economy as employers have a smaller workforce to draw on, and workers have to spend more time getting around.

We don't need to look at ancient history to prove this. The last series of transit raids, just last June, triggered the worst transit service cuts in memory — axing 36 bus routes, closing 570 bus stops, eliminating all or parts of three subway lines and burdening mil-

## BE OUR GUEST

BY GENE RUSSIANOFF  
and PAUL STEELY WHITE

lions of city riders with longer waits, more crowding and longer trips. Commuter rail riders had trains eliminated and stops added to remaining trains. Paratransit service for individuals with disabilities has been made even less convenient or, in some communities, eliminated completely.

Nobody likes paying taxes. But the wide range of businesses and people who pay dedicated transit taxes generally accept them. That's because, in one way or another, they get what they pay for. What the public will never and should never support is seeing their transit taxes spent to plug the state's huge budget gap.

The Metropolitan Transportation Authority isn't swimming in money; it's struggling under a huge Albany-imposed debt and, like everyone else, a bad economy. Because of the recession, the

MTA has already lost almost \$1 billion in dedicated tax revenue. For example, transit real estate taxes are yielding \$200

million less than projected and corporate and sales taxes are returning \$100 million less.

The \$160 million taken from dedicated funds were insult to injury — revenue diverted *in addition* to the decline in these taxes. Now, thanks to three years of fare hikes, city riders pay the highest farebox burden in the nation.

It's stunning: According to the MTA, its riders will now pay nearly 60% of the costs of transit operating expenses — compared with a national average of 37%, as calculated by the Federal Transit Administration.

New Yorkers made Andrew Cuomo governor because of his promise to restore integrity and accountability to Albany. Let's start with honest budgeting that keeps the trains running on time.

Russianoff is staff attorney and chief spokesman for the Straphangers Campaign for NYPIRG. White is executive director of Transportation Alternatives.

**Cuomo must promise:  
No more raids on funds  
dedicated to transit**



# TRANSPORT WORKERS UNION

Department of Communications

*Union: Too Worried About OT*

## 'Transit' Head: We Blew It With Slow Snow Reaction

By **FLORA FAIR** and  
**RICHARD STEIER**

New York City Transit President Thomas Prendergast told a City Council hearing Jan. 14 that the agency responded so woefully to the Dec. 26 blizzard because it was "lulled into a false sense of security" about the weather that prevented it from ordering maximum mobilization to cope with the storm until it had severely compromised both train and bus service.

Despite National Weather Service warnings that the city would be hit by 11-16 inches of snow accompanied by high winds, issued more than 18 hours before snow began falling on the morning after Christmas, NYC Transit did not move to its Plan IV emergency strategy until nearly 30 hours later, after snow began to build up and hundreds of buses and several elevated subway trains stalled. Mr. Prendergast said it was not until then that he became aware that a previously used "situation room" for responding to emergencies had been disbanded by a prior administration.

### 'We Were Inundated'

At one point, when being questioned angrily by City Council Speaker Christine Quinn, Mr. Prendergast responded, "I'm just as upset as you are."

The agency's Senior Vice President of Buses, Daryl Irock, said it was slow to issue a "red alert" for buses—allowing drivers to report to other depots if

they couldn't get to their work locations—in part because that order had been invoked just once in the past decade or so, during a power blackout. He acknowledged, however, that it was a serious failure to not have taken that step until after 650 buses were stranded in snow and ice, saying, "We were inundated."

Transport Workers Union Local 100 officials, in remarks made at a press conference prior to the hearing and in their own testimony, said financial concerns were a prime factor in the agency's slow response, asserting that it was hesitant to pay significant amounts of overtime for Bus and Train Operators, mechanics, and subway Signal Maintainers to be on stand-by

in case the storm was so severe that they had to be pressed into service.

### Suggests Brains Froze, Too

"Supervisors and managers were prevented from preparing for and responding to the storm because of top-level policies" set by Metropolitan Transportation Authority CEO Jay Walder, the union charged in a statement.

The union's chair for TA Surface Maintenance, Joe Sclafani, said, "This was a waste of good man- and woman-power that we had."

Local 100 Vice President for Rapid Transit Operations Kevin Harrington

(Continued on reverse)



The Chief-Leader/Michel Friant

**THEY SACRIFICED PEOPLE'S SAFETY: TWU Local 100 TA Surface Maintenance Chair Joe Sclafani (left) said the snowstorm was badly mismanaged and put riders at risk. The union's vice president for Rapid Transit Operations, Kevin Harrington (right), agreed, saying "It's not a failure of planning, it's a failure of upper, upper management," that spread from the buses and subways to the railroads.**

## The Chief

Civil Service **LEADER**

THE CIVIL EMPLOYEES' WEEKLY

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faulted management for not having emergency diesel trains at hand in case the third-rail froze, as it did in several cases, most notably on the A line, where a train wound up stalled for seven hours along an above-ground section of track in Queens. "They sent a train with exactly the same power to rescue it," Mr. Harrington said incredulously during a union press conference. "The third rail was frozen, and that's the power source."

#### Chains Left in Box

A union safety inspector, Tommy McNally, said he saw boxes of chains sitting unused at the Ulmer Park de-

pot in Brooklyn, and claimed management decided not to have them attached to buses because it would have entailed heavy overtime costs, since two mechanics are needed in the process, which takes about 30 minutes per bus. He said he saw buses covered in snow being sent from the Flatbush Depot without being cleaned, which presented a safety hazard if their roofs were covered with ice that might fall off while they were traveling through the streets.

"How could the MTA be so unprepared?" thundered James Vacca, the chair of the Council's Transportation Committee. "We are lucky no one lost their lives in this storm related to the MTA."

Speaker Quinn, not known for pub-

lic displays of temper, was furious when Mr. Prendergast said he had not brought written testimony to the hearing. "The New York City transit system failed the people of this city," she declared. "Blizzards don't happen every week, but it's not like a swarm of locusts came into New York—something we've never experienced before."

The NYC Transit President, who admitted that the agency's emergency plan does not include a section dealing specifically with blizzards, said that he has re-established an emergency command center, and will deploy people in the field to run practice scenarios for such conditions.

While Mr. Walder, like Mayor Bloomberg, was out of town when the storm hit, Mr. Prendergast said he had slept in his office for two nights while dealing with it and did not return home until that Tuesday.



**TOM PRENDERGAST: Lulled into not mobilizing early.**

**THE WALL STREET JOURNAL.**

WSJ.com

FEBRUARY 1, 2011, 12:51 PM ET

## Cuomo Plan Trims MTA's Budget by \$100 Million



Bloomberg News

The Metropolitan Transportation Authority would see a \$100 million cut to its \$11.3 billion 2011 operating budget under the [financial plan released Tuesday by New York Gov. Andrew Cuomo](#), the agency said. It vowed to fill that gap without service cuts or fare hikes.

"Finding an additional \$100 million in 2011 will be very painful, especially with sizable deficits still projected for 2012 and 2014. As we continue cost-cutting, further reductions become harder and harder to achieve," the agency said in a statement. "But we must fill this gap, and we will fill it without resorting to fare and toll increases or service cuts, because our riders have already been hit with these painful measures over the past year."

The MTA said it would "find additional cost-savings through efficiencies and improved productivity."

The governor's proposed cuts start anew the cost-cutting process that occupied senior MTA management for much of 2010. The agency filled an \$800 million gap last year with a mix of service reductions and administrative cost-cutting.

The MTA had been expecting a small surplus in 2011, on the heels of a net 7.5% fare increase that went into effect Dec. 30. Another increase of the same size is scheduled for 2013. Still, the agency was already facing a \$207 million gap for 2012.

The cuts in Cuomo's proposed budget come from a diversion of dedicated tax revenue to the state's general fund. Most of that money will pay debt service on bonds issued by the state for the MTA, but some would go toward other spending.

"We generally think it's good news for transit riders," said Gene Russianoff, a staff lawyer with the Straphangers Campaign, a subway-rider advocacy group. Still he said, "We're not happy that they're diverting money from an account that's supposed to go to transit needs."

Russianoff said he's also worried that cost cutting could mean dirtier trains and stations and a more unpleasant transit-riding experience. "You've got to watch them like hawks, because I think to most riders whether the station is clean is an integral part of service," he said.

“In 2010, transit riders lost two subway lines and 37 bus routes thanks to Governor Paterson’s theft of \$160 million in dedicated transit funding. Riders are now anxiously awaiting the MTA’s response to Cuomo’s diversion of dedicated funds. The proposed reductions could translate into fewer trains and buses, longer waits, less frequent station cleanings and deferred maintenance, among other inconveniences.”

---- Transportation Alternatives, 2/11



# TRANSPORT WORKERS UNION OF GREAT NEW YORK • AFL-CIO • LOCAL 100

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THURSDAY, FEBRUARY 25, 2010

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WILL SUBWAYS BE LESS SAFE WITH FEWER STATION AGENTS? A YES B NO  
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**SeaWorld horror:  
Whale kills trainer  
during show**  
Page 4



**Devil leads  
U.S. to Olympic  
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Page 22

**5 new casual  
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Zach Parise (GETTY)



# You're on your own

The MTA will ax 450 station agents  
by May, fueling fears crime will rise

Page 3

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# Who's minding the station?

**Agent layoffs raise fears of spike in crime**

**BY HEATHER HADDON**  
hhaddon@am-ny.com

The eyes and ears of the subway system are vanishing — and earlier than many thought.

By May, 450 station agents, who help riders and keep watch in the system, will lose their jobs because of a \$750 million budget gap, agency officials said yesterday.

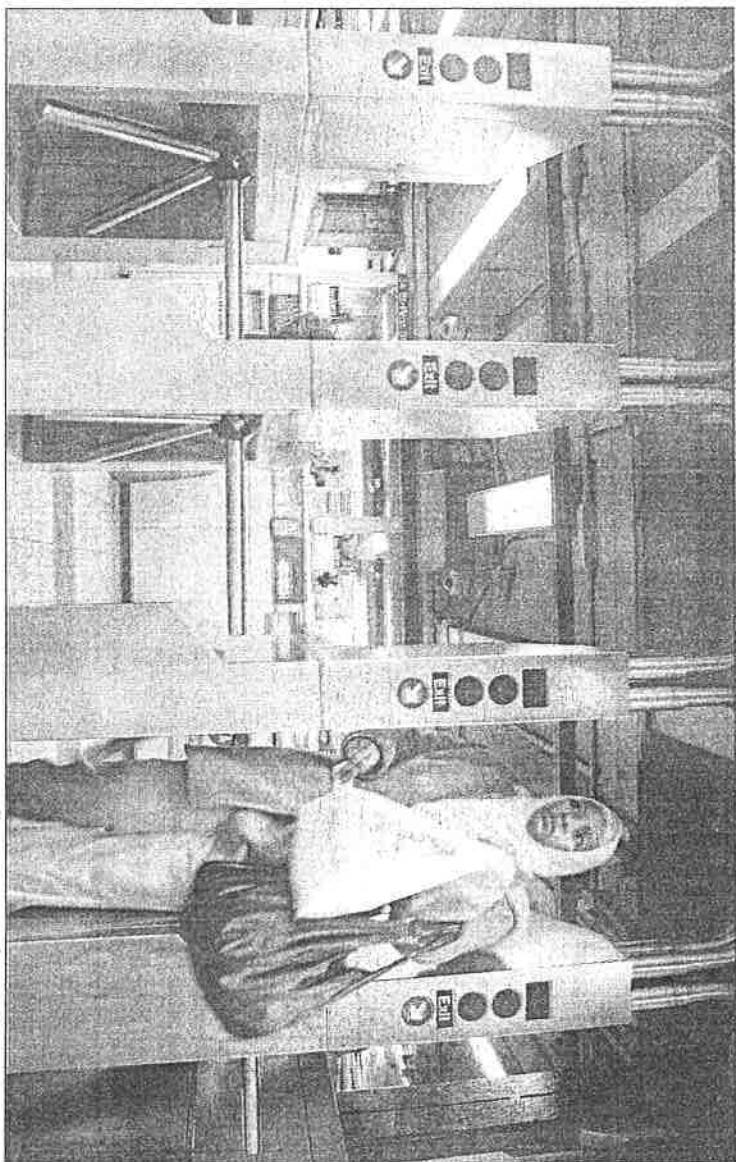
"The safety of the system will absolutely deteriorate," said John Samuelson, president of the Transport Workers Union Local 100. "Of course, we're going to fight back."

The agents have been dwindling since last year through attrition, with the shrinking numbers fueling turnstile jumping at remote parts of the system, transit advocates said. More crooks are also illegally swiping in straphangers for cash, said Paul Piazza, a union representative for stations.

"The MTA is promoting the illegal economy by doing this," Piazza said.

After the layoffs, there will be 2,650 station agents, down from roughly 3,250 last year. "It's very dangerous. They should have more help," said Cassandra Williams, 22, a Crown Heights rider who has seen crooks flee her station before police were able to respond.

NYC Transit spokesman Paul Fleurangis said there



Straphangers are worried that the loss of 450 station agents will leave stations more vulnerable to crime.

©MICHAEL SORIANO

has been no increase in fare evasion since the station agents were reduced.

Arrests for turnstile jumping were up 17 percent last month compared with January 2009, according to transit figures. The transit bureau's 2,550 officers have been patrolling unmanned entrances, but authorities must prioritize serious crime over fare evasion.

**Agent cuts 450**  
Agents being laid off

**Station booths set for closure 100**  
Savings in 2010

chief James Hall said in December. "The station agents need work and we, the customers, need security," said Carlos Razzo, 39, of Hell's Kitchen.

All 488 stations will continue to have one attendant at all hours, and the empty entrances have intercoms connecting to the staffed booth, Fleurangis said. Transit is evaluating whether to install cameras

## MTA hauls away out-of-use token booths

Some token booths are going the way of the token.

NYC Transit recently started tearing out station booths in subway entrances that are losing their station agents, with several already gone, transit spokesman Paul Fleurangis said. Earlier this month, a booth in the Utica Avenue station on

the A line was abruptly removed, leaving a stained floor and little else.

"We do not want [the booths] to fall prey to vandalism," Fleurangis said. The booths, which have been fixtures of the system for decades, are being sold as scrap, transit said.

at the entrances, but will not add high turnstiles to deter fare evasion, he said. "Crime in the subways is at the lowest rate in years,"

MTA CEO Jay Walder said yesterday. "We are providing a safe and secure system and will continue to do so."

Rhea McMillan contributed to this story.

# MTA has gobs for lawyers and crumbs for workers

**T**HE MTA IS paying hired-gun lawyers more than \$540 an hour to deny token booth clerks earning \$18 an hour a modest raise.

Citing persistent budget gaps, the Metropolitan Transportation Authority raised fares three years in a row, enacted sweeping service cuts and laid off bus and subway workers. But there's always been troughs of dough for the Proskauer Rose law firm.

Since August 2009, the MTA's suit-and-tie Hessians have tried to convince a judge — any judge — that there's legal justification to let the Metropolitan Transportation Agency weasel out of a contract with Transport Workers Union Local 100.

The agency has fattened Proskauer lawyers with \$690,781.27 for waging what has been a losing legal battle. It lost before Manhattan Supreme Court Justice Peter Sherwood in late 2009. And it lost 5 to 0 before a five-judge panel in the Appellate Division late last year.

Undeterred, the MTA directed Proskauer to petition the state's highest court, the Court of Appeals, to hear the case.

Some riders find the refusal to surrender baffling.

"This is a clear example of the MTA wasting hundreds of thousands of dollars of public money on something

they agreed on anyway," said Stephen Esposito, a bus and subway rider from Staten Island.

The deal was hammered out by an arbitration panel after both sides failed to come up

with a contract. The MTA and officials from Local 100 jointly selected veteran lawyer John Zuccotti to be the panel's tiebreaking chairman.

He ruled the MTA should increase wages by 2% every six months over the first two years and 3% for the third year. The staggered increases were in line with raises the Bloomberg administration had been giving municipal workers.

The MTA refuses to honor the award. After losing the first round in

court, the MTA paid some raises but is still challenging the third-year bump and a health care provision. If successful, it could save about \$80 million annually, the agency says.

"The appeal of the arbitration award is part of our ongoing effort to contain growth in MTA labor costs," the MTA said in a statement Friday.

It has options other than stomping on middle-class civil servants. MTA Chairman Jay Walder's team identified \$500 million in savings — in his first year — partly by cutting unnecessary technology projects and getting better prices from vendors.

A token booth clerk, meanwhile, is paid \$18.75 an hour when hired and hits a maximum \$26.73 an hour after three years on the job. That's about \$56,000 a year.

An MTA spokesman on Thursday and Friday was unable to determine Proskauer's hourly rate. In previous litigation against the union, the MTA was paying up to \$540 an hour for some of the firm's lawyers. That was in 2006 — and at the time was described as a discount rate.

God knows what kind of discount Proskauer is blessing taxpayers and straphangers with these days.

[pdonohue@nydailynews.com](mailto:pdonohue@nydailynews.com)

## ON THE SUBWAY

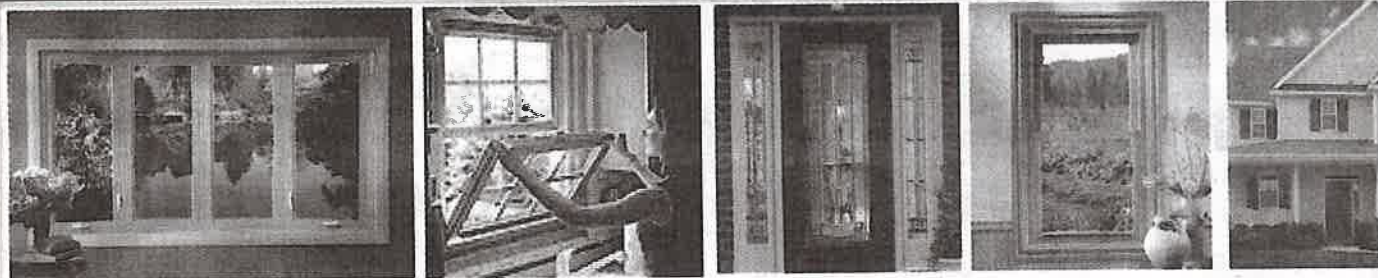


**Pete Donohue**



Luxury houses teeter on edge yes in Redcliffs, a suburb of Christchurch's second city was devastated on Tuesday that killed at least 14

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W I N D O



# Why we agreed to health cuts

Something remarkable happened in Albany last week. At a time of year when hospitals,

**BE OUR GUEST**  
**BY GEORGE GRESHAM**  
**—LIVE! ENLIGHTEN! DAVE**

thinkable closing of St. Vincent's Hospital last year is a sober reminder of how quickly a bedrock health care provider can disap-

patient a "home," or team of providers, to deliver care at the right place, at the right time and in the most efficient manner.

Rips City Order That Principals Give Up Savings

# The Chief

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Vol. CXIV, No. 51

NEW YORK, NY • FRIDAY, MARCH 4, 2011

## 200+ Station Agents Being Rehired, Some As Subway Cleaners

By FLORA FAIR

Even as the internal feuding for which it has been known has flared up again recently, Transport Workers Union Local 100 won a key battle with New York City Transit to return a couple hundred laid-off Station Agents to work.

After weeks of talks with the cash-strapped Metropolitan Transportation Authority, union officials negotiated the return of Station Department workers who were laid off last year, and they expect to have roughly half of the 426 Station Agents back to work in some capacity by April. The union agreed to allow the MTA to use criteria besides seniority in deciding which workers would return—for instance, those rehired have to have a good disciplinary record.

### 60 Returning As Cleaners

"The original plan was to have 125 Station Agents back by June, but what's actually happening is they're coming back at about 11 a week," said Maurice Jenkins, vice president of

(Continued on Page 11)



**MAURICE JENKINS:** Rebuilding the workforce.



# Station Agents Returning

(Continued from Page 1)

Local 100's Stations Division, who helped negotiate the terms. He said the union expects to have about 145 Station Agents back by April, and that so far more than 60 laid-off agents have agreed to come back as Station Cleaners.

Those who take work as cleaners must return at a Station Cleaner's base salary, but they will have priority for upcoming Station Agent jobs and will be restored to their former salary and seniority if they return to that position.

## 'Cautiously Optimistic'

Stations Division Executive Board Member Paul Piazza described the feeling as "cautiously optimistic," saying that the union will monitor to ensure the MTA sticks to its promise. He said the overtime rate paid to workers filling open slots became too expensive to justify the lay-offs: "The needs of the system overrode their spite."

Some laid-off agents may not be physically fit enough to take the job as Cleaners, but Mr. Jenkins said that those who don't make it through this round of rehires will remain on the Department of Citywide Administrative Services preferred list for Station Agent jobs when they become available.

When 965 Local 100 members were laid off last year, the executive board created a Solidarity Fund to provide them with medical coverage for six months following their dismissal.

"Our members who were laid off were taken hostage by the MTA in order to get concessions," Local 100 President John Samuelsen said, referring to a 3-percent raise that was set to go into effect in January under a contract arbitration award, but is still being appealed by the MTA. He said the message was "give us back our raise or we're going to do significant damage"—and the fight has continued ever since.

## Refunds Possible

The Solidarity Fund, which was ratified by union members, mandated a \$10-per-check contribution, which was later reduced to \$5. Once Local 100 officials realized they had enough money to help laid-off workers, they stopped taking the contributions.

Mr. Samuelsen established a committee to oversee the funds, which directly paid or reimbursed unemployed members for medical care. To receive benefits, a member had to be in good standing and couldn't already be covered by another benefit plan. These requirements weeded out a significant number of workers. So far, about 225 people have received benefits through the Solidarity Fund, and more are expected to use it. Mr. Sam-



**PAUL PIAZZA: 'System's needs trumped spite.'**

uelisen is recommending to the executive board that any money remaining be returned to members. "We're going to reimburse proportionally to who contributed what," he said, adding that no one had contributed more than \$130.

Mr. Samuelsen also wanted to set the record straight on another union fund, the Committee on Political Education (COPE). Though member contributions aren't mandatory, the Local 100 leader called it "an ultra-important weapon in the union's arsenal." The money is used for campaign contributions and lobbying expenses, which help advance the union's legislative interests.

During an executive board meeting last year, Mr. Samuelsen agreed to make COPE fund reports available more frequently—at every other meeting. He said no previous president had agreed to do that, and that the information contained in the reports is no secret. "The [COPE] expenditures are a matter of public record," he said. "There's nothing hidden."

## Samuelsen's 'Olive Branch'

Amid the controversies and contract struggles, Mr. Samuelsen called Local 100 "a very interesting place."

"A primary objective of mine in the campaign was to extend an olive branch to the folks I defeated in the elections," he said. "Inside Local 100, there's a group of activists and members that care deeply about the future of the union that have come together from a whole bunch of a different slates...If you couple the intense wave of in-fighting over the last seven or eight years inside Local 100 with the massive fight-back that's required to take on the MTA, it becomes an uphill battle to advance this union. But we are fighting to advance this union—we are working to prepare this union going into the contract fight."

# TWU Says MT

(Continued from Page 3)

dirty or damaged bar-codes. MTA management said it's doing everything it can to eliminate false inspections, including a recent policy prohibiting workers and management from using the photocopies.

But the question remains: who is ultimately responsible for the problem and how long has it been going on? Former Signal Helper Gerald Cymbalsky made waves during a Jan. 6 City Council Transportation Committee hearing when he testified that problems with subway signal inspections stretched back to 1989. He was part of an investigation by then-Inspector General John S. Pritchard on the issue of signal maintenance and repair.

Though the investigation didn't turn up evidence of record-keeping problems, Mr. Cymbalsky's complaint to the IG's Office sounded eerily similar to charges leveled against the MTA in subsequent investigations.

## First Signs of Trouble

He said he first became aware of issues in the Signals Division in 1989, when he was a Signal Helper working in the Rockaways. "The supervisors were telling us to start putting the inspections for all the signals in on the first of the month, which is impossible to do because you have to physically do the inspections," he said. "You can't just log them in the book." The work involved maintenance to the signal, such as cleaning and painting, and a 22-point inspection done by the Signal Maintainer.

He said that when he questioned whether it was acceptable to make a record of the inspection before it was done, his supervisor responded, "Why don't you go upstairs and mop the floor in the relay room?"

Though Mr. Cymbalsky didn't actually put the inspections in the record books, he watched as Signal Maintainers did so at the order of their supervisors, worried about what would happen if they argued. "You have to be afraid of losing your job," he said. "Look what happened to me."

He went to the Inspector General's Office with his concerns, which, along with Local 100 complaints and incidents attributed to signal problems, spurred the 1989 investigation.

## 'Decades-Old Scheme'

Local 100 President John Samuelsen believes all four reports point to a failure in the department. "I believe it is all part of the same problem, and at this point it's a decades-old scheme by management not to properly perform these mandated inspections," he said. For straphangers, the ongoing signal inspection troubles could mean not only delays but a danger to rider safety.

MTA bus driver and National Guardsman, mending among comrades, recalls . . .

# Day Afghhan mine went off - and he went 'boom'

**U**nder a blue and cloudless sky, Scott Beauchamp, a big man with close-cropped hair and a tattoo on his right forearm, eased himself with some difficulty into a chair.

The sun-warmed courtyard could have been in a garden apartment complex or a college campus, with its low-rise brick buildings and paved walkways through grass.

But Beauchamp, an MTA bus driver, clearly wasn't at home or college. A young man in shorts limped by with mechanical, robotlike devices below the knees.

Another man rolled along a path on a Segway. He stood on one leg - because he only had one leg.

A couple soon followed: A double amputee maneuvered a wheelchair; a woman carried two prosthetic devices, one tucked under each arm.

"There are guys here missing legs, missing arms, who were all sorts of blown up,

shot, blown up in a vehicle, rolled down the side of a mountain 200 to 300 feet," Beauchamp, a National Guardsman injured in Afghanistan, said on the grounds of the Walter Reed Hospital in Washington.

The war in Afghanistan started more than nine years ago. The war in Iraq began nearly eight years ago. And guys like Beauchamp, who drove the QM2 express between Bayside, Queens, and Manhattan, continue to do most of the fighting and bleeding and dying over there.



**Pete Donohue**

Beauchamp, whose tattoo reads "U.S. Army," grew up in a family with a military background in the Five Towns area of Long Island bordering southeastern Queens. His father served during World War II. His brother was in the Navy. Beauchamp signed up for the Army after turning 18.

Three years later, in 1990, he joined the National Guard and began driving a bus in Queens in 1996.

Fast-forward to December, and Beauchamp is a married father of two teenagers doing his second National Guard stint in Afghanistan. He's riding in the back of an armored personnel carrier when it rolls over a 40-pound mine concealed in the pavement. It was three days before Christmas.

"That was the day I went boom," Beauchamp said. "The day I blew up. The day everything went silent, totally silent. Nothing, no nothing."

"I remember looking down into my helmet and seeing blood. I remember trying to get up. That wasn't happening. I blacked out."

The blast broke Beauchamp's back, blew a hole in one leg, caused brain injury and hearing loss and rammed bones from his left hand up into his lower forearm.

Doctors think Beauchamp can make a full recovery over time. For now, he walks with a cane, wears a back brace and his hand remains in a cast.

An estimated 900 Metropolitan Transportation Authority transit workers - bus drivers, mechanics, track workers and



**Scott Beauchamp**

others - have been deployed since 9/11. Some served in Iraq or Afghanistan; others have filled supporting roles in Kuwait, Germany or in the United States.

All return to a hostile national environment where Republicans want to gut unions and blue-collar public workers are shamefully portrayed as pampered, or greedy, for wanting to hang on to their middle-class dreams.

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# DAILY NEWS



## 'TITANIC' DIVORCE

Kate Winslet jumps ship

SEE PAGE 3



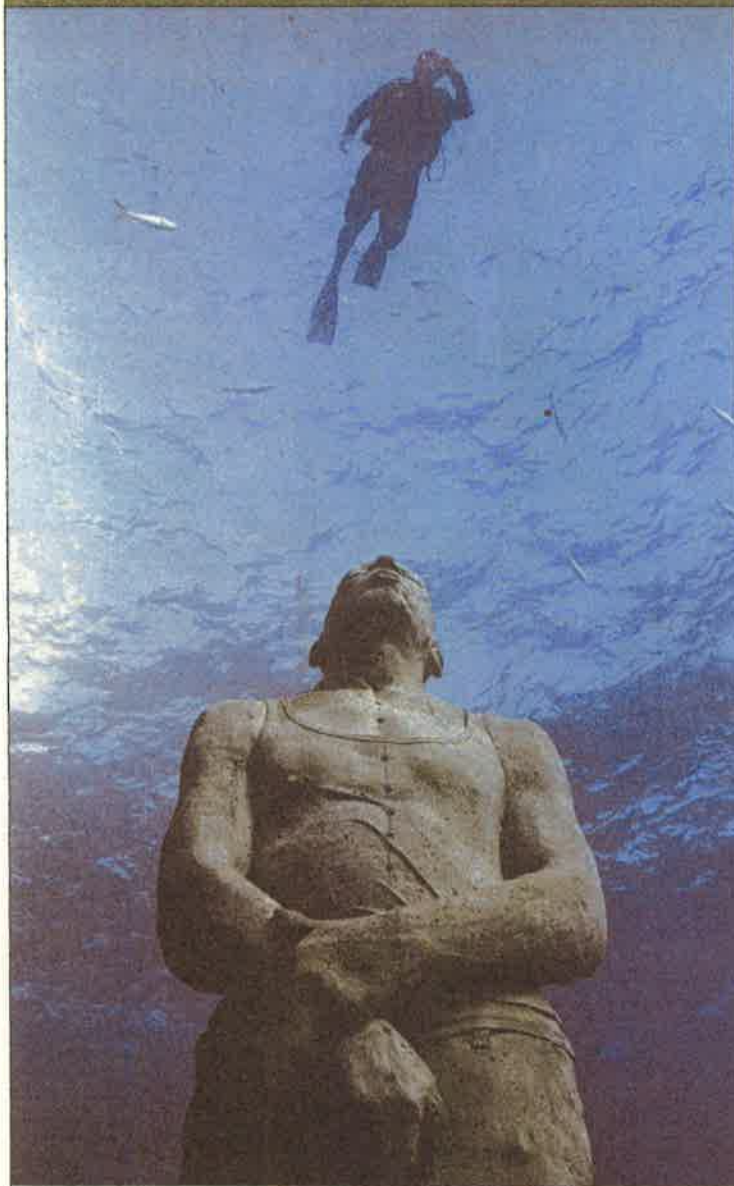
# SUBWAY SHOCKER

- 4 times as many fare-beaters as thought
- \$27M lost could stop train service cuts

EXCLUSIVE — SEE PAGE 5

**HIRE ME!** Call our FREE help line today — PAGE 20

**A DAY AT THE MUSEUM — UNDER WATER!**



An art-loving scuba diver enjoys "Man on Fire" by British-Guyanese sculptor Jason de Caires Taylor, the latest piece to grace the Cancun and Isla Mujeres Underwater Art Museum off the coast of Mexico. Eventually, the museum plans to display more than 400 underwater concrete sculptures, creating a major tourist attraction. Photo by Jason de Caires Taylor/Rex

# CHEATERS COST MTA MILLIONS

Fare-beaters underestimated for years

**EXCLUSIVE**

**BY PETE DONOHUE**  
DAILY NEWS STAFF WRITER

FOR YEARS, NYC Transit has wildly underestimated how often riders beat the fare, which cheats the cash-crunched agency out of millions of dollars, the Daily News has learned.

Fare-beaters jump turnstiles or enter through emergency exit gates about 19 million times a year, a new agency analysis shows.

That's far more than the old estimate of about 5 million a year, which went out the window in April, when agency bean counters changed the way they tally scofflaws.

The lost revenue is staggering. Fare-beating deprived NYC Transit of approximately \$27 million last year alone, based on an average subway fare of \$1.48, according to the new analysis.

Under the old method of estimating fare-beating, the agency believed it was losing about \$7 million a year.

The lost revenue is even larger than the amount the Metropolitan Transportation Authority plans to save with subway service cuts that are scheduled to go into effect soon to help plug a large budget gap.

Some paying straphangers fumed yesterday when told about thievery at the turnstiles.

"It makes me mad because I have to pay for them," said 44-year-old Bronx baby-sitter Eleac Ramirez.

Others at the 49th St. N- and R-train station in Manhattan said they're also peeved at authorities for not staffing many entrances.

"There should be a guard there," Thomas DeMarcus, a 30-year-old Queens actor, said at the unstaffed 47th St. entrance to the station.

The unstaffed station turned harried Long Island parents Maria and Oscar Garces into fare-beaters.

The couple, struggling with a stroller yesterday, could find no token booth clerk to open the door. So Maria Garces swiped her MetroCard and then let in her husband, who did not pay a fare.

"It's hard," Garces said. NYC Transit for years arrived at fare-beating figures by using a formula based on the observations of token booth clerks. A one-day count was conducted each month, agency spokesman Paul Fleuranges said.

An MTA audit concluded the agency was way off the mark. Clerks weren't keeping accurate tallies because they had other duties like selling MetroCards, Fleuranges said. Because of staff cuts, there also are fewer clerks to make observations, Fleuranges said.

Despite the cuts in personnel and the massive increase in fare-beating numbers, Fleuranges insisted the system has not seen a spike in actual turnstile-jumping.

Instead, he said, an unreliable system of estimating has been replaced with a better method that provides a more realistic picture.

NYC Transit now uses "traffic checkers" who are randomly placed at a sampling of turnstiles to count fare-beaters, Fleuranges said.

The MTA passed a budget in December that includes \$17.6 million in subway service cuts and millions more in bus service cuts.

The moves include adding two minutes to the waits for lettered-line subway trains on weekends, eliminating W-train service and shortening the G line.

The authority also plans to lay off up to 450 token booth agents.

"The MTA's only going to make jumping the turnstile more inviting by slashing scores of clerks from subway station entrances," Gene Russianoff of the Straphangers Campaign warned.

With Stephanie Gaskill  
pdonohue@nydailynews.com

## No lifting your spirits at Pat's parade

POLICE COMMISSIONER Raymond Kelly will head tomorrow's St. Patrick's Day Parade — and the NYPD made it clear it won't tolerate any beer-swilling by marchers behind him.

Cops yesterday announced their plans for the famed Irish-American celebration — and a stern prohibition against booze-fueled shenanigans was at the top of the list.

Police will be cracking down on anyone who tries to bring alcohol to the parade — or march while under the influence.

But it's not just at the march, which steps off at 11 a.m. from 44th St., heading north on Fifth Ave. and marching past St. Patrick's Cathedral, at 50th St.; before ending at 86th St.

Officers will be confiscating alcoholic beverages at Central Park, on any public street and at transit hubs like Penn Station, Grand Central Terminal, the Port Authority Bus Terminal and the Staten Island ferry terminals.

Metropolitan Transportation Authority police will also be confiscating alcoholic beverages on the Long Island Rail Road and Metro-North, which usually allow drinking on the trains.

The NYPD irked organizers of some of the biggest parades in the city last month by announcing a policy change that shortens parade routes by 25% and limits marches to under five hours.

The initiative will take effect next month, after this year's St. Patrick's Day Parade.

Source: Daily News

	Ridership	Fare evasion rate	Estimated number of fare-beaters	Lost revenue 2008
2008	1.62 billion	.32%	5.2 million	\$7 million*
2009	1.58 billion	1.2%	18.9 million	\$27 million**

\*old method of calculating fare-beating  
\*\*New method and higher rate calculated for April-June 2009. Final numbers not yet available.  
Source: NYC Transit



Some trains are built for speed. Some for comfort. "The Southern" was built for garbage.

When someone tosses fast food into a platform trash bin — or tosses a takeout carton of spaghetti at another rider, as one woman did recently — it winds up on The Southern, one of the eight MTA refuse rigs that is more freight train than subway.

The Southern has three uncoupled flatbed cars linked together, each car bearing rows of metal mini-Dumpsters on wheels, two battered stainless-steel passenger cars that have been gutted and converted into bare-bones crew rooms for a team of cleaners and a brass horn that could wake the dead.

"It's basically a big tugboat," Randy Richardson, assistant chief officer of stations, said as the garbage train rolled out of the 38th St. yard in Sunset Park, Brooklyn, Thursday night and headed toward its first stop.

The NYC Transit division collects some 90 tons of garbage a day from an endless tide of refuse left behind by 5 million daily riders. The trash has been at the center of a recent straphanger debate over the merits of banning food and drink in the subway, which was triggered, funny enough, by a food fight.

A video was posted on YouTube featuring an angry teenager scarfing down the rare spaghetti takeout meal. Between bites, she trades insults with a sour-faced older woman seated on the other side of the car. It's not clear how the dispute started — but it ends before dessert.

The teenager throws the Styrofoam container of food at the other rider. Sour Face was more than ready to rumble. It might have gone a few rounds, but a man seated nearby jumped up and separated the combatants.

Some riders say they'd support the ban if it meant a cleaner system in which they are no longer outnumbered by rodents. Some saw it as an infringement of their rights. Everyone else wondered why the hell anyone would eat on the subway in the first place.

The crew on The Southern, meanwhile, has a job to do.

The train rolled out of the 38th St. yard at 9:30 p.m. carrying 108 empty metal bins.

Church Ave., just after midnight, was a typical stop.

The cleaners — Kenneth Nerjes, 55; Tim Geary, 60; Joseph Evans, 58, and Clarence Miller, 61 — lined



MTA trash train crew removes garbage from Seventh Ave. station in Brooklyn. Photo by James Keivom/Daily News

up at the door as the train rolled to a stop. Doors opened, and they strode purposely onto the platform.

Two men unlocked platform storage sheds while two others rolled empty bins off the flatbed, swapping them with the full containers that are put on the train. It took two minutes.

"We go out like paratroopers," Geary quipped. "We jump out and do what we have to do. We don't dillydally."

The workers can't linger in a station because the "road" is always behind them, a term used for the series of trains to the rear that are scheduled to arrive at 20-minute intervals.

The crew didn't get a hero's welcome from riders, who quickly realized this is not a train they can board.

"I get cursed out. I get the finger. I've even been mooned," motor-

man Curtis Bullock said. "People have been waiting 20 minutes for a train and then we come in. We break a lot of hearts at night."

By 5 a.m., The Southern has collected garbage from nearly 40 stations. The train and its crew headed back to the yard in Brooklyn. They'd go home, get some sleep and be back that night.

Another day, another 90 tons of garbage.

pdonohue@nydailynews.com

## Pols aim to give sex cards the hook

HANDING OUT sexy business cards for hookers who make house calls will get you up to a year in jail and a \$1,000 fine if two Queens pols have their way.

"Every morning, schoolchildren pick up these cards from the streets," state Sen. Jose Peralta (D-Queens) said yesterday at Public School 19 in Corona. "These cards are being traded like baseball cards."

Legislation that he and state Rep. Francisco Moya (D-Queens) have introduced aims to stop the distribution of the "Chica Chica" cards.

They depict busty blonds and bare-bottomed brunettes alongside slogans like "Delivery Queens Only" — and pimps' phone numbers. Men who mumble "chicas, chicas," the Spanish word for "girls," hand them out on Roosevelt Ave. from 69th to 112th Sts. in Jackson Heights and Corona.

"It's an epidemic that is plaguing Roosevelt Avenue," Moya said.

Corona resident Duberki Pacheco, 41, is upset because her daughter Stephanie, 8, a second-grader at Corona's PS 307, finds the cards on her way to school.

"I told her they're something bad — don't pick them up," she said in Spanish.

Peralta's constituents have long complained about the public pimping. Several years ago, while in the state Assembly, he crafted a broader bill aimed at cracking down on prostitution, which dead-ended.

"We ran into First Amendment rights issues," he said.

Lore Croghan

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# MTA will forgo the human touch

▶ MTA adds 19 intercoms to subway platforms ▶ Provide rider help for emergencies or directions ▶ Riders say still no substitute for a person

Can one button save you when you're being robbed, harassed or even worse underground? The Metropolitan Transportation Authority thinks so. Yesterday, the MTA unveiled "Help Point" intercoms on the 6 line, where commuters can press a button for emergency help.

But not everyone is convinced a blue pole will work in dire situations. "If there's a button, there's nobody here to come help me," said Christine Santos, 20, a student from the Bronx who worried about late-night muggings on empty platforms.

Andrew Albert, an MTA board member, said Help Points would be stronger if they came outfitted with cameras.

"Now that we've removed all these booth agents we need eyes and



▶ One of the Help Point intercoms now working at the Brooklyn Bridge/City Hall station.

ALISON BOWEN/METRO

### By the numbers

# 19

Existing Help Points — 9 at the 23rd Street station, 10 at Brooklyn Bridge station

# 468

Total city stations, all of which will receive Help Points following successful conclusion of the pilot

### Quoted

**"People are always going to feel better about talking to a human being."**

GENE RUSSIANOFF, RIDER ADVOCATE

ears," he told Metro. "These are no substitute for a person."

New Yorker Charles Parisi hit the green "information" button yesterday to salvage \$3.40 on an expired MetroCard. A few "Repeat that, sir" requests later, he was directed to a

station agent steps away.

The Help Points were introduced after the MTA axed dozens of station agents, people who either sat in or patrolled stations to help riders.



ALISON BOWEN  
alison.bowen@metro.us

## Unhappy meals?

IS. A Queens council-announced yesterday will introduce legislation that bans including children's meals with children's meals at food restaurants throughout the city. Councilman Leroy Comilla would prohibit restaurants from including toys in meals that have over 500 calories and 10 milligrams of lead. San Francisco passed a similar law last year. METRO/CB

## I did not rape woman

TAN. A city cop is on trial this week for allegedly raping a woman helping get home. Defense lawyer for police officer Kenneth B. Brown argued that because there was physical contact, it was not a rape. Another officer, Sgt. Mata, allegedly had a sexual encounter with the woman. METRO/AB

## War for a foot? Bloody pig report mailed to Rep. King

TON. Washington, postal workers on a morning inter-package addressed to Island Congressman King that con-bloody pig's foot with purported ve language. The letter writer — who referred to herself as a "patriot" — mentioned the postal commission

al hearings led by King in March, which investigated the radicalization of American Muslims. King is the chairman of the House Homeland Security Committee.

The letter, which also reportedly included anti-Semitic slurs, referred to King as Jewish, but the congressman is Catholic.



▶ King

### News in brief

## Rats taking over the city?

MANHATTAN. At the same time Manhattan Borough President Scott Stringer said city cutbacks to exterminators is resulting in more rats, a scrambling rodent terrified riders on the A train in a video released yesterday. Stringer said a decision to

eliminate pest-control workers has turned vacant lots citywide into a rodents' paradise. The Health Department said rat complaints have only gone up slightly this year compared to last. METRO/CB

## Adios to Seaport sand

SEAPORT. The beach and palm trees at Water Taxi Beach in the Seaport will be replaced by a German

4-8-2011

# The Chief

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 THE CIVIL EMPLOYEES' WEEKLY  
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## MTA Follies Close

Given that it's an agency strapped for cash and dependent on worker productivity at a time when it must do more with less, it might seem curious that the Metropolitan Transportation Authority just spent hundreds of thousands of dollars on legal fees while further alienating the bulk of its workforce just to find out that the state's highest court would predictably uphold a 2009 contract arbitration award.

It just proves that anger, like love, can make smart people do very foolish things.

At some point, MTA CEO Jay Walder is going to have to ask himself what was the point of pushing ahead with the appeal of arbitrator John Zuccotti's award, other than delaying payment of the third-year raise under the deal for a few months.

It's long-established that the courts will overturn an arbitrator's wage award only when it is found to be arbitrary and capricious, meaning it has no relation to the bargaining realities within a locality. In that context, the Zuccotti award presented big problems for an MTA challenge because the first two raises under the three-year pact matched those given by the Bloomberg administration to numerous municipal unions. There was no similar precedent for the 3-percent raise in the final year of the contract, but this was the most-modest hike in the award.

Mr. Walder inherited the award from his predecessor, Lee Sander, whom he apparently believed did not fight vigorously enough to protect the MTA's purse during the arbitration process. Mr. Sander had been appointed by Gov. Eliot Spitzer and given a mandate to improve labor-management relations as a cure for the poisoned atmosphere that led to the 2005 transit strike. There is nothing to suggest that Mr. Zuccotti, who distinguished himself as First Deputy Mayor during the Beame administration in helping to pull the city back from the brink of bankruptcy, looked to go beyond what Mr. Sander thought affordable.

Mr. Walder obviously had a different view, but he let his quarrel with the man he succeeded turn this into an obsessive quest. When the Appellate Division of State Supreme Court four months ago upheld the Zuccotti ruling, that was the time for him to face reality and get on with life at the agency.

Instead, he pushed ahead, challenging just the final year of the raise.

And here's what he's got to show for it in addition to a bigger legal tab: a further alienation of employees and Transport Workers Union Local 100, the unjust maligning of Mr. Zuccotti, and a fruitless attempt to undercut the very arbitration process that a previous MTA administration said then-Local 100 President Roger Toussaint should have used rather than leading the illegal strike six years ago.

Even in an era when unions and their contracts seem fair game for public officials from Wisconsin to City Hall, this wasn't a smart place for Mr. Walder to keep blasting away once the first appeals court told him he was way off the mark.

## Protect San Workers

The latest vicious assault of a Sanitation Worker whose truck was preventing an enraged motorist from getting by should be reason enough for the State Assembly to...

## FOR THE RECORD

While conservative commentators and newspaper editorialists lauded Governor Cuomo's adroitness in getting an on-time budget deal that closed a \$10-billion deficit without resorting to either one-shot money-savers, tried-and-true Albany gimmicks or an extension of an income-tax surcharge that is due to expire next Jan. 1, Santos Crespo was among the labor leaders who were less impressed.

"Why isn't he taxing the rich?" Mr. Crespo, the acting president of Local 372 of District Council 37, asked March 29, a day after the budget deal was announced. He believed that since the surcharge was already in effect, continuing it past its scheduled expiration date would not have produced what Mr. Cuomo warned would be an exodus from the state by wealthier residents, particularly since Assembly Speaker Sheldon Silver had proposed an amendment that would have revised the surcharge to cover only those earning at least \$1 million a year. The current version applies to individuals with at least \$200,000 in taxable income and couples with combined earnings of at least \$300,000.

A political consultant, who spoke conditioned on anonymity, said there were several reasons—beyond burnishing his image among big contributors both here and nationally—that the new Governor refused to budge on his insistence that the surcharge sunset on schedule.

"He wanted to say, 'I put in a budget and reduced the deficit without raising taxes,'" the consultant said. "He wanted to do what [New Jersey Gov. Chris] Christie has done and others."

The flip side of that equation, of course, is that severe service cuts loom because of the loss of the surcharge, which has produced about \$4 billion a year for the state and would have brought in \$700 million annually if Mr. Silver's "millionaires only" compromise had been adopted.

The consultant said that like any Governor Mr. Cuomo had to put forth his most-ambitious changes in the way the state does business early, before his popularity slipped too much. (A Siena College poll released the same day that the budget deal was announced showed that Mr. Cuomo was viewed favorably by 69 percent of those surveyed, which though down eight points from a month earlier was still impressive given the tough budget news he had put forth.)

"You have to do and cut the most the first year, because your popularity will only decline," the consultant said, adding that with public confidence in Albany lawmakers below curb level, Mr. Cuomo had maximum leverage. Under the circumstances, agreeing to Mr. Silver's scaled-down bill "would send the wrong message to the Legislature. I think [the Governor] was trying to change the direction of the state."

Mayor Bloomberg was furious at what he considered a short-changing of the city under the state spending plan, pointing in particular

## For A

By RICHARD

Four years after the Fire Department history written exam for Fire appointment remain, with the whims (pounded by the trs known as Vinny Gorg

It is their bad luck (Nicholas Garaufis, v plaintiff first brought t partment and the Vul- 1999 and 2002 Firefig panded his jurisdiction exam, also is the tria wardrobe assistant to alleged former Bonan serving life in prison death penalty for alleg associate.

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## Biased Despite R

Eight months have Garaufis ruled that the even though 33 percent well enough on it to ha of appointment were n dented percentage in nearly 90 percent whit gument of Vulcan Societ that many of those mi toward the bottom part expect to be hired was the city had failed to sl ology it used legitimat best candidates from tl

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He gave the city five of the list while a new tes in September Mayor Bl

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A: It depends on one's



# DEATH RODE AN EXPRESS

Sadness returns with each train's whoosh

**T**rains don't stop for trackmen. Bernadette Boggs stood on a subway platform at the Columbus Circle station as if in a trance. Wearing black jeans and a black Harley-Davidson jacket, the widow stared motionless toward the Seventh Ave. line. She didn't even appear to blink as trains arrived, departed or simply roared through the station on one of the four parallel tracks.

"All I keep thinking about is my life without him and what he went through when he was getting hit by the train," she finally said.

Her husband, Danny Boggs, father of her three children, was fatally struck in the tunnel just north of the platform on April 24, 2007. He was assigned to set up warning lights for a rail repair project scheduled for the overnight shift. He was 41 years old.

The project's plan called for trains to continue carrying riders on the local tracks. They were supposed to be kept off the middle express tracks, where the actual work was to take place.

No one, however, told Boggs the startup time had been delayed. He also wasn't informed that a train was rerouted to one of the middle express tracks and would soon come barreling through the work zone.

Death is a frequent visitor to the subway. In just the past decade, 10 subway workers have been killed in job-related accidents.

Bernadette came to the Columbus Circle station Tuesday for a memorial in her husband's honor, the first of the annual events she could bring herself to attend. For the somber event, Transport Workers Union Local 100 set a large wreath in a corner of the southbound platform. A purple ribbon with the inscription "In Loving Memory" was pinned to the pastel petals and green stems.

Local 100 President John Samuelsen, a track inspector, recalled Boggs as a bear of a man with unbelievable strength. Making

his rounds one night, Samuelsen came across Boggs picking up railroad ties, holding them over his head and throwing them onto a work train like toy blocks.

"He said, 'The quicker I get these on the train, the quicker the job is done,'" Samuelsen said. "That's what he was all about."

But Boggs also was very much about family and friends, Samuelsen said, and genuinely interested in co-workers. He'd readily chat and joke with them about their kids, coaching Little League baseball and other aspects of life aboveground, Samuelsen said.

Some riders, momentarily curious, glanced at the gathering, no doubt wondering what was going on. Without getting an answer, they continued on their way, boarding a train or strolling

through turnstiles.

"Most folks don't understand how difficult a day is from beginning to end when it involves 600 volts of electricity and tonnage coming and going in both directions at the same time," said Benita Johnson, a union official.

Bernadette Boggs spoke last and, fighting back tears, she was brief.

"Danny was a very happy, friendly, outgoing guy," she said before pausing as an express train ripped through the station, drowning out her voice.

**W**hen the noise subsided, she continued: "He was a hard worker, a great father, a wonderful husband."

The rumble of an approaching train grew louder and louder.

"He is sorely missed. Thank you for coming," she said quickly, to finish before the rising tide of noise reached its peak.

The trains didn't stop for Danny Boggs when he worked on the rails, and they didn't stop for his memorial, either. The trains don't stop for trackmen.

pdonohue@nydailynews.com

## ON THE SUBWAY



Pete Donohue

5-2-2011

# NY Daily News Remembers Fallen Transit Worker

# DEATH RODE AN EXPRESS

## Sadness returns with each train's whoosh



New York Daily News Columnist Pete Donohue attended Local 100's memorial for Danny Boggs on April 26, 2011 to commemorate the 4th anniversary of his death on-the-job. The union sponsored a similar memorial the following day for Marvin Franklin. Donohue's piece is alongside. Above, Local 100 President John Samuelson leads the group in a moment of silence. Below, Bernadette Boggs looks on quietly at event



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### ON THE SUBWAY



Pete Donohue

# CONY GETS HANG OF IT

## Gateway art project finally on display

BY ERIN DURKIN  
DAILY NEWS WRITER

THE subway's "Gateway to Coney Island" now pays an artistic homage to the seaside amusement mecca — thanks to a Brooklyn artist's project nearly 20 years in the making.

Deborah Masters, 60, of Williamsburg, was tapped in 1992 to design art for the Ocean Parkway subway station.

She was drawn to the Frederick Law Olmsted-designed Art Deco viaduct outside and sculpted massive reliefs to hang on it.

They were finally unveiled last month after years in storage because of maintenance problems at the station.

"I just loved Coney Island," she said. "I used to go out in the afternoons to sit at the aquarium when the beluga whale was there, and she had a baby and they would sing. I'd go and hang out with the whales."

For months back in the early 1990s, Masters spent every day in Coney Island photographing



Deborah Masters poses beneath massive artwork she created to hang from Art Deco viaduct at Ocean Parkway gateway to Coney Island — after years of waiting for station to be rehabbed. Photo by Jeff Bachner

and sketching the characters she encountered on the beach, Boardwalk and amusement parks. There were kids building sand castles and bikini-clad beauties taking in rays, sideshow

performers eating glass and hammering nails into their noses. Polar Bear swimmers, rival gang members showing off.

"I just drew what I saw there," she said. "Coney Island's a differ-

ent space than anywhere else in New York City. It's vaudeville in a way... People didn't mind me sitting and doing drawings of them and taking photographs of them."

She turned the sketches into massive, 1,650-square-foot sculpted reliefs, finishing the day of her deadline — only to find officials had discovered the viaduct needed major repairs and couldn't support the artwork.

So the reliefs sat in storage, moving between four different MTA facilities. Masters' contract said if the art wasn't displayed within eight years, she could display it somewhere else, but nowhere but the historic Gateway to Coney Island seemed appropriate.

Finally, the MTA launched the renovation project in 2007 and then started hanging the reliefs.

"There's a big difference from looking at something in a warehouse to seeing it at the site that was intended," said Lester Burg, project manager for the MTA Arts for Transit program.

"I just waited. I actually had totally given up hope, so when they called me, I was just amazed," Masters said.

"A lot of birds went to the bathroom on them and a lot of dust collected... We colored them and cleaned all the dust off of them."

The project was finally unveiled April 30. "It was just amazing. I was so happy," Masters said.

# Making tracks in memory of fallen transit co-workers

BY PETE DONOHUE  
DAILY NEWS STAFF WRITER

DOMINICK Spagnolo, a subway signal maintainer, retired about 18 months ago, but he was again walking the elevated tracks in Brooklyn on a recent Sunday.

About 250 feet south of the Kings Highway station, Spagnolo stopped at a wooden yellow cross that is attached to the catwalk railing.

He removed a wreath of artificial flowers from the cross and put up a new one, part of an annual pilgrimage he's been making to the spot where two co-workers died on May 8, 1990.

"It's to keep their memory alive and to remind transit workers today how dangerous it is working on the tracks," Spagnolo said.

Daniel Walsh, 46, and Robert

Nicholson, 47, were struck and killed by a Coney Island-bound F train during the evening rush hour.

A faulty signal south of the elevated Kings Highway station had been causing delays.

After failing to fix it from the switching tower, Walsh and

Nicholson walked out onto "live" tracks amidst ongoing train traffic to attempt to repair it.

It remains unclear why the motorman didn't see Walsh and Nicholson — both of whom were wearing orange safety vests — or how the signalmen didn't spot or hear the approaching train.

Working on the tracks and signals is perilous; it was even more so two decades ago.

Back then, NYC Transit didn't even require signal maintainers



Subway signal maintainers (l-r.) Eric Lamone, Lenny Matola, Dominick Spagnolo and Ray DeGeronimo stand beside wreath left to mark spot where Daniel Walsh and Robert Nicholson were killed May 8, 1990.

out on trouble calls to post flags to alert approaching trains of their presence on the elevated tracks.

Spagnolo was joined Sunday by three other signal maintainers: Eric Lamone, Lenny Matola and

Ray DeGeronimo. Standing on the catwalk about 25 feet above McDonald Ave., they said the "Our Father" and "Hail Mary" prayers and vowed to repeat the rite next year.

On Tuesday, Transport Workers Union Local 100 officers also held a formal memorial on the Kings Highway platform for their two fallen colleagues.

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# TWU BLASTS TRANSIT

MTA Chairman Jay Walder is under attack by transit union, which mocks his cushy severance package in flyer at right. Photo by Kevin Hagen



## Union big: Walder 'raking in the dough' amid big job cuts

### EXCLUSIVE

BY PETE DONOHUE  
DAILY NEWS STAFF WRITER

**THE HEAD** of the transit union went on the warpath against MTA boss Jay Walder yesterday — blasting him as a fat cat “raking in the dough” while he lays off workers.

Union big John Samuelson railed against the “rich guy’s” \$350,000 salary and \$5,000 monthly housing allowance.

“I just can’t get over the irony of him talking about controlling costs when he’s raking in the dough,” Samuelson stormed in a sitdown with the Daily News Editorial Board.

“Not for nothing, he has the best severance package in the history of the public sector.”

Walder, who signed a six-year deal last year, has a generous exit package: If he’s forced out of the job early and without cause, he gets a full year’s salary.

He also could get a six-figure severance payment on top of the year’s pay.

Just five months into his term as president of Transport Workers Union Local 100, Samuelson is fighting MTA layoffs.

About 250 token booth clerks were let go last week — without severance — and the MTA is seeking court approval to lay off an additional 225. All told, the MTA plans to eliminate nearly 3,000 positions, most of them unionized and many of them connected to bus and subway service cuts set to begin late next month.

Walder also drew Samuelson’s rage when he told The News recently he wants to overhaul the union’s complicated work rules to save money.

The MTA chairman griped that bus drivers still get half pay for hours spent lounging or shooting pool in crew rooms between driving assignments.

Samuelson accused Walder of oversimplifying a complex deal that managers wanted to save on overtime and other expenses. So-called “swing time” allows the



agency to schedule one bus driver to handle morning and evening rush hours in one day, Samuelson said.

“If Jay Walder has an idea that is a productivity savings for the MTA, and he wants to bargain with the union, I’m willing to do that,” Samuelson said.

The former track worker also said transit workers shouldn’t be scapegoated for any MTA budget problems.

“The point is there’s layoffs because the decision-makers in this country have failed to properly fund transit,” Samuelson said. “It’s not because transit workers make a decent living for doing dangerous work. We average one fatality a year. We work in filthy, disgusting conditions on the railroad tracks at night... I don’t agree with the notion that somehow New York City track workers are pampered.”

An MTA spokesman declined to respond to Samuelson’s remarks.

The authority has said it’s cutting 15% of the nonunion administrative payroll throughout the agency and 20% at MTA headquarters.

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## Dave: Hardly time to party hearty

BY GLENN BLAIN  
DAILY NEWS ALBANY BUREAU

**ALBANY** — Now this is hitting them where it hurts.

Gov. Paterson said yesterday he plans to order Democratic lawmakers to skip their party’s nominating convention next week and stay in Albany to work on the ultra-late state budget.

And if that doesn’t work, he’ll force Republicans to miss their convention the following week, he said.

“It is my opinion that it would be irresponsible of any of us to be thinking about politics while the budget is still out there,” Paterson said.

The state budget is 49 days late, and Paterson said he’ll call special sessions to get the spending plan done.

“So, you conventioners, Democrats and Republicans, might want to think about spending your time in Albany as opposed to anyplace else, because that’s our obligation to the people of the State of New York,” Paterson said.

Paterson told reporters afterward that he would speak with party leaders before calling the special sessions — which would shrink the crowds for Attorney General Andrew Cuomo’s expected nomination for governor.

Democrats begin their three-day convention in Westchester County on Tuesday night. The Legislature was scheduled to be in session only through Wednesday afternoon.

Paterson revealed his plans for special sessions at the end of a meeting with legislative leaders that featured more bickering than progress.

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# BOSS

# Ax, buyouts loom in MTA budget mess

BY PETE DONOHUE  
DAILY NEWS STAFF WRITER

THE MTA will lay off hundreds of administrative workers in the coming weeks as it struggles to close a budget gap without slashing service, the Daily News has learned.

Looking to eliminate about 700 slots, the Metropolitan Transportation Authority offered buyouts to white-collar workers at its Madison Ave headquarters and other offices.

But fewer than 350 staffers, ranging from clerical workers to at least one senior vice president, signed

up for the package.

The rest will be axed or reassigned, officials said.

"What we tried to do with the severance is set it up in a way to maximize the number of people who raise their hand and avail themselves of it," NYC Transit President Tom Prendergast said. "You want to have people voluntarily leave because it minimizes the number of people who then have to go involuntarily."

The buyout offered payments up to \$20,000.

Overall, the MTA is eliminating or vacating nearly 3,000 positions, with the majority filled by unionized workers. Their contracts don't require the MTA offer a severance package — and the MTA isn't putting one on the table.

MTA Chairman Jay Walder is trying to demand cost-cutting concessions from the unions as he tries to deal with a loss of \$750 million in expected revenues since December.

The amount of money the MTA would get from a new payroll tax has fallen far short of original state projections. The state also raided a separate pot of transit funding for its own uses.

"Everything went south pretty quickly," MTA Chairman Jay Walder said recently.

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**AN EDITORIAL:** More talk, less squawk

SEE PAGE 24

Transit workers are anything but "gimped," says Transport Workers Union head John Samuelson. Photo by Matthew Spiegel

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## DAILY NEWS EDITORIAL

### More talk, less squawk

**T**ransport Workers Union President John Samuelson has made clear that he can give as good as he gets by delivering a member-pleasing critique of Metropolitan Transportation Authority management.

Visiting the Daily News Editorial Board, MTA Chairman Jay Walder last week said that he would seek productivity improvements from the TWU as a way to blunt service cuts and fare hikes.

In response, Samuelson came to the table yesterday and got personal, saying: "I bet you Walder has a Cadillac health plan and, not for nothing, he has the best severance package in the history of the public sector. I really can't get past the hypocrisy of a rich guy coming into town, making \$350,000 a year, with a wonderful severance package — he makes more money if he leaves than he does if he stays, almost, with a housing allowance — and he comes and talks about NYC Transit workers and antiquated work rules."

The exchange encapsulates the intense polarization that has frozen public-employee labor relations as officials struggle to trim expenses in response to historic declines in revenue and union leaders hold militantly to the status quo.

Even unto accepting thousands of layoffs that could be averted by, for example, shifting to less costly pension plans, or even 401(k)-style retirement savings accounts, for newly hired workers. And only new workers.

City and state labor leaders are united in hoping that someone will show up with a financial rescue. For Samuelson that means pleading with

Walder to divert stimulus funds from paying to maintain the transit system, lobbying Washington for grants and buying into a fantasy, spun by the discredited state Legislature (see below) that better times are just around the corner.

The city and state and all their various arms, including the MTA, are running deeply in the red. There is no escaping shrinkage. The only question is how best to mitigate the pain that will inevitably be suffered by workers and the public.

The MTA is among the first agencies to be smacked. Walder has slashed management payrolls and squeezed suppliers. But, inescapably, the big money is in service cuts and layoffs. Those have begun with painful hits to station agents.

Attacking Walder's very handsome salary and severance package makes for great rhetoric and little else. His compensation amounts to a drop in the bucket compared with the thousands of dismissals that are now looming. But hammering out broader labor economies could save positions running at least into the hundreds.

Walder says he wants to talk. And, glossing over that Transit Authority President Thomas Prendergast has broached potential contract changes, Samuelson said yesterday:

"If Jay Walder has an idea that is a productivity savings for the MTA, and he wants to bargain with the union, I'm willing to do that. He seems very willing to talk to everybody and their grandmother about work-rule changes but us."

Clearly, Walder and Samuelson need to get to a table other than the one in our conference room.

### The drones drone on

**Y**esterday's meeting of so-called leaders in Albany was so fingernails-on-the-blackboard annoying that at one point Gov. Paterson buried his head in his hands and begged, "Oh, Scotty, beam me up!"

What should have been a sober attempt to finally talk about solving the fiscal crisis gripping the state devolved into a pointless session of partisan taunts and playground-level bickering.

Although Paterson called the meeting, he lacked any hint of a clear agenda and failed to keep the discussion focused where it belonged — on closing a \$9.2 billion hole in the state budget that was due seven weeks ago.

Senate Democratic Conference Leader John Sampson stuck to his insane insistence on property tax rebates that would cost the state hundreds of millions it simply does not have.

Senate GOP leader Dean Skelos blamed everything on the "Democrat Party" — even though his Republicans ran the Senate for 43 years and bear equal responsibility for today's financial disaster. Worse, he has failed to put his conference on record with a viable budget-cutting plan.

Assembly GOP leader Brian Kolb managed only to grump impotently about how his tiny minority was being ignored.

And Assembly Speaker Sheldon Silver stonewalled on empaneling conference committees to broker budget compromises — even though they're required under a reform law Silver touted as a breakthrough just three years ago.

In the end, the meeting accomplished one and only one thing: It exposed for public view the pathetic smallness of New York's elected officials.

### A mistake in 'Nam only

**C**onnecticut Attorney General and Democratic candidate for the U.S. Senate Richard Blumenthal acknowledged yesterday that "on a few occasions" he had "misspoken" when stating that he had served in Vietnam rather than in the Marine Reserve on American soil. These things happen, yet Blumenthal is being knocked from pillar to post as some kind of valor-puffing braggart.

Come on. Let's be fair about it. Who among us hasn't struck up a conversation with a Vietnam veteran only to discover the reverse confusion? We all know guys who fought in the Tet offensive but err by saying that they were actually serving as a clerk to a United States Supreme Court justice after enjoying five draft deferments.

No one knows exactly why some vets get swept up in such fantastic declarations. Some even say they were home — and not only at home, working with Blumenthal as young White House aides — while, in fact, they were slogging through God-forsaken swamps. One prevailing theory has to do with rivers, the Mekong being in Vietnam, the Potomac being in Washington.

Then again, slips of the tongue are all too easy. Linguistics experts are well aware that the late '60s and early '70s produced unprecedented transpositions in word usage: "Dak To," for "New Haven," "oral arguments" for "firefigths," "Capitol Hill" for "Khe Sahn" and "Charlie Company" for "political career."

## How the mayor can prevent teacher layoffs

### BE OUR GUEST

BY MICHAEL MULGREW

**M**ayor Bloomberg and Schools Chancellor Joel Klein have made layoffs — currently estimated at more than 4,000 teachers — the centerpiece of their attempt to balance the city's budget.

But even as we work with legislators in Albany to find resources that would limit the damage to schools caused by the state's very serious budget problems, Bloomberg and Klein are choosing to ignore a time-tested, effective method for saving hundreds of millions of dollars while still keeping class sizes reasonable: a retirement incentive.

Such an incentive has been used effectively in prior budget crises. In 1991, with major budget

problems looming, the city and the Board of Education offered an incentive that led to nearly 6,000 retirements in the Teachers Retirement System — well over double the amount of the prior year. In 1995 and 1996, thanks to another incentive, the TRS had 9,200 retirements, about as many as occurred in total over the next five years.

Retirement incentives are particularly effective in the Department of Education, since senior teachers make more than twice the salary of entry-level teachers. There are about 25,000 experienced teachers to whom such an incentive could be offered right now. Given current salary levels, the retirement of 1,000 of them would save the city \$55 million per year. If 4,000 senior teachers were to retire, the system would save more than \$220 million — even if every retiree is replaced by a new teacher.

While the loss of so much senior experience and talent is not an ideal solution, it would help make sure that class sizes do not rise dramatically, as they did in

the wake of the layoffs of the 1970s.

Particularly since the mayor and the chancellor have been criticizing the "last in, first out" provisions of state law that mandate the workforce be reduced through use of seniority, a retirement incentive would help ensure that thousands of younger teachers who have been recruited, hired and trained in recent years would have an opportunity to stay in the classroom.

Just as importantly, it would also be much more cost effective. Because the city will have to pay unemployment insurance and other costs associated with lay-

offs, those initial savings would be less than \$30,000 per laid-off junior teacher, meaning that two junior teachers would have to be dismissed — and not replaced — to equal the savings available from the retirement of one senior teacher.

A retirement incentive alone is not enough. The Department of Education also has to call a halt to

its practice of signing multimillion-dollar "sole source" contracts for unnecessary or duplicative services, including one contract that would pay \$5 million a year for The New Teacher Project to recruit new teachers, even as thousands of experienced teachers are facing layoffs.

Gov. Paterson has recognized the importance of a retirement incentive by sending the plan for a statewide program to the Legislature. If it passes, New York City and other localities in the state will be allowed to opt in and reduce our teaching force without the systemic disruptions that will be inevitable if Bloomberg and Klein insist on laying off thousands of younger teachers.

Mulgrew is president of the *United Federation of Teachers*.

To save millions, use an approach that's worked before: retirement incentives

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NEW YORK, NY 9 FRIDAY, JUNE 3, 2011

Lost \$260M Past 3 Years

## Bill Would Protect MTA Funds from State Raids

By FLORA FAIR

State legislators have announced a new bill that they hope will save the cash-strapped Metropolitan Transportation Authority from additional raids on state funds earmarked for transit.

The Transit Funding Lockbox Act, sponsored by State Sen. Martin Golden (R-Brooklyn) and Assemblyman James Brennan (D-Brooklyn), will prevent the appropriation of transit funds, which has resulted in a \$260-million loss for the MTA following three years of state raids.

### 'Paying More for Less'

"The days of simultaneous fare hikes and service cuts must end," Senator Golden said. "This legislation is for those who ride the buses and trains in New York City and have been asked to pay more for less service. The management of our transit system cannot be built around a misguided policy of increases and reductions."

"The transit system needs every dollar of dedicated tax revenue to pay for mass transit, not diverted to provide budget relief for the State's deficits," Assemblyman Brennan said. "Further sweeps by the state for the MTA's dedicated funds will be a disaster for mass transit, and this legislation will provide needed protection."

Reduced and diverted dedicated revenues have led to an estimated \$10-12 billion shortfall in the current \$26-billion MTA capital program, which pays for vital system maintenance and upgrades. Facing a revenue crisis, three consecutive years of fare hikes and deep cuts to service, this legislation is an effort to turn the tide on those diversions.

The Lockbox Act would amend section 182 of the State Executive Law to prohibit the State Budget Director from diverting money meant to fund the Metropolitan Transportation Authority into the state's general fund or other government funds. The bill would require any such diversions to be accomplished by statute, with an impact statement on how it would affect mass transit service, maintenance and security.



**JAMES BRENNAN:** 'Transit system needs every dollar.'

The MTA's worst service cuts in a generation occurred last summer following a diversion of dedicated transit funds. They included the elimination of 36 bus routes and all or parts of three subway lines, fewer trains running, and fewer or no paratransit services in some areas.

### 'Not the State's Piggy Bank'

"Transit funding is not the state's personal piggy bank," said Paul Steely White, executive Director of Transportation Alternatives. "That money belongs to the 7 million people who ride our transit system every day in this city, and must be protected under lock and key."

Local 100 President John Samuelson was also heartened by the bill, saying, "Pinched funds this year will lead to additional service cutbacks, more dangerous stations and platforms, increased breakdowns of the rolling stock, and a needless decrease in quality-of-life throughout the transit system. The Lockbox legislation is a rational and necessary approach to protect this vitally essential public service, and to speed the economic recovery not only for the City but for the entire region."

## Probe Allegations Of Group-Home Abuse, Silver Asks Panels

By MARK TOOR

Speaker Sheldon Silver asked three Assembly committees last week to investigate allegations in a newspaper article that "described some of the most atrocious and unacceptable acts of abuse" by state employees or contractors against developmentally-disabled patients in their care.

The article brought criticism of the Civil Service Employees Association for vigorously defending workers accused of abuse.

### Examine Safety Measures

"I am calling on you... to hold a series of hearings across the state to examine existing quality-of-care and safety measures provided in those facilities and to examine what can be done to ensure that those with developmental disabilities can rely on the state to protect them," Mr. Silver said in a May 25 letter.

It was addressed to Félix Ortiz of Brooklyn, chair of the Committee on Mental Health, Mental Retardation and Developmental Disabilities; Joseph Lentol, also of Brooklyn, chair of the Codes Committee; and Jonathan Bing of Manhattan, chair of

(Continued on Page 8)



**SHELDON SILVER:** Acts described 'atrocious abuse.'



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## Stranded straphangers begin drive to bring back bus service to Queens

BY Irving Dejohn  
DAILY NEWS WRITER

Tuesday, June 14th 2011, 4:00 AM

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Craig Warga/News

Queens civic leaders have banded together to restore public transportation to areas that were served by the Q79 before it was axed last summer.

[700 new MTA buses on way](#)

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[Donohue: MTA being taken for \\$14M ride](#)

[Faster buses are the new East Side story](#)

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A group of eastern Queens community leaders are hoping a little creative rerouting can restore some bus service along a defunct MTA route.

The Queens Civic Congress is pitching a proposal to alter bus routes adjacent to the former Q79 line to revive at least some public transit options to the area.

"This story didn't end when the bus line ended. We're going to prepare something that makes sense and we're cautiously optimistic," said Bob Friedrich, president of Glen Oaks Village.

Since the Q79 bus line was axed last summer, attempted alternatives in the area have flopped. The Taxi and Limousine Commission launched a pilot program that used commuter vans along Little Neck Parkway but the operator quickly pulled out, citing low ridership.

At a city Department of Transportation meeting last month, City Councilman Jimmy Vacca (D-East Bronx) promised the frustrated civic group that he would review a proposal to alter other routes in the area to fill in service gaps. If the plan is feasible, Vacca said he'd press the Metropolitan Transportation Authority to implement it.

"I do think the MTA realizes that what they did in many cases ended up stranding many of the customers," said Vacca, chairman of the council's Transportation Committee.

Jim Trent, 65, founder and president of the Queens County Farm Museum, used to hop on the Q79 to get to the museum. But now it requires an arduous 2-mile walk or a pricy car service since he doesn't own a car.

Meanwhile, the museum is paying payroll taxes to the MTA to sustain service, he said.

"We lose the service and we're paying for the service - it's a double whammy," Trent said.

While getting the MTA to accept the proposal may be difficult, Vacca said there is a precedent of the MTA restoring some of its cuts. A portion of the Bx14 route was recently revived following a similar grass-roots proposal.

MTA officials said they would entertain a plan as long as it fits certain criteria.

"We are willing to look at any proposal to reallocate resources as long as it's at no net cost and does not exceed loading or service guidelines," said MTA spokesman Kevin Ortiz.

But officials noted that before the agency cut the Q79, it had the second-lowest ridership in the city, with only 650 straphangers daily compared to the 12,000 person average on other routes.

Share



# Walcott leads push to revive Regents test

SCHOOLS CHANCELLOR Dennis Walcott — along with superintendents from four other cities — has called on the state to restore the Regents exams in January.

The exams, part of the requirements for graduation, were given three times a year until last month, when state education officials voted for cutting the mid-year testing dates to save \$1.4 million.

"The decision will have a devastating impact on students throughout New York State, particularly for the students in the Big 5 Cities," the school leaders wrote in letters sent Friday to Gov. Cuomo, state Education Department Commissioner John King and state Chancellor Merryl Tisch.

The cut could delay graduations for some students, the letter notes, since 2,400 New York City kids this year graduated in January after passing Regents.

The cut, approved by the state's Board of Regents, comes at the same time as state Education Department officials have launched an effort to raise the standards for graduation.

State Education Department spokesman Tom Dunn said agency officials continued to "advocate aggressively" for more funding because the state budget provided only \$7 million of the \$15 million required to pay for the exams.

"We share Chancellor Walcott's disappointment that the funding has not materialized," he said.

Rachel Moskato



Video shows wheel coming off express bus in Queens and then rolling along Northern Blvd. sidewalk. Wheel went on to narrowly miss hitting

# WHEELS ON BUS

BY PETE DONOHUE  
DAILY NEWS STAFF WRITER

TWO MTA BUSES had a wheel fly off in one week — and one of them narrowly missed a baby buggy, the Daily News has learned.

The frightening mishap involving the stroller was captured by a surveillance camera, with the video showing a tire bounding from an express bus onto the sidewalk on Northern Blvd. in Queens.

The runaway wheel crossed the sidewalk and slammed into a building near Steinway

St., nearly striking a woman with a stroller, a union official said.

It was "one of the most horrifying near-misses I have ever seen," Transport Workers Union Local 100 President John Samuelsen said in a June 9 letter to transit executives.

The QM2A express bus had no passengers on board when it slid out of control during the May 23 incident — which has sparked a fight between the union and MTA.

The bus was heading back to the College Point depot when its so-called "tag wheel" —

located behind a pair of parallel tires to maintain balance — separated from the axle, an MTA spokesman said.

Another bus lost a wheel that same week, but it happened inside a depot — not on the street, MTA spokesman Kevin Ortiz said. There were no such incidents last year.

Union officials contend the MTA has imprudently cut back on bus maintenance to help close budget gaps — a claim Ortiz rejected.

"There have not been changes to mainte-

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Dr. Inna Barash is the study investigator

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# Guys man up for lifesaving PSA testing

MEN YESTERDAY bustled in and out of Hackensack University Medical Center — the location that administers the most prostate cancer exams during the Daily News-sponsored week of free PSA testing.

More than 100 men underwent the blood test that can detect prostate cancer at Hackensack's main location between 10 a.m. and 2 p.m.

Many hospital employees took breaks during their day to get tested, including Dr. Ihor Sawczuk, 59, chairman of the urology department.

"I do it every year around this time — the Daily News is a good reminder," said Sawczuk, who has a family history of prostate cancer. "I tell people, 'Don't be afraid of a needle stick! It can take seconds and can be lifesaving!'"

Jersey locals and hospital employees weren't the only men getting their PSA levels tested. Curtis Silva and the Guardian Angels handed out flyers and then headed inside for tests.

"I'm not nervous — it's good to know just in case," said Guardian Angel Benjamin Garcia, 47. "I want to be around for my family and grandkids." **Lillian Rizzo**

**GET TESTED: Find out how inside**

SEE PAGES 24-25



woman with stroller in what transport union President John Samuelsen called "one of the most horrifying near-misses" he had ever seen.

## GO... OFF! Vid shows tire fly - & it's not only time

nance schedules," Ortiz said. "Maintenance is not being deferred."

The wheel woes may have been caused by an oversight at the College Point depot, where a maintenance task that involves applying grease to a bus' turning apparatus was skipped, Ortiz said.

When the omission was discovered, mechanics working on overtime had to examine and grease all 130 buses at the depot between May 24 and 28, Ortiz said.

Labor-management tensions have been high at College Point.

On May 26, Local 100 staged a wholesale inspection, and drivers refused to take out buses with alleged defects until they were fixed.

More than 80 buses were delayed, officials said.

The MTA fired one rookie bus driver for refusing to drive a bus that management deemed road-worthy. The MTA suspended three other drivers without pay and has filed disciplinary charges.

Christopher Johnson, MTA vice presi-

dent of labor relations, warned Local 100 not to engage in illegal shenanigans in response to the discipline.

"As you are aware, the union has an obligation under the Taylor Law not to engage in a strike, sitdown, slowdown or stoppage of work," Johnson wrote on May 27.

Samuelsen placed the four drivers on the union payroll and said the union would continue unannounced inspections permitted under its contract.

[pdonohue@nydailynews.com](mailto:pdonohue@nydailynews.com)

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## Pal sought in B'klyn teen's fatal stabbing

A BROOKLYN WOMAN described yesterday in chilling detail how she pleaded with her nephew not to die as he lay on a sidewalk, bleeding from stab wounds.

"He was gasping for air. He couldn't speak," Nicole Williams said of Darrell Smith, 17.



She arrived on the scene minutes after Smith was fatally knifed outside a family home on Pacific St. in Crown Heights Tuesday night, cops and the mother said.

"The cops told me to keep talking to him. I was just saying: 'Stay with me! Stay with me! Do you hear me?'"

Smith, who went to Brooklyn Academy High School and played basketball, died at Kings County Hospital, police said. One of the knife wounds pierced his heart.

There were no arrests yesterday, but cops said they were hunting for a friend of Smith's, Orpheus Nelson, 18.

Trevor Kapp and John Lasinger

# Rider 'hit me all over,' sez battered bus driver



Steangeli Medina, 17, was arraigned on charges of assault, menacing and harassment. Photo by Victor Chu

BY BARRY PADDOCK and PETE DONOHUE  
DAILY NEWS STAFF WRITERS

WINCING IN pain, a black-and-blue bus driver recalled being sucker-punched and brutally beaten after telling a 17-year-old her Chihuahua wasn't allowed on board.

Marlene Bien-Aime, 48, had turned her attention away from the disgruntled teenager at the front of the bus and faced the windshield when the brutal attack began Tuesday night, she said outside Bronx Criminal Court.

"When I turned my head, that's when she hit me," Bien-Aime said. "She punched me in my eyes while I was sitting. She hit me several times in my eyes. She hit me all over my head and on my back."

As the blows landed, Bien-Aime struggled to remove her seat belt, she said. Good Samaritans managed to restrain the teenager — identified by police as Steangeli Medina — but Medina soon broke free.

She punched Bien-Aime some more and dragged her down the steps and off the bus — by her hair, the driver said.

"I rolled over and fell," Bien-Aime said. "She was on top of me and she kept hitting me in the head. She was hitting me, hitting me, pulling my hair."

Bien-Aime spoke briefly before going into the courthouse, where prosecutors are considering felony assault charges against Medina.

Removing her sunglasses, Bien-Aime revealed a badly swollen black eye. She also showed a large bruise on her upper left arm. She said her nose was broken and that she suffered from head and neck pain.

Carrying a Chihuahua, Medina boarded the Bx9 bus on Fordham Road at Cambreleng Ave. in Belmont just before 6 p.m., police said. She became enraged when Bien-Aime said the pet had to be in a crate to travel.

"She said, 'I'm gonna hit you,'" Bien-Aime said.

The driver responded, "It's not me, it's MTA."

Seconds later, the first punch was thrown, said Bien-Aime, who spent last night at St. Barnabas Hospital.

"I was simply doing my job yesterday," Bien-Aime said.

Medina, a student at Richard R. Green High School in Manhattan, was released on her own recognizance last night after her arraignment on charges of assault, menacing and harassment. The dog was returned to her family.

Union officials said the assault was further proof protective barriers are needed on buses, an initiative they have been calling for since Brooklyn bus driver Edwin Thomas, 46, was fatally knifed by a passenger in 2008.

"The MTA is still dragging its feet on the implementation of protective shields for New York City bus operators," said Transport Workers Union President John Samuelson.

With Kevin Deutch  
pdonohue@nydailynews.com

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# Booth torched with clerk inside

BY MARC BEJA

Marc.Beja@am-ny.com

A brave subway station agent refused to let two would-be robbers into her Brooklyn booth Wednesday morning, even as they set it ablaze with her trapped inside, transit officials and police said.

The clerk quickly grabbed a fire extinguisher and put out the blaze by spraying through a small money tray before calling police. She was shaken up but not injured.

The terrifying attack, reminiscent of booth torchings in the 1980s and 1990s, began when two men walked up to the enclosure at the Prospect Park Q station just after 5 a.m., pounding on the window and demanding that the unidentified 39-year-old clerk let them inside.

"Either you open the door and let us in or we're burning you out," they told

## 'I KNOW FOR A FACT THAT SHE'S AFRAID TO GO BACK.'

### Union official Joe Bermudez, on the MTA booth employe

her, according to union official Joe Bermudez.

After failing to break in, the men poured a flammable liquid on the booth's glass window and lit it. Then the thugs, described as being in their late teens or early 20s, fled.

The clerk was taken to New York Methodist Hospital for observation and to treat trauma. Her two children were relieved to learn that she was physically fine, the union official said.

"I know for a fact that she's afraid to go back," Bermudez added, "especially if they're not caught."



## Jumping into summer

A boy jumps into the water at Mullaly Pool in the Bronx on Wednesday, the opening day of the season for the city's outdoor pools. So how many pools are there to choose from? Find out on page 10.

CHRISTOPHER GRANT

## News

## Bus shields will protect drivers

Following a rash of attacks against bus drivers, the MTA has begun installing shields to protect the workers from violent riders, transit officials told *amNewYork*.

MTA Chairman Jay Walder said he was "horrified" by last week's attack on a Bronx driver, which occurred after she told a 17-year-old girl that she couldn't board with a dog.

"I'd like to see us do everything we can to ensure the safety of our drivers," Walder said Wednesday.

He said 464 buses will get protective dividers by December. Five have already been outfitted.

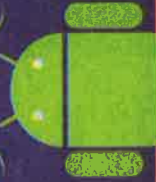
However, union official Frank Austin said, "It should have happened already. ... It's baby steps." (MARC BEJA)

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# Truth in advertising

Everyone who has ventured down into the subway is by now too well aware of the Metropolitan Transportation Authority's self-promotional "Improving, Nonstop" advertising campaign.

Look, there! It's a placard boasting about how the MTA has adopted the revolutionary approach of fixing things when they've been broken.

And next to that, wow! It's a placard about the countdown clocks you just saw on the platform.

And just over there, golly! It's a placard that says something about getting on and off buses that move faster in special lanes.

When MTA Chairman Jay Walder and transit authority President Thomas Prendergast began blowing the subway horn, a spokesman explained: "We don't really do a good job of telling our customers what we're doing, or what we've done, or what we are in the process of doing."

In that spirit, Walder and Prendergast owe it to New York to expand their offerings.

Fresh Placard No. 1: A photograph shows being dragged, sweat-stained people being helped from an elevator by firefighters. The headline says, "It's

not a breakdown, it's a fitness opportunity."

Beneath, text explains that the authority's new multimillion-dollar monitoring system flashes so many false alarms of passengers trapped in elevators that nobody pays any attention to it. Worse, the system has a bad record when it comes to detecting actual passenger entrapments, hundreds of which occurred last year.

Fresh Placard No. 2: A photograph shows a mountain of plastic bags stuffed with garbage on a subway platform. The headline reads: "At least it's not on fire."

The accompanying text describes how the authority's trash trains make only 70% of their scheduled pickups, often leaving festering trash on platforms for days at a time.

Fresh Placard No. 3: A photo of a giant cockroach. The headline reads: "God loves them. So should you." The text tells all about the supervisor who thought it a good idea to haul track trash away inside subway cars used by passengers.

Walder and Prendergast really ought to get on the stick with their ad campaign. Because they have so much explaining to do.

# Kill this bill

At the end of the Albany session, lawmakers sneaked through a bill that would toss a pension grenade at tomorrow's taxpayers. Gov. Cuomo appears set to veto it — and he must do so with relish.

As cooked up by the teachers unions, and sponsored by Assembly Democrat Peter Abbate and Senate Republican Martin Golden, the scheme would let school districts pay part of their skyrocketing pension tabs with as much as \$1 billion in borrowed money.

Pension costs are likely to continue their upward trajectory for years to come. Putting this year's problem on a credit card would only prolong the agony, add to the long-term costs and set a terrible precedent for future crunches.

The dodge would also blow a huge hole in the property tax cap that Cuomo and the Legislature just got done approving — a measure that was supposed to impose fiscal discipline on local officials and Albany lawmakers alike.

There is only one sane, responsible response to soaring pension costs: Confront them.

Cuomo sent the Legislature a solid pension overhaul that called for modest cuts to generous benefits — economies that would apply only to future hires, not current workers or retirees. It still promised to save \$93 billion over the next 30 years.

But lawmakers of both parties — slavishly loyal to public employee unions — ignored Cuomo's bill and passed the borrowing scheme instead. Governor, it must not stand.

# A candidate who knows herself

Honesty is the best policy. In life, in politics and particularly when you're running for President of the United States.

It's what the public craves and expects, and it's a big reason why Rep. Michele Bachmann is quickly becoming the GOP dark horse in the 2012 election. Polls in Iowa show her right behind front-runner Mitt Romney.

Why is Bachmann rising? Because rather than being all things to all people, Bachmann has decided to be herself, and she's not hiding her views: "It's the peace through strength Republicans, and I'm one of them, it's fiscal conservatives, and I'm one of them, and it's social conservatives, and I'm one of them. It's the Tea Party movement, and I'm one of them," she remarked this week.

In true Bachmann fashion, these words were candid and direct, and they're making Obama supporters green with resentment. Or is it red?

Whether you support her or not, Bachmann's style is refreshing in a political landscape laden with canned responses, and it's provoking a case of envy among Democrats. She isn't going to straddle any fence. The left is desperate for a candidate who will do the same — and they know that President Obama can't.

From the Bush tax cuts to gay marriage, from drilling to spending, Obama has been on both sides of most major issues. The critique of Obama's consistent inconsistency and failure to lead is a theme not just reserved for Republicans anymore.



ANDREA TANTAROS

Former Rep. Cynthia McKin-

proval rating last month to 43% today, his lowest since June 2010.

With women — a demographic that generally detests double-speak — Obama's approval rating is down 9 points from last month.

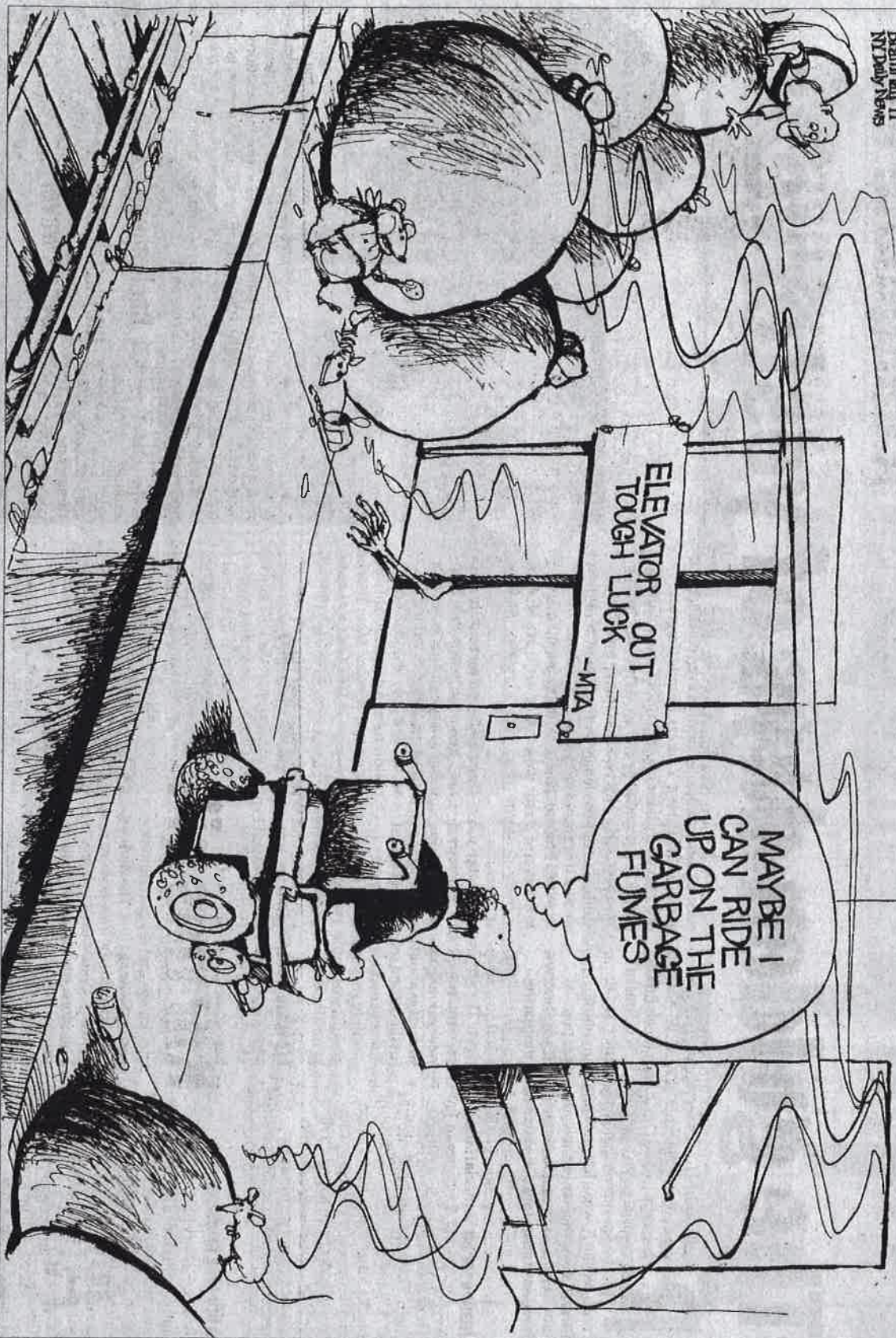
Just last week, New York Times columnist Maureen Dowd skewered Obama by calling him "bj" on the issues: "Our President likes to be on both sides at once... On some of the most important issues facing this nation, it is time for [him] to come out of the closet."

She echoes the growing frustration from a left wing that's losing its patience with a President lost in a law professor's academic tendency toward contradictions.

First of all, if you're going to tick people off, do it for the right reason, for a reason that you believe in. Tell us exactly what we're doing in the Middle East, tell us what we're going to do about taxes. And what is your "evolving" view on gay marriage, anyway? But by waffling on all these, Obama only angers supporters and detractors alike.

That is why the blunt Bachmann is the left's worst nightmare. The contrast between a wishy-washy President who keeps fumbling every relevant issue versus a straight-shooting opponent who is comfortable in his or her own skin is too stark to dismiss.

Bramhall '11  
NYDailyNews



# Education is the new abortion

## BE OUR GUEST

BY RICHARD WHITMIRE

From the perspective of many teachers, the law simultaneously targeted them as culprits and made their lives miserable with layers of standardized testing.

Yet Duncan was a mere middle-of-the-roader compared with Joel Klein in New York or Rhee in Washington. Rhee blazed through reforms: real teacher evaluations

ess than a year ago, as I was finishing a book on Michelle Rhee, the combative former chancellor of schools in Washington, D.C., the time arrived to set in a wheelbarrow the

tic piece about the research Teach for

**'Wasn't sure I was going to ... see my family again'**

# Goons try to torch booth

**BY JOHN LAUNGER and PETE DONOHUE**  
DAILY NEWS STAFF WRITERS

A BROOKLYN subway clerk thought she was staring death in the face yesterday when two bandanna-wearing bandits tried to torch her booth during a robbery.

"I was scared for my life," the clerk told the Daily News. "I wasn't sure I was going to make it through and see my family again."

Two young men with kerchiefs over their faces came up to the booth at the Prospect Park station on the Q line shortly after 5 a.m., she said. One had a bottle of flammable liquid.

"They demanded I open the door," the clerk said, her voice trembling. "They threatened me with gasoline, which they squirted through the opening in the booth. They lit it on fire."

The 39-year-old mother of four grabbed a fire extinguisher and sprayed the opening in the partition, preventing the fire from spreading to the inside.

Flames were still "streaming up the glass" outside the booth when she passed the extinguisher to a straphanger, who put out the blaze as the assailants fled.

The clerk said she never contemplated opening the door. "I was afraid what they might do if they did get in," she said. "I don't know if they had guns or if they would hurt me even if they did get the money."

She was treated at New York Methodist Hospital after inhaling smoke and gasoline fumes.

"I'm just glad I made it through this ordeal," she said. "It could have gone another way." Maurice Jenkins, a vice president of Transport Workers



**Booth where station clerk thought she'd meet her end.** Photo by Pete Donohue

Union Local 100, said the attack shows more police patrols and clerks are needed.

Before yesterday, there had not been any robbery attempts or arsons on booths, the NYPD said. Some union officials still fear there could be copycat

attacks like the ones that followed the 1995 booth-torching that killed clerk Harry Kaufman.

Booths have fire-suppression systems automatically triggered by smoke and heat, but Kaufman's was disabled. [jlaunger@nydailynews.com](mailto:jlaunger@nydailynews.com)

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## 4 thugs nabbed in 8-yr. rape saga of B'klyn woman

**BY OREN YANIV**  
DAILY NEWS STAFF WRITER

A BROOKLYN girl was robbed of her teenage years

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NORWEGIAN



**ANDREW CUOMO:** Hopes this pattern sticks.

## Pay Freeze, Health Hit Prices CSEA Will Pay To Stave Off Layoffs

### Two 2% Raises Near End Of 5-Year Pact; Worker Health Tab Up 20-60%

By MARK TOOR

Governor Cuomo and the Civil Service Employees Association announced a deal for a five-year contract June 22 that freezes wages for three years but exempts members from the thousands of layoffs Mr. Cuomo said he would begin implementing July 15.

The state's second-largest public workers' union, the Public Employees Federation, was left dangling in the wind. PEF has been waiting more than two weeks for the state to respond to its counter-proposal. It posted details of the state's offer—significantly less generous than the final settlement with CSEA—as well as its counter-offer on its website June 9, after Mr. Cuomo threatened to start the layoffs in July.

The union was angered that layoffs were announced during contract talks. A spokesman for Mr. Cuomo indicated he was piqued by the union's decision to break the confidentiality of contract negotiations.

#### CSEA: Not Ordinary Times

"These are not ordinary times, and CSEA and the Cuomo administration have worked very hard at the bargaining table to produce an agreement that balances shared sacrifice with fairness and respect," CSEA President Danny Donohue said in a statement. "CSEA stepped up to help produce the labor savings that Governor Cuomo sought while the Governor

(Continued on Page 7)

## OTB Health Benefits Restoration Bill Gets Forwarded to Cuomo

By RICHARD STEIER

A bill that would restore health coverage for about 900 retirees of the New York City Off-Track Betting Corporation last week was passed by both houses of the State Legislature and will be forwarded to Governor Cuomo for final approval.

"It was a good stretch to get the health-insurance bill passed," said Leonard Allen, who as president of Local 2021 of District Council 37 represents most of the affected retirees.

#### Hasn't Crossed Finish Line Yet

Barry Yomtov, the head of the managers union, Teamsters Local 858, cautioned that Mr. Cuomo had not taken a position on the bill, and that even its relatively modest cost of

(Continued on Page 6)

Mayor Bloomberg and City Council Speaker Christine Quinn announced June 24 after the United Federation of Teachers agreed to \$60 million in savings based largely on greater Teacher availability.

"The UFT came through, and if you remember back at the executive budget (proposal in May), I said, if the unions want to help, we'd be happy to work with them. This is the one union that did it," the Mayor said at the press conference announcing the budget in the Tweed Courthouse.

Under the accord, Teacher sabbaticals were suspended for a year and those in the Absent Teacher Reserve can now be used as per-diem substitutes.

#### MLC Talks Broke Down

The UFT had also been working with the Municipal Labor Committee and the City Council to craft a budget deal, possibly using the retiree health-care trust fund, but every version of the proposal had been rejected, either by the MLC or the Mayor.



**MAYOR BLOOMBERG:** Unions pay discounted price.

The Mayor, who had been seeking several hundred million in concessions, called the deal "an example of how labor unions can work with us to find savings that are good for the city and good for their overall membership." He added, "We had hoped to reduce or avoid layoffs in other agencies as well, but unfortunately other unions were not willing to find savings that

(Continued on Page 6)

## Decry Release of Suspect Bus Driver's Brutal Beating Spurs Union Call for Shield

By FLORA FAIR

Mariene Bien-Aime said she was just doing her job as a Bus Operator June 21 when she was brutally beaten by a passenger in The Bronx. Transport Workers Union Local 100 called this a prime example of why bus safety must be taken more seriously.

Ms. Bien-Aime was driving the Bx9 when she stopped in front of Fordham University. When 17-year-old Steangelo Medina tried to board the bus with a small dog hidden in her jacket, the driver spotted it and told her that the Metropolitan Transportation Authority didn't allow dogs on the bus unless they were in carriers.

#### A Barrage of Punches

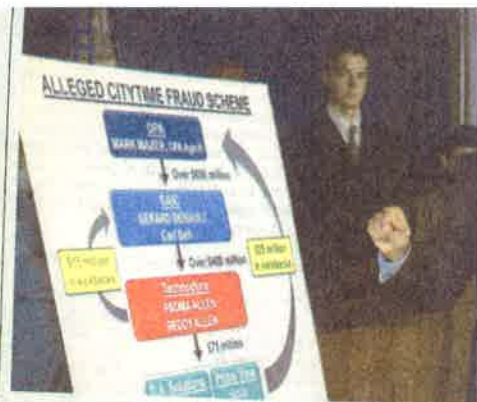
"I told her the MTA puts safety first," she said, then described how the young woman reacted with rage.

"She was upset and she punched me in my eyes while I was still sitting," recalling that the teen punched her several more times in her eyes, face and body. "I still have a lot of pain," she said.

During a press conference the following day, Ms. Bien-Aime removed her glasses to reveal the badly discolored area around her right eye, which was completely swollen shut. She also had visible bruises on her body.

She said she took off her seatbelt to try to get away. That's when the woman dragged her out of the bus by her hair, and she fell backward down the bus steps and onto the sidewalk. She said she tried to call for help, but it all happened so quickly that she couldn't really defend herself. "I was

(Continued on Page 8)



**WHERE THE MONEY WENT:** U.S. Attorney Preet Bharara's chart showing how prosecutors believe money in contractors to two men charged with bilking the city. A new indictment unveiled June 20 says Mark Mazer and Gerard Denault, who was project manager for Science Applications International Corporation, inflated CityTime project so they could bill the city for consultants at inflated rates.

## Could Indict City Official: Alleged Almost All City Spending 'Tainted by Fraud'

By MARK TOOR

Three defendants have been added to a new fraud indictment arising from the CityTime project, but the probe won't be complete until the courts "hold everyone responsible accountable," U.S. Attorney Preet Bharara said at a June 20 press conference. He refused repeatedly under questioning to rule out indictments of city officials or the prime contractor, Science Applications International Corporation.

"The CityTime project was corrupted to its core by one of the largest and most brazen frauds against the City of New York," Mr. Bharara said. The project, originally budgeted at \$63 million, has cost the city \$700 million and is still not finished. Mr. Bharara also announced that a second defendant had agreed to plead guilty and testify against the others.

#### The Iceberg Cometh Into Focus

"The charges announced in this case by our offices last December (in the original indictment) were certainly significant, and yet they were only a par-

tial view of the iceberg," Mr. Bharara said. "More of the ice

The new indictment announced at the press conference alleged conspirators to defraud the city and went down to overbill the city and scope Bharara said. A conspiracy, the indictment alleged, cost the city \$1 billion that the CityTime project or indirectly

The indictment Mazer, alleged a scheme, "had a close professional relationship with the city's administration."

That was an a

(Continued on Page 8)

## Didn't Think About the Risk Dying 9/11 First-Responder Told His Story on Video

By MARK TOOR

"I knew at the time I was breathing in some poisonous chemicals, and I'm saying to myself, '20 years from now I'm going to wind up with lung cancer or something,'" said retired NYPD Capt. Barry Galfano of the three months a decade ago during which he spent nearly every day at Ground Zero.

It didn't take 20 years. It took fewer than eight. Mr. Galfano died June 26 at the age of 57, after contracting multiple forms of cancer in his lungs, liver, legs and brain.

#### What Cops Went Through

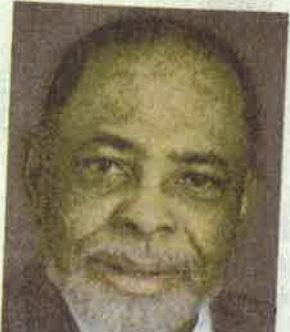
He was interviewed on video by the Captains' Endowment Association. The eight-minute piece that resulted is posted on YouTube and on the CEA website, [www.nypdcea.com](http://www.nypdcea.com).

"It's pretty powerful, and it's a good representation of what police officers went through after 9/11," CEA president Roy Richter said in an interview. Mr. Galfano, who retired in 2006 at



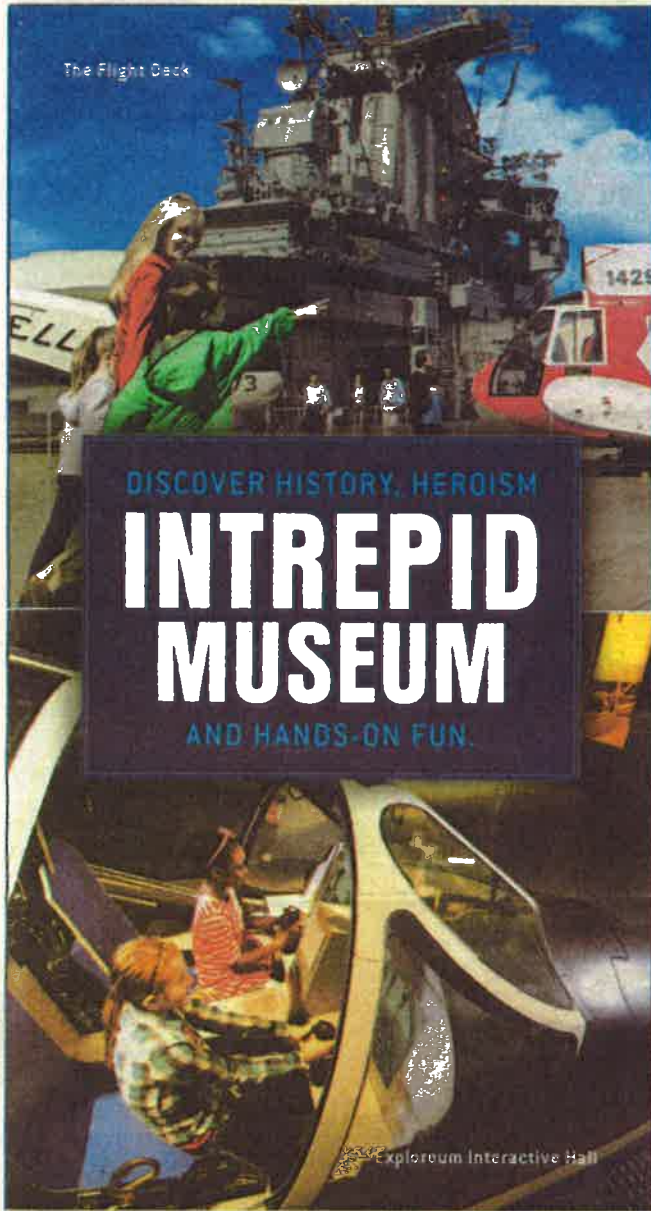
**BARRY GALFANO:** ing leader paid

"By the time I got plane had hit and I









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# RAIL SNEAKY



The MTA has reduced service on two heavily used local lines for the summer. Here's how it affects rides:

- 1
  - Off-peak is now nine to 11 trains per hour, or one every 5.5 to 6.7 minutes. It was 10 to 12 trains per hour, or one every 5 to 6 minutes.
  - A.M. peak is now 16 trains per hour, or one every 3.8 minutes. It was 18 trains an hour, or one every 3.3 minutes.
  - P.M. peak is now 13 trains per hour, or one every 4.6 minutes. It was 14 trains per hour, or one every 4.3 minutes.
- 6
  - Off-peak is now 13 trains per hour, or one every 4.6 minutes. It was 15 trains per hour, or one every 4 minutes.
  - A.M. peak is now 21 trains per hour, or one every 2.9 minutes. It was 23 trains per hour, or one every 2.6 minutes.
  - P.M. peak is now 20 trains per hour, or one every 3 minutes. It was 22 trains per hour, or one every 2.7 minutes.

## MTA slashes trains on the 1 and 6 lines with no word, claims 'impact is small'

THE MTA HAS quietly reduced the number of trains running on two of its busiest — and most crowded — subway lines, the Daily News has learned.

The Metropolitan Transportation Authority scaled back both rush-hour and off-peak service on the Nos. 6 and 1 lines on July 1, without public discussion or debate as typically occurs with service cuts.

The authority said the changes were seasonal schedule adjustments because ridership is lighter during the summer, a spokeswoman said. But riders expressed amazement the MTA would reduce service as trains — particularly at rush hour — remain packed.

"The MTA is cutting corners at riders' expense," passenger Dominic Esposito, 37, griped. The Bronx research administrator boarded a No. 6 train at about 5 p.m. last week and thought it seemed more crowded than usual. He worried the cramped quarters and heat could cause someone to faint and fall onto the tracks.

"Each platform was more crowded than the next," Esposito said.

At the Grand Central station, he recalled a conductor telling riders not to board because, "There's no way they could all fit on this one."

"I became concerned because I can see this overcrowding as a potentially danger-

ous situation," Esposito said.

Under the schedule change, the number of rush-hour trains on the No. 6 line have dropped from 23 to 21. Off peak, there are 13 trains per hour, down from 15.

"Whoever created the [new] schedule should be forced to ride the 6 train all day," rider Mary Dohnalek complained in a letter to NYC Transit that she provided The News.

On the No. 1 line, the authority now runs 16 trains during the morning rush hours, down from 18. Off-peak, it was running 10 to 12 trains an hour but now operates between nine and 11.

A morning commuter should see a No. 1 train every 3.8 minutes instead of every 3.3 minutes under the previous schedule, the authority said.

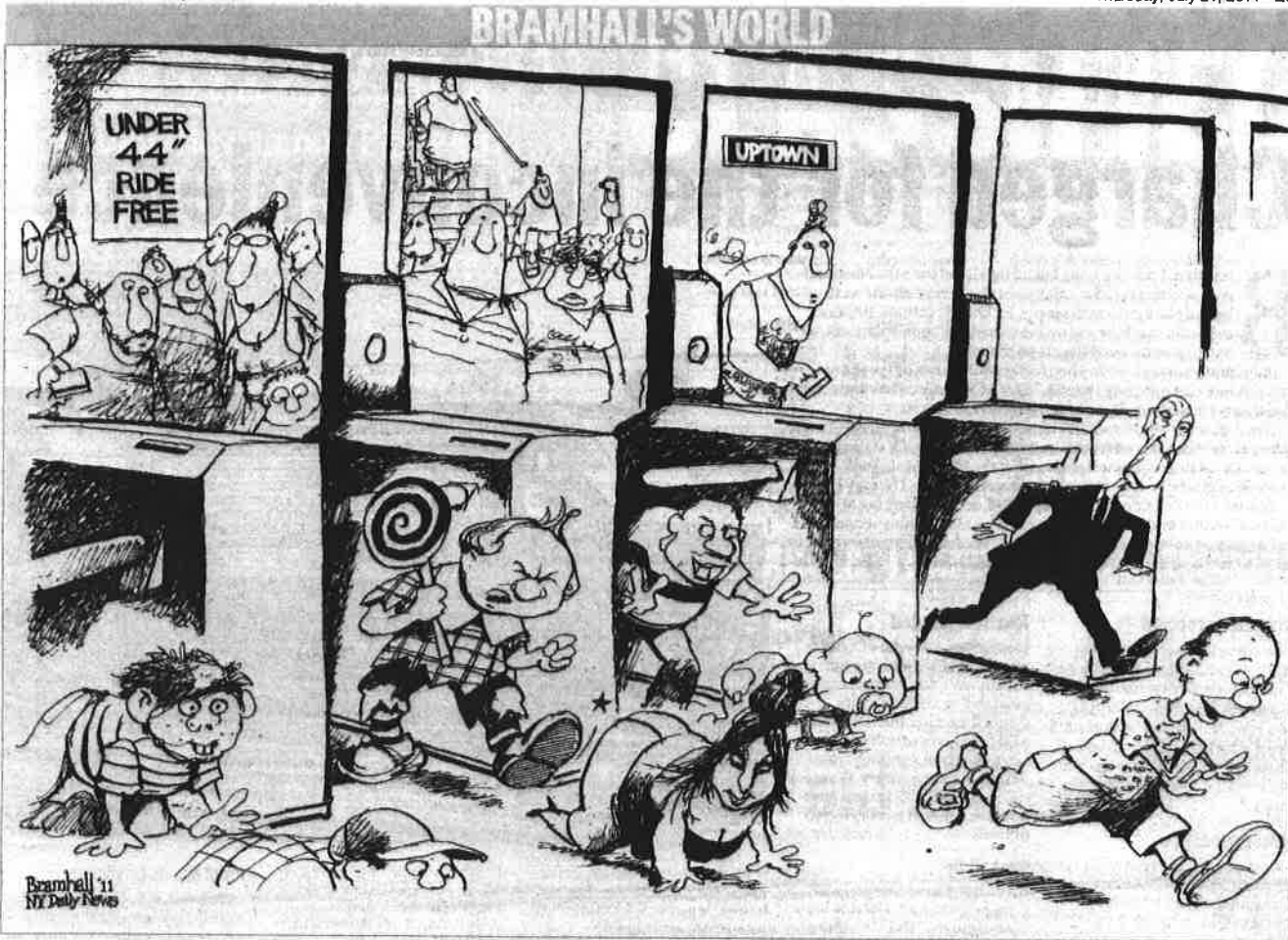
MTA spokeswoman Deirdre Parker said the schedule changes were a pilot program and the MTA may make further adjustments. She said the new schedules slightly increased customers' waits but downplayed the inconvenience.

"Both of these routes have very frequent service, so the customer impact is small and there are multiple benefits, including operating more cost-effectively, reducing our energy use, which has an added environmental benefit," Parker said.

pdonohue@nydailynews.com

### EXCLUSIVE

BY PETE DONOHUE  
DAILY NEWS STAFF WRITER



# What should the Holocaust cost?

If you really want to despise someone, look no further than Stamford, Conn., where you can find Basil (Bill) Panagopolos, who runs Alexander Historical Auctions. This outfit prides itself in its Facebook entry as being "one of the world's premier auctioneers of militaria [sic], historic letters, manuscripts, documents and relics in all fields of collecting." The good Panagopolos also peddles Nazi memorabilia.

Among the items he is offering for sale today are "the hidden journals of Dr. Josef Mengele," with an estimated price tag of between \$300,000 and \$400,000. Mengele, you may recall, was the SS "doctor" who ran selections for the gas chambers at the Auschwitz-Birkenau death camps, where he also conducted terminal medical experiments on inmates. Among his victims was my mother's sister, whom he sent to her death in April 1944.

"One day," my mother wrote, "a young woman was late for roll call outside her barracks. Mengele ordered her to come forward, knocked her to the ground, and put his boot on her chest. Humming an aria from Madame Butterfly, he kept his foot there until she was dead. He showed the SS men a new way of killing."

So what precisely is Alexander Historical Auctions hawking? The "historically important" Lot 4, according to the auction-house's website, consists of "31 autograph

## BE OUR GUEST

BY MENACHEM ROSENSAFT

manuscripts, approx. 3,380+ pp. in various formats, largely bound journals. . . some illustrated."

The content of these journals: reminiscences, ponderings on eugenics, "philosophical and introspective writings," poems and travelogues. Who cares? The ramblings of a sadistic sociopath who murdered thousands more than Osama Bin Laden ever did should not be allowed to yield a small fortune in profits to the anonymous consignor — with a healthy commission to Panagopolos, of course.

Moreover, the lucky purchaser will "own the copyright to materials contained within the lot" together with the consignor until Dec. 31, 2035. Say what? Yup, the seller of this garbage, presumably richer to the tune of several hundred thousand dollars after today's auction, will retain the "co-exclusive right to use copies of any and all writings in this lot in any documentary or film about Josef Mengele or any direct relative of Josef Mengele."

But wait, there's more.

Lot 5 is an "extremely rare and revealing page full of pencil drawings in Mengele's hand, some captioned, undertaken while he was in hiding in South America, ca. 1970. Among the sketches is a four-legged

hideously-toothed beast at upper-right, a smiling cyclops, a car shown between two collapsing buildings, a Lutheran priest complaining about taxes," and so on. The estimated price for this gem is between \$7,000 and \$9,000. Pardon me while I puke.

And just in case you're a bit squeamish and Mengele is not up your alley, Alexander Historical Auctions will gladly sell you a handsome signed and dated 1924 photograph of Adolf Hitler himself (Lot 1, estimated price: \$15,000 to \$18,000); a handwritten birthday greeting from the Fuhrer to a presumably Aryan "gracious lady" (Lot 7, price tag: \$10,000 to \$12,000) or, for the budget-conscious neo- or crypto-Nazi, a postcard signed by Hitler's sister Paula valued at a measly \$200 to \$300.

This is not the first time Panagopolos has played in the big leagues. In February of last year, he claimed that he had sold another Mengele journal to the grandson of an Auschwitz survivor who was going to donate it to a Holocaust museum. At the time, the American Gathering of Jewish Holocaust Survivors and Their Descendants condemned the sale as "a cynical act of exploitation aimed at profiting from the writings of one of the most heinous Nazi

criminals." Nothing has changed — except, apparently, the magnitude of the outrage.

Let's be clear. While selling child pornography is a criminal act, establishing a market for signed Mengele manuscripts is perfectly legal, in this country at least.

But the same First Amendment that allows Panagopolos and his ilk to abet the glorification of Nazism allows the rest of us to expose and ostracize the purveyors of such obscenities.

Do Mengele's disgusting affects have some historical value? Certainly.

And Panagopolos apparently offered to sell the journals to Yad Vashem, Israel's Holocaust museum and memorial. Key word there: sell. Apparently, the museum made the very sound judgment that such artifacts should not be traded for financial gain. Obviously. Which is why the online auction site eBay prohibits the sale of Nazi memorabilia, as does Yahoo!

Panagopolos has no such qualms. If we as a society boycott Iran, the least we can do is boycott him and the other lowlife profiteers he enables.

Rosensaft, a lecturer at Columbia Law School and adjunct professor of law at Cornell Law School, is vice president of the American Gathering of Jewish Holocaust Survivors and Their Descendants.

## Connecticut's disgusting profiteer

7-22-11

# Doesn't Weigh OT, Execs' Impact TWU: 'Overpaid' MTA Staff Based on Overblown Stats

By FLORA FAIR

Who is the "average" MTA worker? According to a recent report from SeeThroughNY—a website that analyzes state financial data—it's someone making more than \$70,000 in annual take-home pay. But according to Transport Workers Union Local 100, these numbers don't really reflect the average subway or city bus worker, and are seriously skewed by several factors.

Though the Metropolitan Transportation Authority may employ the greatest percentage of public workers with six-figure salaries—4.4 percent of the workforce—Local 100 officials say this is a consequence of too many high-paid executives.

## Reshuffling the High Cards

"Despite the cuts, the MTA remains extremely top-heavy in management," Local 100 President John Samuelsen said, explaining that one MTA location in Woodside, Queens has 18 managers for 180 workers, with the managers' salaries all in the \$100,000-\$150,000 range. He attributes this to an attempt to shuffle management staff around, rather than make staffing cuts at the top when it comes time to reduce the workforce. Instead, it's workers in the trenches who lose their jobs.

"They laid off approximately 960 Local 100 members last year, and then proceeded to kick out overtime like it was never seen before in decades," Mr. Samuelsen said, contending that any instances of overtime aren't workers taking advantage of the system, since the need for it must be determined by the MTA. One New York Post report that "Hundreds of folks more than doubled their pay through overtime and other extras" doesn't touch on the fact that overtime resulted from staffing shortages caused by the budget cuts, he said.



JOHN SAMUELSEN: Don't believe the hype.

"You can't have it both ways—you can't tell Local 100 members, 'We don't have a job for you,' when the work is actually there and other MTA workers are picking up overtime for that work," Mr. Samuelsen said.

He also emphasized that overtime was really affected by the December 2010 blizzard, which left MTA crews working around the clock to keep public transportation running. "If it wasn't for Local 100 members digging out subway tracks and digging out buses, the system wouldn't have been online," Mr. Samuelsen said, calling this "some of the most grueling work in New York City." Workers were paid time-and-a-half for these shifts. "And we deserve every penny," he said.

## Real Salary Average \$55G

For union members working on the city's buses and subways, the average pay is far less than \$70,000—it's closer to \$55,000 without overtime.

Despite 2010's heavy service cuts and three straight years of fare hikes, it seems that the MTA can't get its books balanced. Conservative critics claim the problem is an overly generous pay package for the drivers, cleaners, station agents, and other workers. But the primary reasons have to do with funding for the MTA, which relies much more heavily on fares than other public-transportation systems, and on state funding that often disappears before it ever reaches the agency.

The payroll tax levied on businesses within a certain range of the New York City Transit system has been heavily criticized but is a key source of money for NYC Transit, bringing in more than \$1 billion a year. But \$260 million in transit funding has been lost in the last three years when money earmarked for the agency was diverted to the state's General Fund.

This is why unions, legislators and advocacy groups campaigned so hard for the Transit Funding Lockbox Act, which will soon be on Gov. Andrew Cuomo's desk.

"If the lockbox was in place, the New York City transit riders wouldn't have suffered service cuts last year," Mr. Samuelsen said. "The only way to have a safe, reliable transit system is to properly fund it and to realize that it's an essential public service."

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SAIC WARFARE: Protesters from the and other unions marched down 32nd St. Applications International Corporation Square to protest the alleged theft through overbilling on the CityTime project's recent call for SAIC to return the act, whose costs were originally estimated wound up being as high as \$780 million.

# Demands Consultant Tech Guild Pro CityTime Crim

By DAVID SIMS

Members of the Civil Service Technical Guild took their fight to Science Applications International Corporation's headquarters July 14, protesting its involvement in the disastrous CityTime project amid the recent allegation by the U.S. Attorney's Office that all of the \$600 million paid to the firm for the contract was tainted by fraud.

With chants of "CityTime is organized crime!" and "S-A-I-C, 600 million please!" members of the Tech Guild, Local 375 of District Council 37, descended upon SAIC's city offices near Herald Square to press for a return of the money two mayoral administrations have spent over the last 13 years on the time-clock project.

## An Early Critic of Project

"They look like they could spare some money," Local 375 Secretary Jon Forster said through a bullhorn as the crowd marched down 32nd St. to the building. "Let's say \$600 million, and call it even?"

The Tech Guild was the first union to protest the CityTime project in 2006, focusing both on its cost overruns since it was launched by the Giuliani administration and on the intrusive nature of the clock-in system at workplaces that had never used such technology before.

"CityTime was not needed in 2006, and it's not needed now," Mr. Forster

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**Lawyer bails out on 'killer'**  
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**J A Y**  
**W A L K I N'**

**MTA chief ditches agency after two years for Hong Kong transit gig**

Page 3

Jay Walder (SHEPHERD/AMNY)



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# MTA chief ditches NYC for Hong Kong

Officials shocked as Walder suddenly leaves agency for job in Far East

BY MARC BEJA  
marc.beja@am-ny.com

Start the countdown clock.

MTA Chairman Jay Walder abruptly resigned Thursday to take the reins of a private Hong Kong-based transit company that operates in Asia and Europe. His last day will be Oct. 21.

"We brought stability and credibility to the MTA by making every dollar count, by delivering long-overdue improvements, and by refusing to settle for business as usual," Walder said in a statement of his two-year tenure. "We have accomplished quite a lot."

Walder, 52, was lauded by some for streamlining work, trimming spending and installing subway countdown clocks, a real-time bus tracking pilot and Select Bus Service routes.

His critics, however, noted that subway station agents were laid off and booths shuttered and that financial woes plagued the MTA, which made its largest service cuts while hiking fares 7½ percent.

"He leaves New York City transit in worse shape than when he arrived," said John Samuelson, president

of the Transport Workers Union, slamming the staff and service cuts. "Transit workers won't miss Jay Walder."

Gene Russianoff of the Straphangers Campaign, however, said Walder "was a very effective MTA chairman, particularly in bolstering the credibility of the MTA's reputation of trying to find efficiency."

Some straphangers said service has improved, but many were still fuming over the fare hike. "For the money

we pay, we expect service to get better," said Ashley Morales, 23, of the Bronx.

Gov. Andrew Cuomo has not selected a successor for Walder, who earned \$350,000 a year. Possible replacements that have been floated include Long Island Rail Road President Helena Williams, who has served as an interim MTA chief, and former Assemb. Richard Brodsky.

Whoever Cuomo picks must have "a real proven transportation background — not a stopgap political appointment," Russianoff said. "It's a critical moment in the agency."

The cash-strapped MTA's capital-projects budget runs out of money at the end of the year, and the contract with the union is also set to expire.

MTA officials seemed shocked by the announcement that Walder will become CEO of the MTR Corporation on Jan. 1 and not complete his six-year term.

"I thought Jay was going to finish out his term," said MTA Board Member Mitchell Pally. "Things happen. I'm sure he got a great offer."



### JUDGING JAY

When Jay Walder assumed control over the MTA in late 2009, he set a number of goals for his tenure. So how did he do?

- Cut administrative costs ✓
- Reduce service costs ✗
- Speed up bus service ✓
- Provide transit arrival updates ✓
- Add new fare technology ✗
- Improve subway stations ✗
- Communicate with riders on service changes ✓

### Ups and downs of Walder era

**OCT. 5, 2009:** Assumes office as CEO.

**DECEMBER 2009:** MTA approves so-called "doomsday" cuts, slashing service and laying off employees.

**JANUARY 2010:** MTA relaunches its website with an improved user-friendly design and more service info.



**MARCH 2010:** Walder breaks down during a transit hearing focusing on the MTA's \$750 million budget gap, saying, "I'm exhausted right now. I'm feeling it. I'm emotional about it. But I don't know what the answer is."

**MAY 2010:** The MTA lays off 486 station agents, causing unionized workers to picket outside Walder's TriBeCa apartment building with an inflatable "union rat."

**MAY 2010:** MTA relaunches website, further refining user experience and adding functionality.

**SUMMER 2010:** Walder helps to streamline administrative red tape by combining some positions and eliminating others.



**OCTOBER 2010:** Select Bus Service on the M15 line debuts.

**DECEMBER 2010:** The MTA botches its response to the so-called "Snowpocalypse," which causes major transportation disruptions. A month later, Walder issues a mea culpa, admitting the agency blew it during the bizzard.

**DECEMBER 2010:** Fare hikes go into effect across all MetroCards. Monthly unlimited cards hit \$104.

**DECEMBER 2010:** By the end of the year, 100 countdown clocks are installed, surpassing the MTA's goal of 75.

**APRIL 2011:** MTA debuts new high-tech intercom systems in two Lexington line stations to help riders with directions and other needs.

**JULY 2011:** Walder lays out five-year plan to slash \$2 billion from MTA's capital construction budget, which could result in layoffs and lengthen commutes.

## LLo says she can't afford counseling

A Los Angeles judge chastised Lindsay Lohan on Thursday, threatening to revoke her probation if she doesn't sign up fast for psychological counseling, something her lawyer said the actress couldn't afford.

"If she doesn't have the means [to pay], maybe she knows somebody who could help out," Judge Stephanie Sautner told Lohan's attorney, Shawn Holley, who said that wouldn't be a problem.

The judge also told the "Mean Girls" star to speed up completion of her 480 hours of community service.

"I don't want to hear, 'Sorry, I was on the set of the John Gotti movie,'" Sautner said in reiterating that Lohan needed to complete the service by April.

The judge did say that Lohan, 25, has properly enrolled in a "shoplifters alternative" course and has paid all fines in connection with her no-contest plea in a January jewelry theft.

Sautner expressed consternation, however, that Lohan has only completed four days' worth of her scheduled 35 days of community service at the Los Angeles Downtown Women's Center. Holley reminded the judge that no service was to be done during Lohan's 35-day house arrest. (NEWS/AMNY)



Lindsay Lohan arrives for court Thursday. (GETTY)

# A Bronx 'smear'

## Subways filthiest in the city

By ZACH CRIZER  
and JENNIFER FERMINO

Bronx straphangers should slip on a pair of gloves.

Subway stations in the city's northernmost borough are the grimeiest and most rank in the entire city — placing them dead last in terms of cleanliness, graffiti and litter, according to a new MTA report.

After pestering top brass about the filth, MTA board member Charles Moerdler said the dirt and decay are so dire that some Bronx stations should be torn down.

"We have the worst stations in the entire system," fumed Moerdler, who lives in Riverdale, at yesterday's transit committee meeting.

"I used to be a buildings commissioner, and if I still was buildings commissioner, I would condemn them!" he said.

MTA inspectors found that the borough's subway stations only passed muster a mere 78.5 percent of the time in June, according to the figures released yesterday.

That score calculates the percentage of time MTA officials rated the subway stations to be clean, citing litter, graffiti and overall tidiness.

"In the morning, the rats greet me at the end of the platform at 149th Street," said Rosa Cruz, 42, a college administrator who works in The Bronx.

"Manhattan gets more maintenance. If the neighborhood

### Trash talking

The percentage of subway stations, by borough, making the grade for cleanliness:

**QUEENS**  
86.4%

**MANHATTAN**  
82.4%

**BROOKLYN**  
86%

**BRONX**  
78.5%



GRIME TIME: An entrance at the E. 149th Street station in The Bronx.

**We have the worst stations in the entire system. I used to be a buildings commissioner, and if I still was buildings commissioner, I would condemn them!**

— MTA board member Charles Moerdler, from The Bronx

gets better, the subway stations get better. I've seen it happen in Williamsburg," she said.

Queens' stops were deemed the most sanitary, scoring high ratings 86.4 percent of the time.

Brooklyn came in second at 86 percent, followed by Manhattan, which got 82.4 percent.

But in The Bronx, garbage-filled platforms, disgusting odors and crumbling, dirt-caked walls are the norm all over the borough, yet another recent report found.

"You see rats just as much as commuters!" Bronx Borough President Ruben Diaz Jr. said

after issuing his own scathing report two months ago.

"There's cracks on the wall, garbage on the tracks, bad smell," he said.

Even the heavily trafficked 149th Street/Grand Concourse station — which has over 3 million riders a year — is a grubby mess.

The walls in The Bronx's busiest station were covered in muck and displayed "unsightly deterioration," Diaz's report read.

The MTA swears it's already begun to fix many of the problems.

"We have completed station

rehab at 42 of the 71 Bronx stations that serve 91 percent of the borough's riders," said Kevin Ortiz, an MTA spokesman. There are 468 stations in the entire city.

"We are currently working on nine stations and have plans to work on 17 other Bronx stations, pending the availability of capital funds," he added.

Bronx residents aren't holding their breath — except maybe to avoid the stench.

"It is always dirty, the walls, the ground. They need to steam it," said Delores McFadden, a clerk from Parkchester.

jennifer.fermino@nypost.com

## Gay-nuptials wedding suit

They're crashing the wedding party.

Opponents of same-sex marriage filed the first lawsuit against the New York state measure yesterday, attacking politicians who allegedly violated open-meetings laws — and had the nerve to turn off their cell-phones.

A coalition of clergymen, under the umbrella of New Yorkers for Constitutional Freedoms, wants the Marriage Equality Act thrown out, arguing that state senators cut illegal back-room deals.

The plaintiffs were particularly miffed that swing-vote Republicans allegedly turned off their mobile phones on June 24, the day of the historic vote.

"Republican senators turned their cellphones off so that neither the public nor their staff could reach them," wrote Rena Lindvaldsen, the coalition's lawyer, of Lynchburg, Va.

Joshua Vlasto, a spokesman for Gov. Cuomo, scoffed, "The plaintiffs lack a basic understanding of the laws of the state of New York. The suit is without merit."

Amber Sutherland  
and David K. L.

## Mag: Pal hated Edwards' wife

Bunny Mellon loved John Edwards, but she couldn't stand the two-timing pol's cancer-stricken wife, Elizabeth, according to a news report.

The socialite philanthropist "was not enamored of his wife and didn't want her to know" about the piles of money she was plowing into Edwards' presidential campaign, Mellon lawyer Alex Forger told Newsweek.

Although Edwards played Mellon like a fiddle and allegedly used \$750,000 of her money to cover up an affair, the heiress, 100, still admires her handsome pal.

"He would have been a great president," Mellon gushed.

Jeanne MacIntos.

## 'Dead' man rises

JOHANNESBURG — A South African man awoke to find himself in a morgue fridge — nearly a day after his family thought he had died after an asthma attack.

The man awoke Sunday after noon, some 21 hours after his family called in an undertaker who sent him to the morgue. Health Department spokesman Sizwe Kupelo said yesterday.

The man started yelling prompting morgue workers to run away in fear, Kupelo said. They eventually returned and rescued him.

## Sweltering heat at SI school sends kid to hosp

By JENNIFER BAIN  
and YOAV GONEN

A 12-year-old attending a Staten Island school for students with disabilities was hospitalized after turning blue from overheating yesterday — enraging parents who said they've been complaining for years about malfunctioning air

conditioners there.

The student at the Hunterford School in Clifton, which also serves students with medical conditions that include sensitivity to heat, was overcome with breathing difficulties shortly after entering a physical-therapy class, according to parents. They said temperatures

in some classrooms topped 90 degrees after last week's heat wave — despite their complaints to the Department of Education that the school's central cooling system was dangerously ineffective.

"The teacher sensed there was something wrong, and, luckily, the nurse was in the room, be-

cause he started turning blue," PTA President George Leicht said of the student, who was treated at Richmond University Medical Center.

Leicht said he and other parents often keep their kids home from the school and its off-site buildings because of hot bus rides followed by unbearably

warm classrooms.

Department spokeswoman Margie Feinberg said officials were aware of the hospitalized students' medical conditions and were investigating the matter.

Additional reporting by Kelsey Huebert and Sally Goldenberg

yoav.gonen@nypost.com

BY OREN YANIV  
DAILY NEWS STAFF WRITER

IN A HEART-STIRRING moment of mercy, the mother of a Brooklyn teacher mowed down by a drunken driver embraced her son's sobbing killer yesterday before he was sent away to prison.

Maria Boffa walked over to a shackled and quivering Luis Guamal, and gently stroked his arm and back.

"I forgive you," the 78-year-old woman said.

There wasn't a dry eye in the courtroom.

"He made a mistake," she said later, noting how her son, Joseph Boffa, always helped others without passing judgment.

"That's what he would have wanted me to do," she said.

"I did it for my son's sake."

Joseph Boffa, 44, was killed in March when crossing a street near his Dyker Heights home.

A boozed-up Guamal, 25, was caught blocks away when he crashed his Chevrolet minivan into a parked car.

He previously pleaded guilty to aggravated vehicular homicide and other charges.

Yesterday, he was sentenced eight to

\*24 years behind bars.

"I'm very very sorry," Guamal told Boffa's mom, widow and other family through a Spanish interpreter. "I never meant to do anything. Please forgive me."

His appeal came after Maria Boffa's exceptional spur-of-the-moment show of grace in Brooklyn Supreme Court.

"It just came out of me," the mother of four said.

Maria Boffa asked the judge to let her walk over to the defense table after telling him she meant no ill will. "I wish nothing but the best for your life," she said.

"I felt he was really remorseful," Boffa said. "It actually broke my heart to see him crying like that."

She admitted her feelings toward the prisoner were not always as charitable.

Boffa recalled how upset she was seeing him for the first time in court after his arrest. In the ensuing months, she noted, "I started feeling sorry for him because he was in court all by himself."

She said she was touched that the young man faced justice without a

mother there for him. She noted that her son had survived four bouts of cancer and the endless weeks she spent at his side.

Joseph Boffa was a popular social studies teacher at William E. Grady High School in Brighton Beach, where his wife, Jaclynn Boffa, also taught.

Jaclynn Boffa spoke with more pain than pardon and paid tribute to the man she had married just three months before he was killed.

Her husband would buy groceries for needy students, she said, and got involved in their lives for the better.

"Joe was the embodiment of strength," 31-year-old Jaclynn Boffa said. "As a teacher, Joe often went the extra mile."

"Waking up each morning is a prison sentence," she said. "I wanted a married life, a baby."

"[Guamal] took the light of my life and turned me into a shell of what I was," she said. "I'm suffocated with grief."

oyaniv@nydailynews.com



Luis Guamal

# Congestion pricing no longer taking detour

CONGESTION PRICING is back!

Politicians are quietly resurrecting plans to charge drivers up to \$10 to enter lower Manhattan on weekdays.

While there is no formal proposal, the money could restore some of last year's MTA service cuts, halt the next fare increase and reduce the payroll tax outside the five boroughs.

Mayor Bloomberg proposed a similar system with an \$8 charge in

suburban lawmakers before proposing a specific plan.

"The MTA needs a sustainable funding source," explained state Sen. Daniel Squadron (D-Brooklyn), who's rounding up colleagues. "This has to be on the table."

One idea would reduce the payroll tax on businesses outside Manhattan — which could win backing from suburban lawmakers.

"Everybody out in the suburbs hates the payroll tax, so the idea of

'feathering' the tax could be helpful," said one person involved.

"This has to be a regional effort. It has to enjoy regional support," the source added.

Driver fees could also reverse some of the MTA service cuts that eliminated two subway lines and 36 bus routes last year, and help plug the system's \$10 billion long-term maintenance gap.

They could also delay the 7% fare hike scheduled for a year from now, backers hope.

While Gov. Cuomo has not

taken sides on the idea, Bloomberg aides have been working on it behind the scenes for months.

"The key is devising a proposal that would win broad support across the five boroughs, the entire region, and in Albany," said Deputy Mayor Howard Wolfson.

Two groups usually at odds — the union-backed Working Families Party and the business-friendly Partnership for New York City — are also working together on the plan.

alisberg@nydailynews.com

7/26/11





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# Subway turnstile jumpers saving loads of money, even when they are caught, study shows

BY Daniel Prendergast and Pete Donohue  
DAILY NEWS WRITERS

Tuesday, July 26th 2011, 4:00 AM

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Bryan Smith for News

Fare-beating apparently pays, a report by MTA analysts found. They said the \$100 scofflaw fine imposed by the MTA seemingly does not serve as a deterrent for those who regularly cheat.

### Taking city for a ride

Should the MTA crack down on fare beating?

- Yes. Clearly it's a problem that's out of control and costing the MTA a lot of money.
- No. There are more serious crimes happening on the subway that should be addressed.
- I don't take the subway.

VOTE

Donohue: No need to praise Walder  
Heat wave makes MTA shut down clocks  
Editorial: Jay Walder walks  
MTA Chairman Walder announces resignation  
MTA chief: Efficiency can save \$2B  
Editorial: Truth in advertising

Fare-beating is the cheapest way to travel on the subway - even if you get caught.

The Metropolitan Transportation Authority's subway division estimated fare-beaters entered without paying 18.5 million times in 2009 - an astounding average of 50,684 a day. Cops issued just 120,000

summonses that year.

Evaders have a small chance of getting a summons, so small that not paying for a ride makes economic sense to some straphangers, a new study shows.

A routine subway-fare scofflaw can expect to get hit with a \$100 fine every six to 13 weeks, MTA analysts found.

Even with the fine, that was cheaper than buying a series of \$27 weekly MetroCard passes, which adds up to \$162 in a six-week span, the report said. After paying the summons, a fare-beater would save at least \$62.

The report was based on the fares in effect in 2009; the weekly fare is now \$29, meaning a turnstile jumper would save even more.

"This basic street economics might explain observed evasion behaviors," the authors of the report wrote, arguing stiffer penalties might cut down on scofflaws.

"Higher fines or arrests may have better deterrent effects," they wrote.

When told of the value in fare-beating, honest-paying riders called for a crackdown.

"People probably save a ton by jumping the fare," said Daniel Mathias, 27, of Manhattan. "Maybe the MTA should raise the penalty a bit. It might scare people into paying."

Still, some recently busted fare-beaters had second thoughts last week about their bad behavior.

"There are too many cops around," said one man leaving the MTA's Transit Adjudication Bureau after paying the \$100 fine. "It seems like there's a good chance of getting caught. As you can see, I haven't been so lucky. It's just better to pay up."

A 26-year-old woman said the potential savings aren't worth the embarrassment.

"Right after I did it, three cops came out of nowhere and caught me and everyone was staring," she said.

Fare evasion cost the MTA \$31 million last year.

Between January and March of this year, 1.5% of all subway rides were taken by fare evaders, compared with 0.9% in the corresponding period a year earlier.

The MTA said the report - presented at a transportation think tank's conference this year - was not an official document. Average weekday ridership is about 5.4 million.

"New York City Transit takes fare evasion very seriously and is continually working with the NYPD on cost-effective strategies to combat it, such as targeting high-incidence locations and placing cameras in key areas," MTA spokeswoman Deirdre Parker said.

She said transit cops have made 12,468 arrests for fare evasion this year, up 5.5% from the same time last year. Officers have issued 37,825 summonses to evaders this year, a 1.7% increase from the same period in 2010.

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vierge  
9:22:15 AM  
Jul 26, 2011

The first thing I did when I arrived in NYC 3 years ago was to sign up for automatic payment through my bank account. I receive statements by email to my blackberry. the card is continually replenished as the amount reserved for MTA is used up. I have never needed to buy a card. My pass was automatically renewed last December by sending me a new card in the mail. Save yourselves the hassle of renewing your card, adding cash at the machine or waiting in line at booths when you're in a hurry. If you are a senior citizen, you can go down to MTA office in brooklyn, take a photo for an ID citizen discount card. Take the time to plan ahead and you will not regret it. Best thing I've done.

[Report Offensive Post](#)

Stopthefrippery  
9:22:55 AM  
Jul 26, 2011

Comment by Slugger at 7:34am is correct.

[Report Offensive Post](#)

Stopthefrippery  
9:31:14 AM  
Jul 26, 2011

Another thing....the number of people who actually don't pay "each time" they ride the subway is being grossly exaggerated by the DN. Most people pay most of the time....and the cops have to look out for suspicious back packs etc. (remember the anti-terror initiative). There are a lot more important things for cops to do than chase fare-beaters. (I do think they use rookies for that usually though).

[Report Offensive Post](#)

Stopthefrippery  
9:34:12 AM  
Jul 26, 2011

....further more what's happening with these articles about fare beaters costing the MTA so much money is a set up for the INCREASE they want to impose in 2012. They are mind f\*\*\*\*\* all you supporter of "cracking down on fare beaters). The DN is doing MTA bidding here.

[Report Offensive Post](#)

lightdrew  
9:38:10 AM  
Jul 26, 2011

The jumpers are jumping housing ,food ,utilities ,medicare and we wonder why this country is broke keep jumping jumpers and when the money runs out go jump.

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0402  
9:49:58 AM  
Jul 26, 2011

I fail to see how NO ONE in position is able to see how badly the MTA

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CakeSniffer  
9:52:08 AM  
Jul 26, 2011

I'm no fan of the MTA or fare beaters, but if all this is true just jack the fine to \$250. Sheesh.

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0402  
9:52:10 AM  
Jul 26, 2011

is \*\*\*\*\* via mis-management. And I don't think that ticketing fare beaters with \$100 dollar fines will help. If they don't have subway fare, how are they going to pay a ticket fine?

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BigJake  
10:23:01 AM  
Jul 26, 2011

frippery: What are you smoking? Just because someone lives in NYC, does not mean that they are working, or paying taxes. Transportation is not a right. If you want to use it, pay for it! Some people can claim a commuter deduction on their taxes, if they earn enough & itemize.

[Report Offensive Post](#)

BigJake  
10:43:18 AM  
Jul 26, 2011

Perhaps a first-time fine of \$100 is OK, but second offense should be \$250, third \$500 & fourth, etc. \$1,000 each. Remove the profit motive.

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## Video: Armed Man Hijacks Subway Train

By [John Del Signore](#) on Jul 26, 2011



An emotionally disturbed man wielding a screwdriver allegedly climbed through the window of a 5 train motorman's cab in the Bronx on Friday afternoon and ordered the motorman to drive the train or be killed. Motorman Darryl George, 36, [tells the Daily News](#) he heard sounds of a disturbance while the crowded train was in the 149th Street station and "opened my window to see what the situation was. He said someone with a gun was trying to kill him." When George turned to radio a supervisor, Richard Arrocho, 42, clambered through the window.

"He said, 'Move the train or I'm going to f----g kill you,'" George recalls. "He wouldn't let me open the door. He pulled a screwdriver and tried to stab me. The video—recorded in proper horizontal cell phone aspect ratio by witness Ronald Baker!—starts as the two scuffle inside the cab, and a Good Samaritan on the outside screams, "**Driver, open the bloodclot door!**" (For those unfamiliar with Jamaican Creole vulgarity, "bloodclot" is one of the worst pejoratives in the book, even more offensive than "baldhead vampire" or "frat boy with Bob Marley poster.") At any rate, the Daily News edition of the video starts after an annoying commercial interruption:

SPOILER ALERT: After moving the train one station to Jackson Avenue, the motorman was able to escape the cab, and then one of the guys trying to help almost closes the door, which would have left the crazy guy alone at the controls of the subway train. Luckily, the motorman and another Good Samaritan managed to prevent that from happening, and they eventually succeed in calming down Arrocho slightly. When police arrived, he surrendered without incident.

The News reports that Arrocho has a history of mental illness and has been arrested at least 40 times since 1985 on various charges. "I could have lost my life over this," George the motorman said. "**You don't expect something like this to happen when you go to work.**" Perhaps, but most NYC subway passengers kinda do [expect something like this to happen](#) on their way to work.

[Contact the author of this article](#) or email [tips@gothamist.com](mailto:tips@gothamist.com) with further questions, comments or tips.

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**tijuanatornado**

Best term ever, bloodclot!....this blodclot heat is killing me mon!

1 hour ago 3 Likes

[Like](#) [Reply](#)

**jibbly**

Bloodclot crazy!

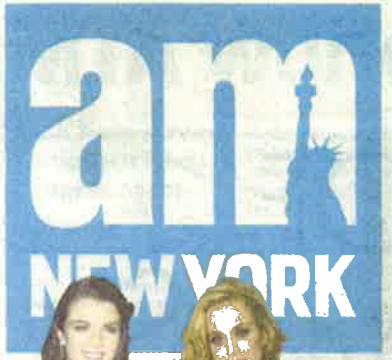
42 minutes ago in reply to [tijuanatornado](#)

[Like](#) [Reply](#)



**hotstepper**

is this really the first time you've heard that curse? bumbaclot!



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# WASTING YOUR TIME

MTA blows millions shutting subways for repair work that's not being done on schedule, audit finds

Page 3

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# MTA work not going your way

News

## Audit finds service disruptions when no one is on job

BY MARC BEJA  
marc.beja@am-ny.com

Here's something to think about the next time your train isn't running on the weekend: The MTA is horribly bungling its fix-it jobs, costing the agency big bucks while needlessly inconveniencing straphangers, according to a joint audit by the city and state comptrollers. The worst part is, sometimes work isn't even being done.

"The management of these diversions is wasteful, unproductive and is taking New Yorkers down the wrong track," State Comptroller Thomas DiNapoli said yesterday, standing below the Ed Koch Queensboro Bridge, where shuttle buses replaced No. 7 train service to Manhattan.

The audit eyed 29 diversions over a two-month span in 2010 and found that work started late on 28 and ended early on 21, costing the cash-strapped MTA \$10.8 million.

When work was done, trains were not always immediately put back into service. In one instance, work finished 10 hours before trains were rolling again.

Straphangers were appalled to hear of the comptroller's findings.

"That's horrible," said Cintia Moncion, 22, of Staten Island. "I thought they were really doing construction. I feel fooled."

The comptroller also said some projects blew the agency's budget; four contracts alone cost a combined \$26.6 million more than expected. If they had checked all diversions in that period (the MTA only gave them data on 29), City Comptroller John Liu said that amount "would absolutely be more."

Responding to the audit, Transit President Tom Prendergast said although there is "some inherent inefficiency in the diversion implementation process ... [New York City Transit] looks for ways to keep unproductive time to a minimum."

The MTA said service diversions are necessary because the transit system runs 24/7. And although work is coordinated so that multiple jobs in the same area are done



A transit worker tells straphangers that the No. 7 train is out of service. (BY MIDDLEBOROUGH)

## 'I THOUGHT THEY WERE REALLY DOING CONSTRUCTION. I FEEL FOOLED.' Straphanger Cintia Moncion

simultaneously, "some projects are extremely involved, requiring several shutdowns," the agency added.

On some weekends, as many as 18 lines were diverted.

The comptrollers also

slammed the MTA for doing a poor job telling riders about subway diversions.

"There's a lot of chaos and frustration among the public," Liu said.

NYU student Alex Mayo

said he was annoyed that he sometimes has to pay for a cab on weekends when he can't get home to Clinton Hill by subway.

"We all buy MetroCards and spend money that should be going towards subways," said Mayo, 21. "People living on the G line should not be taken advantage of."

(WITH TIFFANY LIU)

Service Status	
Green	Best - Bridges & Tunnels
Yellow	Future Work
Orange	Planned Work
Red	Planned Work
Blue	Planned Work
Light Blue	Planned Work
Dark Blue	Planned Work
Light Green	Good Service
Green	Good Service
Yellow	Good Service
Orange	Good Service
Red	Good Service
Blue	Good Service
Light Blue	Good Service
Dark Blue	Good Service

The MTA's website cited 16 train lines with service disruptions because of construction yesterday.

## STRAPHANGERS KEPT IN DARK

When auditors went to 39 subway stations affected by diversions last June and July, they found several problems with the way straphangers were notified of service changes. They included:

- No more than 20 signs posted in a station — far fewer than the 50 the MTA claimed to have posted.
- No signs in a language other than English.
- Only one sign in 10 stations along the 1 and 2 lines, and none on platforms, in cars or out on the street.
- Signs in only two of 13 elevators at stations covered by the Americans with Disabilities Act.
- Not enough ads running in newspapers, contrary to the MTA's policy.

(SOURCE: NY STATE COMPTROLLER'S AUDIT)

## Police eye UES serial gropper after latest attack on woman

A man lifted up a woman's skirt in an Upper East Side subway station yesterday, and cops are investigating whether the attack is part of a pattern of gropings in the neighborhood since January, sources said.

The victim, who is in her 20s, was at the turnstile in the Lexington Avenue/59th Street subway station just before 2:30 p.m., when the suspect approached her from behind and groped her skirt, reportedly trying to snap a photo.

Sources said that the victim yelled and fled.

Investigators are trying to determine whether the incident is linked to eight other cases, the most recent of which came this month. In those cases, the suspect, described as between 4-foot-11 and 5-foot-3, approached the women from behind at or near their homes and groped them, police said.

All of the victims were women in their 20s and 30s.



Police released this image of a person suspected in a series of earlier gropings on the Upper East Side.

## Stabbed man crashes his car, killing self and 13-year-old girl

Police are probing why a Brooklyn man was stabbed before he crashed his car Saturday night, killing himself and a 13-year-old pedestrian.

Sean Lewis, 44, was trying to get help after he was stabbed in the torso, driving his Range Rover down Pacific Street in Ocean Hill. He slammed into three parked cars and then backed up, hitting another parked car

and flipping his SUV over, which landed on Kirra Goddard, 13, killing her, police said.

"It was too late for her to get up and move, and it just hit her," Kirra's half-sister, Tanisha Harewood, told the Daily News.

Lewis was rushed to Brookdale Hospital, according to police. That was where doctors realized he had been stabbed before the car wreck.



TV CRITICS STILL  
MAD FOR 'MAD MEN'  
TELEVISION (page 15)

# PRINCE

DETHRONED AFTER BROKEN FOOT  
AMUKAMARA OUT UP TO TWO MONTHS

▶ **Giants rookie: 'I let team down'** (page 23)

▶ **Jets lose Ellis to Patriots in surprise signing** (page 23)

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## NY rodents taking their pound of flesh

▶ 100 people bitten by rats, mice every year in the city ▶ Infiltrate subways and homes ▶ But Queens woman says her 13 pet rats love to cuddle, not chomp

(page 02)

News

## Another downgrade coming?

▶ S&P exec says there's a 1-in-3 chance credit could take another hit in next two years  
▶ Hard to recover (page 08)

## Sarandon still pingponging

The movie star on why she is so in love with table tennis (page 13)



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## Georgina's alleged stalker arrested

QUEENS. A pizzeria worker who lives in Ridgewood, Queens, was arrested for allegedly cyberstalking Mayor Michael Bloomberg's daughter, Georgina, according to reports. Salvatore Di Bartolo, 48, sent e-mails, text messages

and even a Facebook post declaring his love for 28-year-old Georgina.

"Happy passover mike. How is Georgina doing?" he posted on the mayor's Facebook wall.

Di Bartolo had been warned to stay away from Georgina, according to the Daily News, but "he did not care" because they "were going to be married."

● METRO/CS



Georgina Bloomberg

## Five years in jail for crime he didn't commit

QUEENS. A Queens man was released from jail this summer after spending five years behind bars on murder charges he was later cleared of. Ryan Dufort was just 15 and a sophomore at Bayside High School when he was

accused of killing someone in a fight that occurred inside a karaoke club. He maintained his innocence the entire time, telling cops he left the club while the fight was still going on, but was found guilty anyway. His case appears to have been mishandled by law enforcement, according to a Daily News report.

● METRO/CS

# 100 NYCers bitten by rats each year

- ▶ Health Dept. reports rats and mice bite people in all five boroughs
- ▶ The wounds can cause diseases ranging from tetanus to rat bite fever

## Metro exclusive

See that piece of slimy trash the subway rat is chewing? You could be next.

Rodents bite about 100 New Yorkers each year, according to city Health Department statistics.

In 2010, rats chewed on 86 New Yorkers, and so far this year, 29 people reported getting their skin pierced by a rodent's sharp teeth.

The Health Department records bites from people reporting it on their website, and from emergency room doctors. But many more bite horror stories may go unreported.

Some of the bites come from mice, the Health Department noted. In 2010, 34 of the total bites came from mice, often snapping at people while caught in traps.

But rats have been known to sink their teeth into straphangers riding the subway — or even gnaw on New Yorkers in their homes.

Jimmy Tallman of Magic Exterminating said he was called to a Bronx apartment where rats attacked a child.

"They were getting into a crib and they bit on a baby's toes," he said. Rats sometimes climb right into a baby's crib and suck milk out of bottles, he said.

▶ One hundred twenty-one people in New York City were bitten by rats in 2008, but last year that number dropped to 85.

**"You put a rat in a situation where it has to bite you, if it's starving or it's really hungry, you'll get those bites."**

MICHAEL MORALES, EXTERMINATOR

In 2005, a 3-year-old girl in the Bronx was chomped

on the back when a rat crawled through a shower tile, according to reports.

Another time, in Long Island, a rat nosed into a parrot's cage and ate the bird, Tallman said.

"They're just attracted to the food, and gnaw on a human by accident, for the most part," said his exterminator partner Michael

Morales.

If you are bitten by a rat or a mouse, the Health Department recommends immediate medical attention. Bacteria from a rat's teeth can cause anything from tetanus to rat bite fever, which can be fatal.



ALISON BOWEN  
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## She loves her 13 rodents

One woman says rats get a bad rap. Queens resident Tara Delahoz, 29, says the 13 rats she raises and breeds in her home would never bite. "They're very docile creatures," she says. Rats are "social by nature," she says, and she ensures they do not get biting habits by nurturing them from birth. She began collecting pet rats at 14. "I saw somebody with a pet rat. The rat looked so docile and so content to sit on the owner's shoulder." ● METRO/AB

## Rat bite health risks

Rat bite fever is rare, but can be caught from infected rodents. It causes fever and a rash about three days after a bite, and can be fatal in extreme cases. Leptospirosis, a bacteria infection from rodents that causes fever and vomiting, is reported about one to three times each year in the city, according to the Health Department. Plague has not been reported from a New York rat, but two cases were recorded last year by a couple visiting from New Mexico.

● METRO/AB

## In the news

### Man dies during NYC triathlon

A 64-year-old man died and a 40-year-old woman remains in critical condition after the two participated in the Nautica New York City Triathlon yesterday. The man died during the swimming portion of the race, when participants swim 1.5 kilometers in the Hudson River, then bike and run.

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8-16-2011

# NEW YORK POST

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## A Fortunate Union Vote

**C**halk up another win for Gov. Cuomo — and New Yorkers: Rank-and-file members of the state's largest public-employee union gave their blessing last night to a contract calling for a three-year pay freeze and other concessions.

Besides Albany, the news could have great consequence for New York City and its surrounding suburbs.

The Civil Service Employees Association's 66,000 members were being asked to vote on a contract hammered out by their leaders and the Cuomo administration.

Apparently, they understood the fiscal bind the state is in — and said OK.

The deal, which called for a three-year pay freeze, nine furlough days (five of them unpaid) and higher employee contributions for health insurance, will allow Cuomo to avoid CSEA layoffs.

Cuomo's \$133 billion budget, which closed a \$10 billion gap, was balanced in part by the hoped-for concessions from CSEA — and he vowed 1,000 pink slips if the contract deal were nixed.

In any case (assuming that was no idle threat), the state budget was safe, at least for the short term: Either the givebacks survived, or Cuomo saved an equivalent amount of cash by trimming staff.

(As the Empire Center's E.J. McMahon details on the previous page, the state's longer-term fiscal outlook is another story.)

But the CSEA vote could bolster the case for similar deals with other unions — at the state level, in the city and at the MTA.

Remember "pattern bargaining"? That's when labor groups point to an attractive precedent in one contract deal and shout "me, too" — while claiming *less-than-ideal* agreements simply don't apply to *them*.

Already, John Samuelson — president of the MTA's chief union, the Transport Workers Union — has insisted that his 38,000 members absolutely, positively won't accept the pay-freeze deal agreed to by leaders of the CSEA as well as the state's second-largest union, the Public Employees Federation.

And recall, his is the union that had no qualms about breaking the law and staging a transit strike during a cold, peak-shopping-time Christmas week in 2005.

(Its Web site *still* threatens to stage a "job action" whenever it feels it's necessary.)

But no union operates in a vacuum — including the TWU and a number of unions now awaiting new contracts with the city.

CSEA's deal carries weight.

Or it *should*, anyway — if the folks sitting at the table across from union negotiators press the point. Meaning, the city and MTA officials need to tout yesterday's CSEA vote to lock up similar union concessions.

Absent such givebacks in the city and at the MTA, everyone *else* will suffer unfairly.

## Waiting for the GOP

**T**he 2012 race for the White House got a whole lot more interesting last weekend: Even as President Obama now looks more vulnerable than ever, a new GOP field has suddenly emerged.

Yet Republicans have a way to go to prove they can beat the president — and set the nation on a brighter path.

For Obama, the news was grim: A Gallup poll put his approval rating at just 39 percent, a new low. That might explain why he was in Iowa yesterday, launching a Midwest bus tour and talking up jobs.

As for the Republicans, one contender, Ex-Minnesota Gov. Tim Pawlenty, dropped out of the race; another, Texas Gov. Rick Perry, dropped in — and a third, Rep. Michele Bachmann, snagged a place among the top contenders by placing first in the Iowa straw poll of GOP voters.

Pawlenty threw in the towel after coming in third in that nonbinding vote and facing tough fund-raising prospects.

Perry, meanwhile, has led a state that's produced more than 40 percent of the nation's jobs over the past three years. His message may well resonate with Americans looking for hope amid a stubbornly anemic economy and 9.1 percent unemployment.

Bachmann combined Tea Party populism and hard-line opposition to raising the debt

course, remains among the leading wannabes. Yesterday, he dubbed the president's bus stunt "the Magical Misery Tour."

Nice hit: The "misery" label reflects what much of the country feels about the state of the economy — and Obama's failure to fix it. Voters are disgusted with the president's lack of a viable economic plan and the nearly two years he wasted ramming through ObamaCare.

That massive health-care program, by the way, has now become even more problematic: A federal appeals court on Friday struck down ObamaCare's core provision, the mandate for everyone to buy health insurance — adding even more uncertainty about its impact. How can businesses plan?

Hence the opening for the GOP.

Clearly, voters are focusing on the Republicans — even though the primaries are still nearly six months off. They want to hear some new ideas — and to see someone with enough firepower not just to win office, but then to actually do the job afterward.

Perry is just getting started, of course, and other hopefuls may yet jump in (though it's getting late).

But the fact remains: So far, Republicans have yet to articulate a clear and compelling case for the White House.

letters@nypost.com

## On a Mission For Too Much Faith

•Jacob Sullum claims his sensibilities are offended because Rick Perry mentioned Jesus during a speech ("Rick Perry's 'Federal' Flip-Flop," PostOpinion, Aug. 10).

Perry's prayer at the rally was painstakingly non-partisan as he read from both the Old and New Testaments.

But Sullum's biggest fear regarding Perry is his departure from his federalist principles.

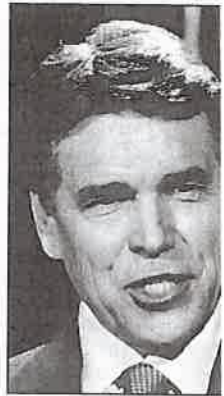
Perry's Christian principles are anti-gay marriage and anti-abortion. Where are Sullum's sensibilities regarding both of those issues in which the Torah is quite clear?

**Dave Becher**  
East Northport

•It's too bad Sullum is offended by Perry.

It's his religion, and he

**THE ISSUE:** Whether religious views will do



Rick Perry

is proud of it. So, go for Perry.

Instead of criticizing Perry, Sullum's prior should be convincing Jewish voters that Obama wants nothing to do with Israel.

## Blaming Boozy

•Heather Haddon and Brad Hamilton's reporting blew the lid off the scandal of construction workers drinking during lunch — something everyone who ever worked in or commuted to the city already knew ("Ground Zero Booze Crews Get Sloshed While on Job," Aug. 14).

Here is something else we already know: The brokers who make our investment decisions aren't drinking milk during their two-hour lunches.

According to the article, construction of the tower has entered a "delicate phase that demands clear-headed concentration." The same should be said for the handling of our 401(k)s. **Joe Diccico**  
Punta Gorda, Fla.

•All the tradesmen con-

**THE ISSUE:** The Pe construction workers c

nected with the construction of our edifices are professional engineers. The structural integrity of the city looks too good to have been built by drunken construction workers.

There are enough lawyers around for Haddon and Hamilton to keep their eyes on. They shouldn't be jeopardizing the jobs of hardworking men.

**Jack Costello**  
Lynbrook

•Sunday's article is fairly targets workers who have very difficult and physically demanding jobs.

We can't expect men who work behind desks to be able to identify with them.

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**NEW YORK**

By KIERAN CROWLEY

Apparently beggars can be choosers — at least when it comes to the Nassau Coliseum.

County Executive Ed Mangano (right) received only eight proposals to privately finance a new sports arena for the Islanders — but he called all of them unacceptable.

His comments came two weeks after voters nixed Mangano's whop-ping public borrowing scheme to fi-

nance the Coliseum project.

In the wake of that defeat, Mangano put out a call for proposals for the Coliseum overhaul.

But none of the submissions, due last week, "offer to privately finance a new arena," said Mangano aide Brian Nevin.

One proposal "offered a revenue-sharing model and several others appear to revisit leveraging the sur-rounding acreage" to pay for a new

arena, said Nevin, who called the latter a failed approach.

"Unfortunately, other responses seek to develop the property without an arena," Nevin noted, which would surely make the NHL's Islanders find a home elsewhere.

Still, privately financ-ing the project isn't dead.



# Union 'Saves' NY

## OKs wage freeze in big win for Cuomo

By ERIK KRISS  
Bureau Chief

ALBANY — The state's largest public-employee union gave a thumbs-up last night to a five-year contract that freezes wages for three years, requires workers to fork over more for health-care cov-erage — and avoids thousands of layoffs.

The vote was 60 percent in favor, according to officials of the nearly 66,000-member Civil Service Em-ployees Association.

It's a victory for Gov. Cuomo, who had threatened thousands of layoffs if the CSEA rank-and-file re-jected the contract he had negoti-ated with union leaders.

Cuomo cut state workforce costs \$450 million to balance the current budget without raising taxes. He gave unions a choice to reach the goal: givebacks or layoffs — up to 9,800 across the state without con-cessions.

"This is a big, big win — a win for the union and a win for the people of the state," Cuomo said late last night.

CSEA President Danny Donohue

**The deal approved last night by the rank and file of the CSEA:**

- Wage freeze for three years; 2% increase in years four and five
- Nine mandatory unpaid furlough days, with four of them repaid at end of contract
- Five-year savings (if adopted by all state unions): **\$1.63B**
- No layoffs



Last night's union-vote result was a major victory for budget-wary Gov. Cuomo.

Health-care increases paid by workers: 2% more for Grade 9 and below, 6% more for Grade 10 and above

care, administrative and support services at state hospitals, psychia-tric centers and group homes. About 40 percent work in the New York metropolitan area.

The new contract freezes base wages for three years, with raises of 2 percent each in 2014-15 and 2015-16, and requires employees to take nine unpaid furlough days this fiscal year and next.

The deal requires lower-paid members to kick in 2 percent more

and higher-paid workers 6 percent more for their health insurance. Even though wages are frozen, some employees will get raises for "longevity" and performance.

The state will also repay the value of the four 2012-13 furlough days in equal installments starting at the end of the contract term, and will give current employees who remain active through 2013 "reten-tion payments" of \$775 in 2013 and \$225 in 2014 — the year Cuomo faces re-election.

The governor has said the new contract will save \$1.63 billion over five years if adopted by all bargain-ing units. He has also noted that the increased employee health-care contribution is the first in 30 years, despite a doubling of state health-care costs over the last decade.

CSEA employees will get broad layoff protection through 2012-13, but the deal does not protect jobs cut because of the closure or re-structuring of state facilities.

Shannon DeCelle

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# SICK SURPRISE FOR WORKERS

**am NEW YORK EXCLUSIVE**



Angry union members say MTA cut health benefits for their dependents without telling them. The agency denies the charge.

Page 3

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# Mourners honor guy who saved N.Y. in '70s

Mourners attending the funeral Thursday of former Gov. Hugh Carey praised the skillful politician for helping the city recover from the brink of financial ruin in the 1970s and recalled his colorful quirks and love of New York.

"He was the most effective governor in modern history," said former Gov. Mario Cuomo, among a sea of political figures at St. Patrick's Cathedral, including his son, Gov. Andrew Cuomo, former Gov. George Pataki, Mayor Michael Bloomberg, and former mayors Rudy Giuliani, Ed Koch and David Dinkins.

Carey died Sunday at age 94 on Shelter Island, where he was buried.

The Park Slope-born two-term governor (1975-1984) fought for the rights of the mentally ill and launched the "I Love New York" campaign. He helped steer the state during dire economic times.

"As governor, he faced both a state and a city which,



Hugh Carey (AP/WIDEWORLD)

in the words of Mayor Koch, were headed toward the pit of bankruptcy. He took the matter in hand with incredible skill and unlimited courage," said Cardinal Edward Egan.

Rep. Charles Rangel (D-Harlem) recalled how Carey would sing Irish songs: "He loved every day of life."

Carey, the father of 14, once said: "I would like to be remembered as somebody who cared a great deal about people." (AP/WIDEWORLD)

# Lady Liberty to be shut for year

The Statue of Liberty is getting a makeover for her 125th birthday.

Lady Liberty's insides will be off-limits to visitors for a year after Oct. 28, when crews will install new stairways and elevators and upgrade her electrical and mechanical systems, the National Park Service said. The rest of Liberty Island will remain open.

Each day, a maximum 2,500 visitors are allowed to tour the statue, while an estimated 18,000 people visit the island itself. (AP/WIDEWORLD)



# Agency's unkind cuts to health care

News

## Workers say MTA axed benefits to families without notifying them

BY MARC BEJA  
marc.beja@am-ny.com



The cash-strapped MTA canceled medical benefits for scores of its workers' spouses and children without letting them know, angry transit employees told *amNewYork*.

After an outside auditor seeking to save big bucks for the agency sent letters to transit employees and retirees asking for documents proving that dependents should keep their insurance, the MTA dropped at least 4,300 of them, claiming they didn't qualify.

But several employees said their dependents were removed even after sending in the paperwork several times, while others said they

never received the letters.

Many found out about the lost benefits the hard way. When retired bus driver Robert Kraemer tried to fill a prescription in May for his wife, Susan, he was denied.

"She hasn't been covered since January," he said the pharmacist told him.

"I sent in the papers and, as far as I knew, we were covered," said Kraemer, 61, of City Island.

Susan was reinstated last month, but the Kraemers were left with \$20,000 in bills. Robert said he doesn't know if they will be reimbursed.

According to budget documents, the agency expects to save \$5.8 million annually for the next five years by cutting insurance coverage.

Aon Hewitt, which was paid nearly \$1 million to do the audit, didn't comment.

The Transport Workers Union said it will take the MTA to court over what it says is a botched audit.

"There's nothing wrong with a company having an audit to save money, but the way [the MTA] handled it was a disaster," a union official said. He estimates there are still hundreds of employees who have no idea their spouses and children no longer have health insurance.

The MTA maintains it's the employees' fault if their dependents were cut off.

"New York City Transit went above and beyond to notify employees of this change

### BY THE NUMBERS

4,300+

Number of dependents dropped

\$5.86 million

How much the MTA saves each year by reducing those covered

\$1 million

How much the auditor was paid to inspect the workers' coverage



Robert and Susan Kraemer (AMANDAKREMER)

in policy," transit spokesman Charles Seaton said, adding that the MTA tried to reach everyone using several different methods, including visiting employees on the job.

Subway conductor Mark Williams also was left high and dry. Even after sending in a marriage license, tax forms, birth certificates and Social Security cards, Williams' 11-year-old stepdaughter and pregnant wife were removed from his policy in January.

"We didn't even know she was dropped until the hospital called us," Williams, 48, said. "We had to cancel doctor appointments because we couldn't afford it."

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# GLOVES ARE OFF

## TWU won't rule out strike as it prepares for contract talks

**T**o strike or not to strike. That is the question.

Over the next four months, reporters — with increasing frequency — will ask Transport Workers Union Local 100 President John Samuelson if there's a chance bus and subway workers will walk off the job.

Yep, it's that time again. The approximately three-year contract between the MTA and Local 100 is winding down. A new pact setting wages and benefits has to be hammered out. Given the economic and political climate, the likelihood of a strike is remote; some would say nonexistent.

But could it happen? Sure. It happened in 1966, 1980 and 2005.

This is how Samuelson and many of his members today view their world: The MTA is the worst of bosses — powerful, untrustworthy, vindictive, petty and unaccountable to anyone.

It approves, without blinking, cost overruns worth tens of millions of dollars for projects done by private companies but cries poverty when it's time to negotiate with its employees.

It suspends workers without pay for the most trivial of infractions. Hell, it gave pink slips to two bus drivers in 2010 while they were fighting in Afghanistan as members of the Army National Guard.

Workers' pension and health-care plans came at a price. During prior contract negotiations, transit workers argue, they accepted lower wages, work rule changes or other management-sought provisions.

Transit workers want what we all want: personal income that keeps pace, or is slightly ahead, of the cost of living in New York.

The difference is they are organized and can take a stand. Gov. Cuomo earlier this month managed to secure a contract with members of

the Civil Service Employees Association that includes a three-year wage freeze. That won't fly in the subways or bus depots, says Samuelson, a track worker. "We're just not accepting zeros," he said.

The threat of layoffs isn't going to cause Local 100 to buckle. It absorbed nearly 1,000 layoffs last year rather than agree to contract changes sought by the MTA. Nearly all of those laid off are back at work in positions that opened up when older workers retired.

"TWU Local 100 has a history of fighting for our livelihoods, and we're going to dig in and fight by every means possible," Samuelson said.

"There's been no discussion by the executive board of a strike. The leadership of the union has no intention of striking. But when New York City transit workers get knocked to the floor, and someone puts a foot on their throats, who knows what their reaction is going to be?"

The contract between the MTA and Local 100 expires Jan. 15. It's going to be a bumpy ride. It always is.

*pdonohue@nydailynews.com*

### ON THE SUBWAY



**Pete Donohue**



**Willie Chapple and 9-year-old daughter Taniqua dance at Harlem Street Festival. Photo by David Handschuh/Daily News**

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**New Hope Fellowship Ministries, 67 E. Main St. Port Jervis, NY 12771**  
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# AIM AT GOTHAM

■ MTA may halt trains & buses ■ State of emergency declared

BY REUVEN BLAU, JENNIFER H. CUNNINGHAM and BILL HUTCHINSON  
DAILY NEWS STAFF WRITERS

AS HURRICANE IRENE took dead aim at the city yesterday, Mayor Bloomberg ordered the evacuation of nursing homes in flood-prone areas and warned the mass transit system may shut down.

The monster storm is expected to hit New York as a Category 1 storm sometime Sunday, barreling in with 90 mph winds and torrential rains — though some forecasters said it could be a stronger Category 2 storm.

Transit officials said buses, subways and Metro-North and the Long Island Rail Road could come to a screeching halt tomorrow afternoon if Irene does not change course.

"We hope for the best but prepare for the worst," Bloomberg said, noting the city has already experienced Mother Nature's fury once this week with Monday's earthquake.

Bloomberg said that it was "very conceivable" he will order a mandatory evacuation of all low-lying "Zone A" areas of the city, which includes Coney Island, the Rockaways and Battery Park City.

"The storm is predicted to be very dangerous," the mayor said. After Irene ravaged the Bahamas and set its wicked eye on the Carolina coastline, city and state officials were busy preparing for the worst:

■ Gov. Cuomo declared a state of

emergency to free up resources and take advantage of federal assistance.

■ The MTA took the unprecedented move of setting its hurricane plan in motion, which calls for a shutdown of subways, trains and buses when sustained winds reach at least 39 mph.

■ The mayor ordered the mandatory evacuation of nursing homes, elderly facilities and hospitals in low-lying areas by 8 p.m. today.

■ The MTA warned bridges could be closed for safety because of high winds

■ More than 300 street fairs were canceled and the Jets-Giants preseason game was moved up to 2 p.m. tomorrow from 7 p.m.

"We recommend people start going to less vulnerable areas," Bloomberg told reporters.

Bloomberg said about 250,000 New Yorkers live in Zone A, which also encompasses South Beach and Midland Beach in Staten Island and holds five hospitals, including Coney Island Hospital.

He said Coney Island Hospital last night began placing patients in vacant beds in other hospitals in

other parts of the city.

"We are also notifying the other hospitals in the other Zone A areas as well as nursing homes and senior centers that they must, I repeat must, evacuate beginning tomorrow and complete the process by 9 p.m. [Friday] night."

MTA Chairman Jay Walder said he thinks this is the first time transit officials have considered shutting down the entire transportation system because of the weather.

He said it will take at least eight hours to shut down the mass transit system and move equipment to less flood-prone areas.

"Given the severity of the storm, it may take some time to get the system back," Walder said.

**Will hit city Sunday**

Gov. Cuomo declared a state of emergency yesterday, "activating all levels of state government to prepare for any situation that may be caused by Hurricane Irene."

The governors of North Carolina, Virginia and New Jersey also declared states of emergency.

Irene is expected to first smack into the U.S. in North Carolina tomorrow.

The National Weather Service's latest forecast had the slow-moving but massive storm hitting the city Sunday afternoon, coming ashore as a Category 1 somewhere around the Queens and Nassau County border.

Meteorologist Joe Pollina of the National Weather Service said Irene will be packing winds of 90 mph and could dump over foot of rain on the region.

Other forecasters said the hurricane could be a Category 2 storm when it reaches New York, packing dangerous winds between 96 and 110 mph.

On Coney Island, many residents refused to heed warnings or take precautions.

"We'll come out here anyway — we're New Yorkers," crowed Nelson Rolon, 50, of the Bronx, who brought his girlfriend, Tanya Rios, 30, and their daughter, Suehaley, 9, to the beach.

"We're like the mailman; no matter what, we're out here."

With Christina Boyle and Jonathan Lemire  
cboyle@nydailynews.com



A sight you'll see all over the area as Hurricane Irene approaches: Empty shelves at stores, this one in Far Rockaway, Queens, last night. Photo by AP

TARGET: NEW YORK

# MTA's doomsday scenario is total system closure

BY PETE DONOHUE and HELEN KENNEDY  
DAILY NEWS STAFF WRITERS

**THE MTA'S PLAN** to close down the city's transit system in anticipation of a direct hit from Hurricane Irene begins by pulling service offline at least 12 hours before the storm makes landfall. An evacuation period of 10 to 12 hours — scheduled during daylight — would precede any system-

wide shutdown, according to the MTA's step-by-step hurricane plan, which the Daily News obtained yesterday.

The evacuation period is designed to allow residents in the danger zone to use the system to flee. It "must be concluded with sufficient time remaining to ensure that all train crews will be able to complete their trips and to reach a location in which they can safely wait until the storm ends," the plan says.

MTA workers were already preparing yesterday: stockpiling sandbags, clearing drains and re-positioning equipment on high ground.

The agency — criticized during the December blizzard for not shutting down, leaving people stranded on trains — was readying for an unprecedented total shutdown.

The greatest threat from a hurricane to the nation's biggest transit system isn't high winds or blowing debris or even heavy rainfall. It's the monster coastal surges that pour water into the tunnels, cutting electricity to the third rail.

The MTA battle plan, created in 2007, but still valid today, says the worst possible scenario is a hurricane making landfall at Atlantic City, 100 miles south of the city. Hurricanes spin counterclockwise, so a big storm making landfall to the south would push a wall of ocean water onto New York.

Federal scientists say a Category 2 hurricane could drive a 20-foot storm surge into Manhattan, Queens and Brooklyn. If that is what appears to be looming, the MTA hurricane plan calls for bus service to begin to be curtailed at least 12 hours before landfall.

At least eight hours before landfall, the subways would start shutting down. At "zero hour" — approximately six hours before landfall, when winds reach 39 mph — all rail and bus service would be suspended, the MTA plan says.

Each station will be searched to make sure no one is left behind in an elevator or bathroom, and then gates or barricade tape will go up to block stairways to the street level.

MTA employees are urged to carry a "go bag" with extra clothes and snacks in case they get stuck with extended tours of duty. The plan identifies numerous subway tunnels that are guaranteed to flood in a Category 1 storm, including under-river tunnels and most lines that run through lower Manhattan and the Rockaways.

A storm crisis center would be set up at 40 Sands St. in Brooklyn, where officials will monitor damage and determine when to restart service Monday.

In December 1992, all the subways stopped running for several hours when a nor'easter's 8-foot storm surge flooded a Con Ed station. [hkennedy@nydailynews.com](mailto:hkennedy@nydailynews.com)

## Enough trouble already: Subway work canceled

The MTA has canceled all service changes except for one this weekend to prepare for the possibility of Hurricane Irene hitting the city.

■ **The E train** will see the only disruptions, with it running along the F line between 36th St. in Queens and W. Fourth St. in Manhattan from 12:01 a.m. tomorrow to 5 a.m. Monday.

For more information, visit [www.mta.info](http://www.mta.info).



Michelle Kalkoz, 26, of Manhattan enjoys what's left of the good weather on Coney Island Beach yesterday morning. Todd Maisei/Daily News

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# NO SPARE TIRES!

**EXCLUSIVE**

BY SAMANTHA SNOWDEN  
and PETE DONOHUE  
DAILY NEWS WRITERS

## MTA bus studs in new calendar sure to drive gals to the moon

RALPH KRAMDEN never looked like this.

Inspired by firefighter pinup boys, some Brooklyn bus drivers are compiling a beefcake calendar of transit workers striking bodybuilder poses.

"We believe NYC Transit workers are just as hot as FD-NY firefighters — if not hotter," said Michelle Irons, one of the drivers from the Jackie Gleason depot in Brooklyn heading the project.

Irons is a founding member of a group of community-minded bus drivers from Brooklyn called Men Taking Action/United Transit Employees.

The organization came up with the idea for a spread of toned transit workers, with the proceeds going to the American Sickle Cell Anemia Association, which provides services to people who have — or are at risk of developing — the blood disease.

So far, five bus drivers and one dispatcher have made the cut for the calendar. Their photos have been posted on the

group's Facebook page: Mentakingaction.Ute.

At least one other photo shoot will be scheduled. Irons hopes men and women from other job titles — like subway motorman, conductor and track worker — will compete for the remaining spots.

She expects ladies to be counting the days — and months — until they can tack up the glossy of Rawle Smith, a fitness buff who drives the B35 line.

"He has the best body of all of them," Irons said.

Smith struck a pose because his 10-year-old daughter has sickle

cell disease.

"God forbid, if anything happens to her, I'd like to be able to turn to someone and say, 'Can you help save my daughter?' and hope enough research has been done that she'll be safe," Smith, 35, said.

Some female riders were impressed yesterday with the snapshots of the brawny bus drivers.

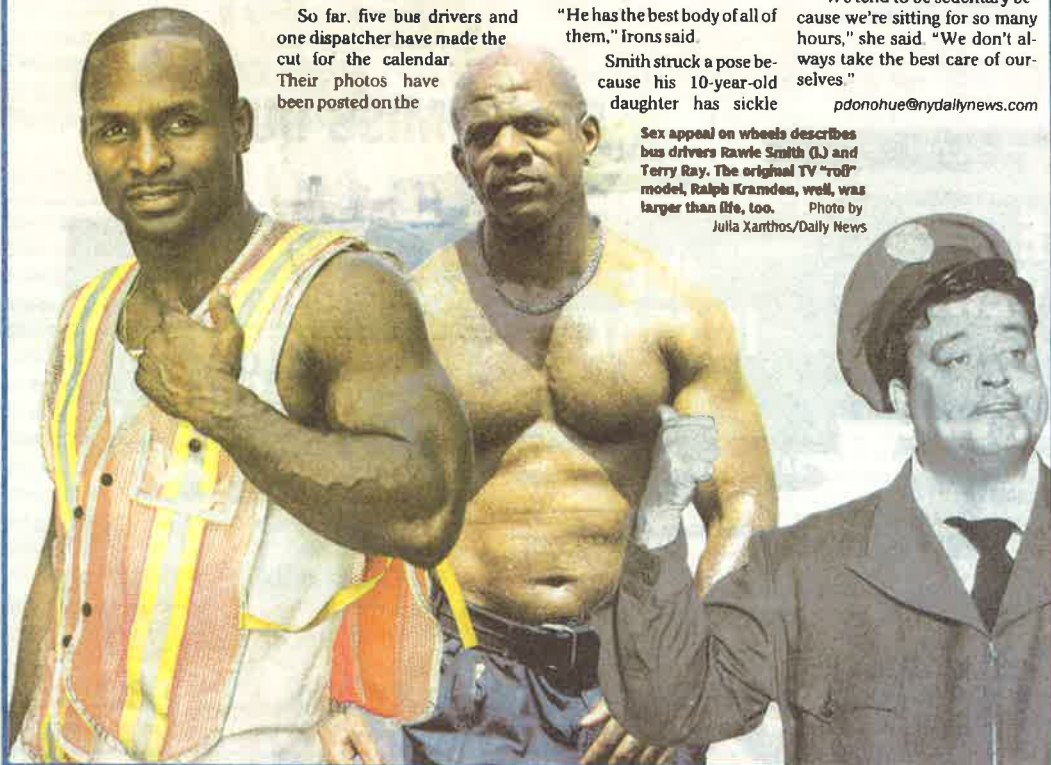
"I'm sure it will sell," Tiffini Williams, 25, said. "I'm not the biggest fan of seeing half-naked men on my calendar, but for charity it's a good thing."

Irons said she hopes the calendar also encourages bus drivers to lead healthier lifestyles.

"We tend to be sedentary because we're sitting for so many hours," she said. "We don't always take the best care of ourselves."

[pdonohue@nydailynews.com](mailto:pdonohue@nydailynews.com)

Sex appeal on wheels describes bus drivers Rawle Smith (l.) and Terry Ray. The original TV "roff" model, Ralph Kramden, well, is larger than life, too. Photo by Julia Xanthos/Daily News



## Turner OK with GOP Prez lineup as Weprin snipes

BY JONATHAN LEMIRE  
DAILY NEWS STAFF WRITER

REPUBLICAN Bob Turner frequently blasts rival David Weprin for backing President Obama — but he refused yesterday to back a presidential candidate from his own party.

Turner, who is squaring off with Democrat Weprin to fill ex-Rep. Anthony Weiner in the Queens-Brooklyn district, declared he would support whichever candidate emerged as his party's nominee.

"There is no one up there right now I would find unacceptable," Turner said in a NY1 debate.

But he hesitated when debate host Errol Louis asked if that included fringe candidates like Herman Cain and Newt Gingrich — and Tea Party darling Michele Bachmann.

"Some I like more than others," Turner quipped. "We'll see how they emerge in the competitive process."

Weprin pounced on Turner's blanket statement of support, saying it proved his opponent was not the independent businessman he claimed — but rather a "partisan Republican."

The contentious debate was held as special-interest groups poured money into the race just days before Tuesday's special runoff election.

The Democratic Congressional Campaign

Committee revealed it's sinking another \$100,000 into a race that, once seen as safe for the Democrats, has become a tossup according to some pollsters.

Turner boasted his own reinforcements yesterday: support from Donald Trump.

The Donald recorded a robo-call for the Republican candidate.

The candidates, who feuded on issues such as Israel and a mosque proposed near Ground Zero, went so far as to bash each others' homes. Weprin defended his choice to live just outside the district while Turner refused to apologize for living in Breezy Point, which is 99% white.

[jiemire@nydailynews.com](mailto:jiemire@nydailynews.com)

### CITY WIRE

#### Nab 14 in fake-card scam

FOURTEEN members of a violent Queens street gang have been arrested for running a fake-document mill that churned out bogus Social Security cards for \$40.

The 15-month probe led by the NYPD revealed a black market headed by "M18," a ruthless criminal enterprise based in Mexico and California with a branch in Jackson Heights, prosecutors say.

Thomas Zambito

#### Zapped for teen sex chats

A BRONX PERV has been sentenced to up to three years in prison for engaging in sex chats with a 13-year-old Queens girl over the Internet.

Carlos Texiera, 30, was convicted of eight counts of sending indecent material to minors and endangering the welfare of a child following a July trial.

Queens prosecutors say Texiera, using the screen name wammonyc@aol.com, sent sexually graphic messages to the girl, along with links to pornographic videos.

Thomas Zambito

#### Anti-terror aid for temple

A QUEENS synagogue is getting \$75,000 in federal Homeland Security funds to tighten up its doors as well as upgrade its alarm system and closed-circuit cameras.

Kehilat Sephardim of Ahavat Achim, an influential Bukharian synagogue in Kew Gardens Hills, is one of 50-plus non-profits in the city that received the funds, according to Assemblyman Rory Lancman (photo).



"Jewish institutions face an omnipresent threat of terrorist attack," Lancman said.

Lisa L. Colangelo

#### WTC HQ gets frequency

THE NYPD'S new World Trade Center Command has its own radio frequency.

The new channel, which went into operation at one minute after midnight, will cover radio transmissions within three surrounding precinct areas, an NYPD memo says.

It will be monitored around the clock so dispatchers can respond to cops' radio calls and send help when needed.

Bob Kapstatter



## An underground hero on 9/11: subway operator evacuated passengers and maneuvered train to safety after system locked down

By JENNIFER FERMINO Transit Reporter

Last Updated: 11:08 AM, September 9, 2011  
Posted: 2:55 AM, September 9, 2011

Not all heroism on 9-11 happened above ground.

A quick-thinking motorman miraculously managed to evacuate over 800 people from the subway system, closing emergency brakes by hand and deftly maneuvering the train to safety after the system locked down.

His amazing tale barely registered at the time of the tragedy, but veteran subway operator Kevin Harrington's grateful passengers have never forgotten his bravery.

"Two weeks ago I was at the Botanical Gardens and an Indian woman came up and gave me a hug," Harrington told the Post.

"She said 'I was on your train on 9-11!'"

### COMPLETE 9/11 ANNIVERSARY COVERAGE

On that tragic day, Harrington navigated his jam-packed subway into the Fulton Street station around ten a.m.

He'd heard there was a plane that had hit the World Trade Center when he left Brooklyn at the start of his trip, but like many New Yorkers assumed it was an accident.

By the time he got to the station — about a block away from the site of the attacks — a second plane had hit the World Trade Center.

Tower two was moments from falling.

Just as Harrington's standing-room only train pulled into the station, the power went out.

"There was a big rush of air and then all the signals went red," Harrington said. "My train went into emergency."

A nearby subway relay station had been knocked out during the attack, disabling parts of the system and activating the emergency brakes.

A cop on the platform told him there was an emergency at the World Trade Center.

"I was like, can I evacuate my passengers here?" Harrington said.

The answer was a forceful no.

Before Harrington had time register what was going on, he heard a series of loud noises that sounded like cannon going off.

"I thought there were bombs on the street," he said.

"That was the building collapsing. It was the floors. Boom. Boom Boom."

Instantly, a thick white dust filled the station.

Some of the dust seeped into the subway — to the horror of the passengers.

"People were somewhat panicked," Harrington said.

That's putting it mildly.

He tried to keep people calm by making frequent announcements, telling riders that the train would be moving, but the atmosphere on the train was tense.

There was no air conditioning and it quickly became very hot.

At one point, a straphanger stood up and began quoting from the Bible, proclaiming that the world was coming to an end.

Another passenger — exasperated and on edge — put the religious man in a headlock to make him stop.

"People were doing the New York thing and ignoring him, but then the guy just got disgusted with it and put him in a headlock," said Harrington.

Harrington barely had time to register the commotion. He had to focus on the difficult task of getting the train to another station to safety.

It wouldn't be easy.

He decided to head south to Wall Street.

The partial power outage had put the system on lockdown. To move the train, he had to get out and manually close the emergency brakes, so heavy he'd have to step on it and use all of his strength to tie down.

"It takes like 40, 50 pounds of pressure [to close the brake]. Its compressed air," he said.

Once he did that, he could power the train forward about 60 feet.

But then he'd come to another emergency brake and have to do the process all over again.

He could have had the passengers walk out in the rat-filled tunnel, but thought that would be too dangerous since the third rail was on.

In one of his trips through the train, he noticed one of the passengers was an FDNY fireman.

"He was in his tee shirt and shorts that they wear underneath their gear," Harrington said.

"I said 'put your radio on and see if you hear anything.'"

Five minutes later, the fireman reported the news. It wasn't good.

"They're evacuating everybody [from the area]," he told Harrington.

The clock was ticking.

Finally, he managed to bring one subway car into Wall Street station.

He — along with other MTA workers at the station — evacuated the subway car by car.

"I told them all to do down the little lane by Wall Street and go over to Water Street and then go up and over the Brooklyn Bridge and get out of New York," said Harrington.

Everyone filed out eagerly, some a little confused.

One asked him how he was going to get to work.

Harrington told him not to worry about it.

"They were a good bunch of people," he said.

He waited until the last person was out and headed upstairs.

He got outside just in time to see the second tower fall.

In the chaos of the day, many of the transit workers couldn't reach their superiors for direction and made crucial decisions that kept thousands of people safe.

"It was the workers and their immediate supervisors who did all the evacuations," said Harrington.

His supervisor, Kevin Moore, spent the morning going through tunnels, making sure trains could move, closing emergency brakes and evacuating subways, all the while covered in the white dust that enveloped downtown.

"I'm really proud of the people in the Transit Authority, my co-workers," Harrington said.

# Bx-rider bashes lady bus driver

BY PETE DONOHUE  
DAILY NEWS STAFF WRITER

A FEMALE BUS DRIVER was slugged in the face by a 6-foot passenger angry she didn't pull over at his stop, authorities said yesterday.

Maria Hogan is the second female Bx9 driver to be attacked by a rider at Fordham Plaza in just three months.

The man punched Hogan, 45, late Saturday morning after quietly waiting for her to finish helping a passenger in a wheelchair leave the bus, she said.

"The punch hit me on the right side of my face, right next to my ear," a tearful Hogan said. "I ended up on the seat. I tried to push him away with my legs."

The man tried to pull Hogan off the driver's seat by the leg, but she held fast to a metal bar near the steering wheel, she said.

"All I was thinking was, 'Get him away, take him away,'" Hogan said.

Hogan said she had made several announcements that the 192nd St./Kingsbridge Road stop was closed because of construction and riders would have to get off at Fordham Plaza. As she was passing 192nd St., Hogan heard someone call out

for her to halt. She didn't turn to see who was making the request. Hogan's attacker cursed her just before swinging for her head, she said. Hogan last saw him walking on Fordham Road with a woman and a little girl, she said.

"MTA bus operators perform a tough and demanding job that requires skill and patience," MTA spokesman Charles Seaton said. "This past weekend's assault is an outrageous insult to the thousands of transit workers who serve the public every day."

Marlene Bien-Aime, 48, another MTA driver on the Bx9 route, was pummeled black and blue by a teenager she told not to bring her Chihuahua on board.

A 17-year-old girl was arrested and charged with assault.

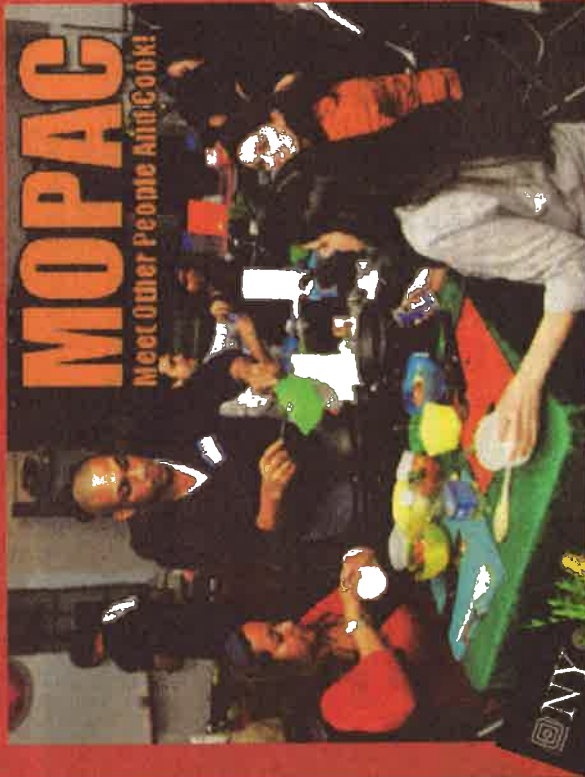
There were 59 drivers assaulted from January to August, an increase of seven over the same time period last year, the MTA said.

Tony Aiken, an acting bus division chairman with the union, said management is doing too little to protect workers.

"It's very disturbing and worrisome," Aiken said. [pdonohue@nydailynews.com](mailto:pdonohue@nydailynews.com)



Bronx bus driver Maria Hogan. Photo by News-12



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# Transit Workers Launch Campaign To Fight Rats On The Rails

September 21, 2011 12:19 PM

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Rat spotted in the Jamaica Center subway terminal on Sept. 21, 2011 (credit: Steve Sandberg/1010 WINS)

**NEW YORK (CBSNewYork)** – City transit workers are demanding the Metropolitan Transportation Authority do something about the growing population of rats living in the subway system.

TWU Local 100 has launched a petition campaign Wednesday called "New Yorkers Deserve A Rat Free Subway."

**1010 WINS' Steve Sandberg reports: Rat Free Rides**



Reporting Steve Sandberg

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There have been several high-profile rat incidents recently including a woman bitten by a rat as she waited for a J train in Brooklyn and a sleeping rider was videotaped with a rat climbing up his leg on the Number 4 train.

"Say no to rats," workers chanted during the kickoff of the campaign at the Jamaica Center Terminal in Queens.

The union's head of stations, Maurice Jenkins, said the rat problem has become a public health hazard.

"We're talking hundreds of rats, it's so bad that when it quiets down at night they come out on the platform," Jenkins said. "Your fare includes buses and trains you shouldn't get no pets."

The situation is worsening at the Jamaica Central Terminal where Jenkins said the vermin are breeding inside the station's trash room just outside the E train platform.

"You see the bags moving, like they're alive, that's because of all the rats that are in there," Jenkins said. "It'll look like the sea, you'll see waves, the bags are constantly moving."

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**TOP TEN TALKERS TODAY**

Israel Floats 'Interim Solution' Proposal At UN To Stem Palestinian Statehood Tension (286)

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Presidential Hopeful Perry Unleashes All-Out Assault On Obama's Israel Policies (15)

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Cop Accidentally Fires Gun Near 'Pan Am' Set; Bullet Sails Into Nearby Brooklyn Apt. (15)

**2ND VIDEO ON DEMAND**



## MTA train operator's top job is to keep New York rolling

# one track

BY JACOB E. OSTERHOUT  
DAILY NEWS FEATURE REPORTER

**A**s a child growing up in Brooklyn and Long Island, Alex Bowen Sr. never used the subway, preferring instead to travel on a unicycle. Now, the 42-year-old father of three drives the trains he used to avoid.

A train operator for the Rapid Transit Operations department of the Metropolitan Transportation Authority since 2002, Bowen has driven dozens of types of trains on every line of the subway system.

"No joke, within my 18 years of working for the MTA, I've worked every tour there is," says the Dutchess County resident who was a train conductor for

nine years before he was an operator. "I didn't go to college, and started this job when I was 22 years old, so my college education was basically with the Transit Authority. There are a lot of different types of equipment that I've had to study."

Not only has Bowen driven passenger trains, but he also operates work trains like flat cars, tanker cars, hoppers, de-icers, snow removers and vac trains.

"Most people don't realize that not all trains are the same and that different tracks require different trains," he says. "You can't put an A train on a 1 train track. Lettered trains are two feet wider than numbered trains, and they drive differently."

"Similarly, the vac trains, which pick up dust and trash off the tracks, drive differently than the R160s."

A large man with a shiny bald head, a deep voice and a love of motorcycles, Bowen lists safety as his primary concern.

"You have to be alert and attentive to safely do my job," he says. "That's not always easy in the middle of the night. You can't drink coffee or listen to music while operating the trains, so you have to stay focused."

Perhaps counterintuitively, train operators must remain more vigilant at slower speeds. "Sometimes the moves that

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we do are at a mile an hour," he says. "If you are traveling that slow for thousands of feet, it takes a while and that's a long time to remain alert."

Bowen works at least eight hours a day, six days a week, but many times on weekends, he'll be called in to work a double shift, or 14 straight hours.

Often, he won't know how many hours he'll be working until he shows up for duty.

"My job has certainly helped support my family, but at the same time, it also makes it difficult to have a normal family life with children," he says.

"Going to work and not knowing when I'm going to come home makes it very hard to plan anything. Working long hours and nights can be stressful on family life."

Not that Bowen is complaining.

"The best part of my job is when I get to be outside," he says. "Some guys like being underground, especially during

winter time when it can be really cold, but I don't care what season it is, I love being outdoors. It's just healthier."

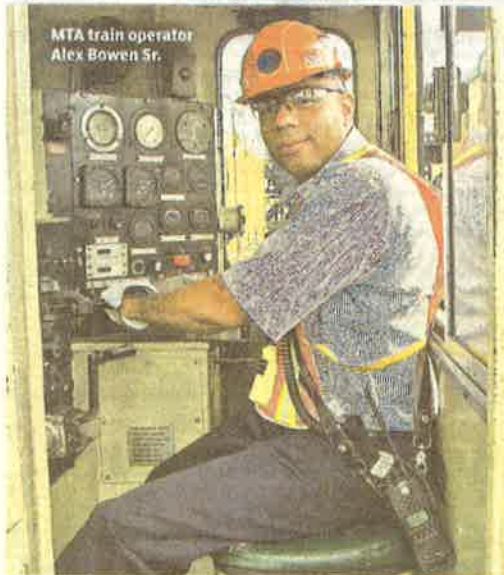
According to Bowen, the subway tunnels contain lots of dust that makes breathing difficult for those who spend long periods of time underground.

"The braking system kicks up a lot of steel dust, which combined with the heat kicked off from the air conditioning units makes it tough to breathe," he says. "Sometimes, I'll go home to my wife and she'll ask if I have a cold because I've been breathing that stuff in all night. They say the life span of a transit worker after retirement is five years. You can chalk that up to the steel dust."

But worse than the dust are the multitudes of rats that roam the subway tunnels.

Bowen remembers driving a trash train to the garbage dump next to the Grand Central Shuttle tracks where "the rats learn nothing" and "will run up your arms and down your legs."

"The rat feces and urine was so potent that I felt like I needed a gas mask," he says. "That was the one time when I thought that maybe this job wasn't for me. I could take the cold, the heat and the bad breathing conditions, but the smell of the rats was almost too much."



## Bad Albert Brooks is a killer in 'Drive,' but he still brings the funny

**A**lbert Brooks is a man of many talents. Over a 40-year career, the entertainer has been a comedian, an actor, a director, a voice actor, a novelist and, now, a Twitter aficionado.

Brooks, 64, takes on another unexpected role as the deceptively friendly crime boss Bernie Rose in "Drive," which stars Ryan Gosling as a stunt-car driver and all-around badass. In the arthouse action flick, Brooks delivers a powerful, violent performance that bears little resemblance to his previous casting.

**Did you enjoy playing Bernie Rose in "Drive"?**

"I did enjoy playing Bernie. Although the truth is that killing somebody in a movie is a very tedious, all-day task, especially with [director] Nicolas [Winding Refn], because he does 25 or 30

takes. So I stabbed a man in the eye 25 times, at least. It's like an orgasm — two are great and six you can't breathe. Enough! By the afternoon, I don't want to pick up these knives anymore. The initial idea of a character getting to exert that kind of authority is very cool. Spending at least 17 hours covered in that crap blood is not the most fun thing I've ever done."

**Sure, Bernie's a killer, but were there parts of his character you could relate to?**

"The cool thing about Bernie Rose is that he is not just a murderer. You can tell that this guy probably did some damage to people maybe 20 years ago, but he was no longer interested in doing that. So when they bring this mess in front of him and it is literally his life or theirs, he is almost angry that he has to get his hands dirty again. He has to

go and do this again and he is not happy about it. One of the nicest moments in the movie is when he kills the garage owner. He just pats his head and says, 'Don't worry. It's over. There's no pain. It's okay now.'"

**You've worn so many hats over the years. How do you categorize yourself?**

"I don't define myself anymore because that would be sort of crazy. I just try to get up in the morning and make sure everything is functioning. And just do it again day after day. The book ['2030: The Real Story of What Happens to America,' St. Martin's Press] is a good example of doing something in a new field, and that was a very good experience. It's the same with this movie. Just because somebody has the word comedy attached to them, doesn't mean that have to just sit around and



**'I can use Twitter and I can Google myself. I mean, what else is there?'**

Albert Brooks (l.) with his "Drive" co-star Ryan Gosling

**far all day long. Although I do.'**

**Do you feel like you proved something in this movie?**

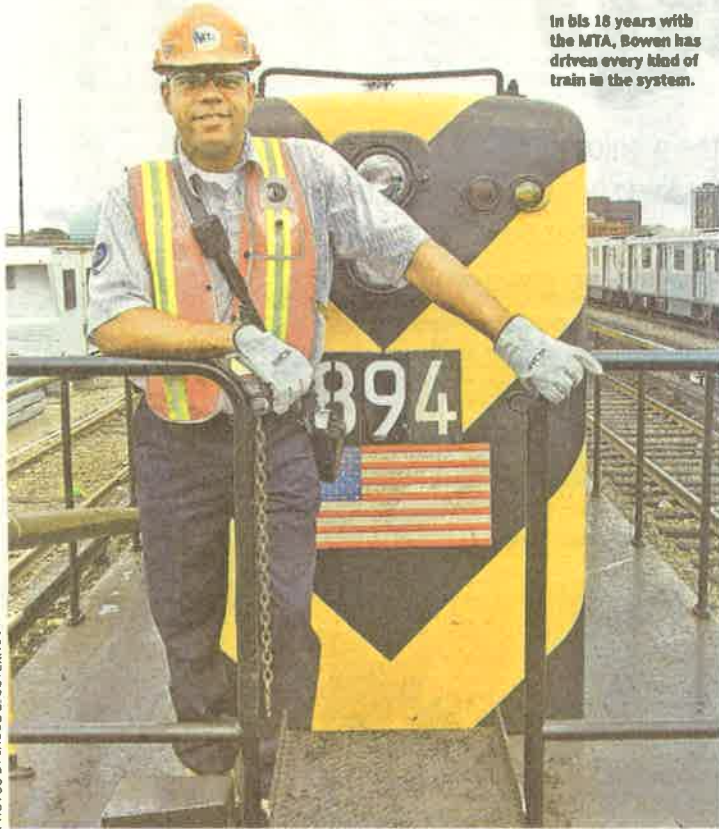
"Listen, you can say to people

all day long, 'Hey, I can kill somebody.' And sure, people would believe it. But until a director says, 'Okay, let's do it,' it just doesn't mean anything. This is

# mind

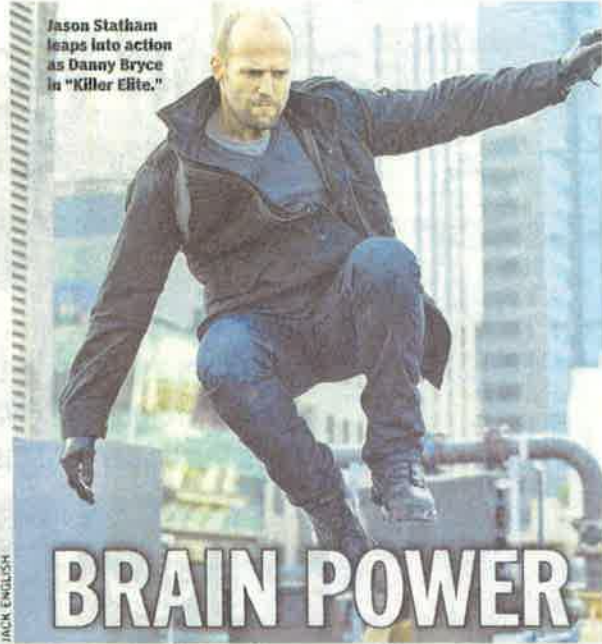
# NOW

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In his 18 years with the MTA, Bowen has driven every kind of train in the system.

PHOTOS BY JACOB E. OSTERHOUT



# BRAIN POWER

## Statham's 'Elite' puts thought into mayhem

BY CHRIS GARCIA  
SPECIAL TO THE DAILY NEWS

In a typical Jason Statham movie, warped reality rules, with the balding, buff star giving as many over-the-top beatings as he takes. In "Crank" — to pick one — he is hurled hundreds of feet from a helicopter and lives to yell about it.

From his fiery debut in Guy Ritchie's "Lock, Stock and Two Smoking Barrels" to "The Italian Job" and "The Bank Job" and the three "Transporter" movies, Statham has found himself shooting and duking it out in the name of high-voltage entertainment — no grounding required.

Statham's new action drama, "Killer Elite," is different.

The actor sounds almost relieved to have found a story he calls "rooted in reality," one that's not only taken from a true story — adventuresome Brit author Ranulph Fiennes' best-selling nonfiction book "The Feather Men" — but that approaches its violent set pieces with the sophisticated grit he compares with James Bond and Jason Bourne movies.

"It's the type of film I've been wanting to make for a long time," Statham says. "It's a real, grownup action movie. There just

isn't a large amount of films like this that come through my fingers, so I jumped at the opportunity."

The film features Statham as an assassin finding himself up against Britain's Special Air Service, led by a belligerent chief (Clive Owen).

With a solid tough-guy résumé and a scrappy Derbyshire accent, the British-born Statham, 44, has adopted the action-hero mantle while adding his own touches: Bullet head, bulldozer jaw, permanently gritted teeth.

Fans know what they're getting with Statham — a former member of Britain's National Diving Squad and, briefly, a model, like his girlfriend Rosie Huntington-Whiteley ("Transformers: Dark of the Moon").

But he makes it clear, he's like to offer brains with the brawn.

"We're trying to give people what they want in terms of action — and something more," he says. "An intellectual action film is the objective, where you can still have the great physical displays."

Director Gary McKendry says he sees more than just the burly action hero in Statham, but also the smoldering cool of Steve McQueen in "The Thomas Crown Affair."

"Jason does stillness like no one in the business," McKendry says. "Look beyond the action. Look at Jason in a scene one on one with Clive and how he holds his own. There's no action in those scenes — it's all work with the eyes, with the words."

Statham says to expect a "fun ride" from his next film, next spring's "Safe," which he shot partly in New York — a city he loves and where he hangs out with friend and "Expendables" co-star Mickey Rourke. "These are the kinds of movies I would pay money to see, the kind of films I want to make," he says. "I know you can't keep doing the same thing."

### Ryan Gosling and Carey Mulligan find trouble as neighbors in "Drive."

just another acting chop to put on my list of credentials. Albert Brooks, killer. I just got these business cards made, that's what it says."

#### You are very funny on Twitter. How did you get started?

"I went on Twitter to promote my book in the middle of April. I treat it like a broadcast and take it as seriously as I can for a medium that pays nothing. But I like it because I like to comment on the news. If I weren't doing this, I'd just call a buddy of mine and make him laugh and that would be the end of it.

"Believe me, I'm not walking around all day thinking, 'Oh my God, I've got a 4 o'clock tweet!' I wouldn't say I'm good with computers, but I can use one. I mean, I know how to get to the porn sites



and I can use Twitter and I can Google myself. I mean, what else is there?"

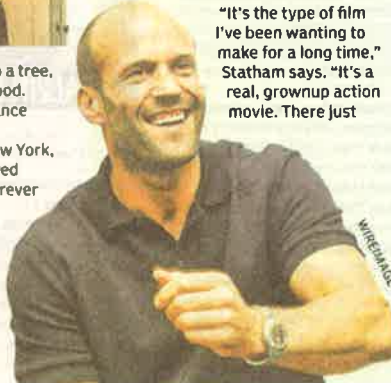
#### How are your own driving skills holding up?

"To quote Dustin Hoffman, I'm an excellent driver. When you are born and raised in Los Angeles, that's the one thing you know how to do. You can do it better than anyone. It's part of the culture. So I've been a pretty damn good driver for my whole life. I don't like to say that because

tomorrow I'll back into a tree, but I've been pretty good. I've still got low insurance rates.

"When I come to New York, though, I walk a hundred miles. You can walk forever and not see a person in L.A. We don't even have sidewalks! But in New York, there are so many things to see, and that's the coolest part of the city."

Jacob E. Osterhout



WIREIMAGE







Subways crawling with rodents, transit workers rage at Qns. rally

# 'CUTBACKS MEAN RATS ARE BACK!'



BY PETE DONOHUE  
DAILY NEWS STAFF WRITER

MTA BUDGET and staffing cutbacks have caused the rat population to explode in the subway system, transit workers charged yesterday.

"Cutbacks mean the rats are back!" Transport Workers Union Local 100 members and officers chanted at a rally at an entrance to the Parsons/Archer subway hub in Jamaica, Queens, which has one of the worst infestations.

Union members collected thousands of riders' signatures for a petition urging management to increase the frequency of garbage pickups, put more trash bins in stations and better seal off refuse storage rooms to rodents.

"We have a huge rat problem," said Kevin Harrington, a Local 100 vice president and one of the three dozen union activists at Parsons/Archer.

"This has proven to be a problem location and even following some of the suggestions offered by the TWU has failed to yield positive results," said Charles Seaton, an MTA spokesman.

The MTA's 2010 and 2011 budgets would eliminate 254 subway car-, track- and station-cleaning positions. Projected savings total \$21 million annually, budget documents show.

Reports of a greater rat presence underground are anecdotal. The MTA said it doesn't have a population estimate and said it was unclear if there has been a surge.

Whatever the number, it's too big, riders and workers said.

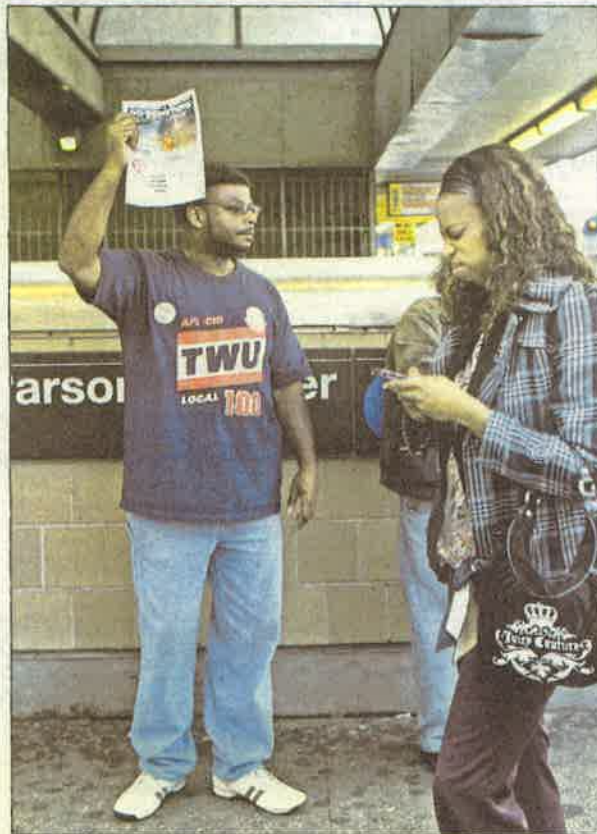
"It's unhealthy to say the least," said Phyllis Thurston, a clothing store employee from Queens. "The MTA doesn't seem to care about its customers as long as we give them what they want — money."

While riders sometimes encounter rodents on platforms, subway workers have to contend with the critters in greater numbers in utility rooms, track beds, locker rooms and lunch rooms, Harrington said.

The union said it plans to hold additional rallies at rat-plagued stations.

The MTA said they are working on a solution. "In the short term, we are baiting the [Archer] station more often and removing refuse from the station more often," said Seaton.

pdonohue@nydailynews.com



Transit Workers Union member hands out flyers about rat infestation at Jamaica Center subway station at Parsons Blvd. and Archer Ave. in Queens. Photo by Anthony DelMundo

## Slain girl's pa to sue ACS & city for \$150M

THE FATHER OF a 4-year-old girl who weighed just 18 pounds when she died a year ago plans to sue the city for \$150 million.

Tyrone Pierce, 31, filed a notice of claim in civil court, announcing his intention to sue the city and the Administration for Children's Services for the death of Marchella Brett-Pierce, according to recently released documents.

Mom Carlotta Brett-Pierce, 31, is charged with murder and grandma Loretta Brett, 56, with manslaughter. Marchella had ligature marks on her hands and drugs in her system, when she died.

An ACS caseworker and his supervisor were charged with criminally negligent homicide for failing to prevent the child's death.

A source said Tyrone Pierce — who is estranged from the child's mom — was allowed to visit his daughter three days a week until her death, raising questions about why he never came to her aid.

Oren Yaniv

## MTA's budget gaps to grow

THE MTA could face huge budget gaps in the coming years — even with fare hikes planned for 2013 and 2015, the state controller warned in a report yesterday.

Controller Thomas DiNapoli said the MTA's fiscal plans make risky assumptions and goals, including banking on a three-year wage freeze for unionized workers if efficiencies cannot be found to offset pay increases.

The contract with TWU Local 100, the union that represents the most Metropolitan Transportation Authority workers, expires in January.

DiNapoli also warned that if the MTA goes forward with its plan to increase borrowing to an unprecedented \$14 billion on its current five-year construction and maintenance program, already sky-high annual debt payments will balloon.

Pete Donohue

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Subways crawling with rodents, transit workers rage at Qns. rally

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Transit Workers Union member hands out flyers about rat infestation at Jamaica Center subway station at Parsons Blvd. and Archer Ave. in Queens. Photo by Anthony DelMundo

## Slain to sl city

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## MTA gaps

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## Tony Bennett backs down from 9/11 comments

Tony Bennett is singing a different tune when it comes to comments he made suggesting U.S. foreign policy caused 9/11.

The legendary singer and WWII vet apologized Tuesday for saying on Howard Stern's radio show that the terrorists were provoked by America's military actions in the Middle East.

"I am sorry if my statements suggested anything other than an expression of my love for my country, my hope for humanity and my desire for peace throughout the world," Bennett, 85, wrote on his Facebook page.

Bennett stirred controversy Monday when he told Stern that terrorists "flew the plane in, but we caused it because we were bombing them and they told us to stop."



Bennett

## Officer pleads not guilty in rape of Inwood teach

An NYPD officer accused of raping a school teacher in Inwood last month pleaded not guilty yesterday, and court papers said he told other cops that he was afraid to call his girlfriend after his arrest for fear she would think he was "cheating."

Michael Pena, 27, was arraigned on charges of rape and sexual assault, among others, for the alleged Aug. 19 attack. He is being held on \$500,000 cash or \$1 million bond.

## Poll: Most NYers willing to take casino gamble

The majority of New Yorkers, 56%, want the state to take a chance on legalizing casino gaming, according to a Quinnipiac poll released yesterday.

"New Yorkers of every stripe say what stays in Vegas should stay in the Empire State as well," said Quinnipiac poll director Mickey Carroll.

But despite the majority support, 63% of New Yorkers also are betting on an increase in gambling addiction.

# Mike's not king of N.Y. when it comes to cash

## With \$19.5B, mayor's No. 2 on state rich list

BY ERIK ORTIZ  
erik.ortiz@am-ny.com

For the second straight year, Mayor Mike Bloomberg couldn't reclaim the spot as the richest New Yorker.

While Bloomberg is worth an impressive \$19.5 billion, according to *Forbes*' annual "richest Americans" ranking released yesterday, it's still not enough to match oil baron David Koch, who's worth a stunning \$25 billion.

Koch, along with his brother, Charles, are tied as the fourth-richest Americans on the *Forbes* list.

Bloomberg, who was the richest New Yorker on the 2009 list, ranks No. 12 in the U.S. There's no need to pity the mega-rich media mogul for not being the "King of New York," though — his worth increased by \$1.5 billion since last year.

"His business is doing particularly well at a time when not all media businesses are," said *Forbes*

senior editor Luisa Kroll of the mayor's expanding Bloomberg L.P. empire.

The mayor's office declined to comment.

Kroll said that even though Bloomberg increased his wealth, he still dropped in the overall rankings by two spots.

"These days, when the majority of America's richest are making big gains, you really need to keep it up to climb in the ranks," she said. "Even a billion-dollar gain isn't always enough to hold onto your rank."

News Corp. CEO Rupert Murdoch earned another \$1.2 billion last year — boosting him one notch to 37th richest in the country.

Of the top 400, nearly two-thirds saw increases in their net worth, with some cracking the top 20 for the first time, such as Facebook founder Mark Zuckerberg.

He's worth \$17.5 billion.

But everyone else is

worth a chump change when compared to Microsoft's Bill Gates: He tops the list for the 18th consecutive year with a \$59 billion fortune.

### FORBES' 2010 RANKING OF RICHEST NEW YORKERS

[1]	David Koch	Energy	\$25B
[2]	Michael Bloomberg	Media	\$19.5B
[3]	John Paulson	Financial	\$15.5B
[4]	Carl Icahn	Investment	\$13B
[5]	Ronald Perelman	Investment	\$12B
[6]	Rupert Murdoch	Media	\$7.4B
[7]	Samuel Newhouse Jr.	Media	\$6.6B
[8]	Leonard Lauder	Cosmetics	\$6.3B
[9]	Ralph Lauren	Fashion	\$6.1B
[10]	Richard LeFrak family	Real Estate	\$5B



(PHOTO: GETTY)

## Transit workers rat out MTA for growing subway rodent issues

BY MARC BEJA  
marc.beja@am-ny.com

Rats are taking over the city's subways, and the MTA isn't doing enough to stop it, transit workers said yesterday.

Transport Workers Union members gathered outside the Jamaica Center-Parsons/Archer station yesterday, chanting "Rats ride for free, you gotta pay," and asking riders to sign a petition with suggestions for ways to keep stations cleaner and eradicate the pesky rodents from the system.

"People have a right not to be terrorized by biological terrorism, and that's what these rats are," union vice president Maurice Jenkins said, suggesting the MTA put out more trash cans, pick up garbage more frequently, place tight-fitting lids on trash storage bins, and patch up holes throughout the transit system where rats slip through.

J line conductor Scott Harris predicted there may be as many as 20 million rats throughout the city's 488 subway stations.

"For every rider, there's

probably about three or four rats — minimum," said Harris, 40.

Riders at the Jamaica station said although rodents aren't new to the subway system, they are becoming more visible.

"Especially when you get to a station with the big old Dumpsters in it," said Angeliq Jones, a barista from Jamaica. "You see them jumping on and off the garbage. It's nasty."

Jones, 21, recalled a close encounter with one last week, when a rat ran out from underneath a bench



Transit workers said yesterday that the MTA is not helping relieve the subway's rat problem. (EMILY ANNE EPSTEIN)

she was sitting on as she waited for an E train at Fifth Avenue.

Earlier this month, amNewYork reported that a rat took a bite out of a woman's foot at the

Chambers Street/Brooklyn Bridge J station.

The health department said the risks of health problems are minimal.

The MTA did not comment as of press time.



# Andrea Peyser

andrea.peyser@nypost.com

## Creature discomforts

## Turkish daffy in UN free-for-all

**H**ERE'S another reason to stay in bed, New Yorkers. And it's got nothing to do with kamikaze bicycle assassins or obnoxious cell-phone yakkers who've been given license to bombard subway platforms with loud chat.

The city is getting overrun by rats.

Like something out of a slasher movie, the rabies-carrying rodents lurk in the recesses of the brain. Then they pop out on the playground or subway train, as if to taunt, "I outnumber you!"

They're big, fat and entirely gross. And now major cutbacks in the number of city rat-killers have finally hit home. Rats are rising from the underground tracks. In a viral YouTube video, one frisky fiend even climbed up a sleeping straphanger's leg.

And like savvy New Yorkers, they've invaded the best ZIP codes. If they can make it on the moneyed Upper West Side, they can make it anywhere.

Walking into an adorable playground at 93rd Street and Central Park West (tire swings, sandbox, nannies galore), a scary greeter met me at the gate: a rat. It looked to be 2 feet long. Ironically, this place is called "Wild West Park."

"This, this is rabies!" shrieked a shocked Marcia Francois, who comes to Wild West with Danielle Levine, 8. Rather, they used to come there.

"I really don't want rat bites!" said the little girl.

Warily eyeing a nest of the fast-moving vermin, who darted in and out of the shrubs at will, Edward Drossman, a stay-at-home dad of Sarah, 4 months, and Zach, 2, grew fearful.

"If someone gets bitten, and a lot of kids in summer are without shoes, then the city will get sued for a lot of money," he said.

"It's a great park — except for the rats. I'm going to start avoiding it."

Other parents simply accepted the vermin they were dealt. "I see them all the time," said mom Sarah. "I keep away. What choice do we have?"

Her adorable 4-year-old daughter piped up: "If you trip over the rat, the rat will bite you!"

Rats have likely lived in New York since time immemorial, long before the advent of the video camera.

But no one has been able to count them — though one estimate put the rat population at four per human, or more than 32 million.

Then, this summer, something happened out of your worst nightmare. The city Health Department laid off 75 percent of its pest-control employees — 63 workers — to save \$1.5 million a year. Things have been fuzzy and frightening ever since.

Over the summer, The Post and other news organizations reported a rat convention at the playground at formerly scruffy, now kid-friendly Tompkins Square Park downtown.

For weeks, kids darted around the rats until, finally, they were slaughtered by Parks officials using mechanical traps disguised as rocks. (Poison was a no-no for fear of killing fledgling red-tailed hawks.) I wonder how PETA feels about rats.

This month, skeeved-out subway workers staged a protest, complaining that rats had multiplied — on

platforms and in cars as well as on tracks — due to layoffs and cutbacks that reduced trash collection.

The city, so far, has taken the rat population explosion in stride.

Health told me to contact the MTA or Parks Department for more info. Funny, Parks sent me to Health. And so on . . .

Parks spokeswoman Vickie Karp issued a statement saying, "We encourage all New Yorkers to properly dispose of their litter and help keep our parks and playgrounds clean and rodent-free."

She was not aware of unusual rodent activity at Wild West Park, though she urged freaked-out New Yorkers to call 311.

Some, like Drossman, didn't bother calling. Other parents held their noses and prayed.

Once the rats take over, prayer is our only hope.



### Always a blind eye to roadway safety

New York state no longer requires people to pass eye tests before renewing driver's licenses. Why did we need eye tests in the first place?

With bicycles hogging lanes and sidewalks while running red lights — and 10,000 more shared two-wheelers on the way — it's impossible to see the pavement anyway.

## STENCH ON THE BENCH

Lordtyshon Garrett of Brooklyn beat his mother-in-law's cat, Madea, with an umbrella until the creature had to be euthanized. Judge Dineen Riviezzo agreed Garrett didn't mean to kill it. Still, she sentenced him this week to six months behind bars for animal cruelty.

Now, move to sensitive Staten Island where James Moss,

believing his 9-year-old son, Chris, stole \$20 from his wallet, beat the boy mercilessly on the back with a spatula. He stripped the boy, put Chris' hands over a hot stove until they began to peel, punched the child's face and shoved him into an oven while screaming, "I'm going to burn you alive!"

He then threw Chris, undressed and suffering second- and third-

degree burns, outside until his mother came home. Judge Robert Collini agreed that Moss meant to hurt the kid. Or worse. Yet the judge sentenced him last month to four months — of weekends! — in jail. What? No brunch?

Hurt a cat. Or maim and terrorize your kid. In this city, cats are king. Children are roadkill. And some judges are pond scum.

In a hissy fit worthy of a Hollywood starlet, members of the Turkish delegation to the United Nations got royally peeved after being escorted to the wrong floor during the debate on Palestine, Page Six reported.

The security team of Turkish Foreign Minister Ahmet Davutoglu was told by guards they couldn't enter the hall. So they "pushed their way onto the floor, screaming, shoving and stomping on UN security," witnesses said.

A female UN guard and a uniformed officer were badly bruised. A guard of Turkish Prime Minister Recep Tayyip Erdogan, who was there, was seen tossing a female officer across the room. There is a punch line.

A spokesman for Secretary-General Ban Ki-moon chalked up the fracas to a "misunderstanding" that's been "resolved." If this were a nightclub, such abysmal behavior would be resolved with a one-way ticket home.

Turn the United Nations into a housing project! It's safer.

### Finally! A Net gain for B'klyn

What controversy? It's happening, finally. The opening of the Barclays Center next year is a long-overdue adrenaline shot for Brooklyn, a borough that was rotting in the middle due to neglect and Yuppie protesters who'd object to a ribbon-cutting on a Quonset hut.

Rapper Jay-Z announced Monday that the New Jersey Nets will be reborn as the Brooklyn Nets, a team of which he's a part-owner.

He'll also give a concert to open the 18,000-seat arena that brings back sorely needed jobs, money and cachet to the Borough of Kings.

A year from now, we'll wonder what all the fuss was about from well-heeled whiners who for years delayed the return of the "Brooklyn" name to a professional sports franchise. But never mind. Play ball!

# Element of danger in subway thefts



Prince Hayes is in Rikers for stealing copper cable from subway tunnels.



**P**rince Hayes is currently cooling his heels in a Rikers Island jail cell — probably best for him and subway riders.

A lanky 49-year-old with a drug habit, Hayes plies a dangerous trade in the tunnels beneath the city. During gaps between trains, he cuts and removes sections of copper cable for quick cash at scrapyards.

It's not knocking old ladies over the head with a brick, but riders who have languished on a delayed train will say it's not taking quarters from the pay phone, either.

Once Hayes strikes with a hacksaw and pliers, there's trouble on that part of the line. The emergency brakes on trains racing to the next station are tripped up by the damage, bringing them to a sudden halt.

There are lengthy delays and costly repairs. On at least one occasion, Hayes caused a small explosion that sent billowing smoke into the nearest station. Another time, his handiwork forced dispatchers to suspend service on one line and reroute

### trains on three others

That the daring copper thief hasn't been killed yet is a testament to his luck or skill or maybe a bit of both. The thick, heavy cable he removes is part of the power distribution circuits that handle hundreds of volts of electricity. If he picked the wrong section of cable, he'd fry like a bug under a magnifying glass.

If there's a positive recurring theme in this Portrait of a Subway Criminal, it's this: NYPD Transit Bureau detectives regularly arrest Hayes and put him out of commission, at least temporarily.

Since July 2005, Hayes has been charged six times with copper theft crimes — and that's just in Brooklyn, according to court records. Since 2000, he has had eight drug possession charges, mostly for heroin.

Riders on the N line in Brooklyn experienced the effects of Hayes' handiwork on Sept. 13. The emergency brakes on several

trains were activated in the vicinity of the 36th St. station. Workers searching for the cause discovered some cable was missing. A police investigation led to Hayes.

According to a criminal complaint filed by Detective Anthony Navarra, Hayes sold a section of copper wire stamped NYCTA to a scrap yard near the Gowanus Canal two days after the breakdowns.

## ON THE SUBWAY



Pete Donohue

"They got me again," Hayes recently told his wife in a telephone call from Central Booking. On Wednesday, Hayes copped a plea deal offered by a Brooklyn Criminal Court judge. He took a 90-day sentence to settle three open cases. A parole violation might result in a longer stay.

"He said this is the last time," said his wife, a recovering alcoholic who said she kicked Hayes out years ago but came to court to support him. "He didn't sound sincere."

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# Black staffer slams ASPCA response to her noose find

## EXCLUSIVE

BY LISA L. COLANGELO and JOHN MARZULLI  
DAILY NEWS STAFF WRITERS

A BLACK ASPCA employee who found a noose in the organization's Queens garage claims officials blew off her complaint and told her the hanging rope was for "operational purposes."

Sanoy Fleming, a part-time clerk in the records department, made the shocking discovery on Sept. 11 and used her phone to snap a photo.

Fleming, who has hired a lawyer, said a black colleague told her the noose had been hanging for several days in the garage of the spay and neuter clinic, which opened last June in Glendale.

"I was very upset, and it made me uncomfortable that no one thought it was inappropriate," Fleming, 40, told the Daily News.

"I explained to my supervisor that nooses were used to hang slaves, and I explained how insulting that is to African-Americans."

Fleming's supervisor apparently reported the incident to ASPCA higher-ups — four days later she was put on a conference call with the human resources department.

A man who identified himself as "George" warned Fleming that her work was not up to par.

"At the end of the conversation, he said, 'I heard you were upset about a rope found in the garage,' and he said that it was used for 'operational purposes' to lift things," the Brooklyn woman recalled.

Fleming, who also has a full-time job as a receptionist at a cosmetics firm in Manhattan, has retained lawyer Eric Sanders to protect her from retaliation.

"The person who put up that noose should be terminated to send a message that it will not be tolerated," Sanders said.

ASPCA spokeswoman Elizabeth Estroff said in a statement: "The ASPCA takes employee complaints very seriously and has a very strict policy against any form of workplace retaliation."

Fleming said co-workers told her the noose was fashioned by a white employee who has been instructed not to tie a knot like that again.

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# Transport Workers Union Votes Unanimously to Support Occupy Wall Street

By Jen Doll

published: Thu., Sep. 29 2011 @ 3:00PM

## BREAKING



VOTES TO SUPPORT  
OCCUPY

## WALL STREET

Occupy Wall Street is in its 13th day, with support growing among factions veering from the "grungy unemployed hippie stereotype." There's the [event led by two CUNY professors to protest the treatment of the protesters at the hands of the NYPD](#) (Critical Mass has written they'll join in this rally, which may be preceded by a feeder march from Zuccotti Park consisting of other groups as well). Michael Moore, who's been involved for days now, is doing a book signing at [St. Marks Bookshop](#) (another cause!) with [royalties on sales to go to support Occupy Wall Street](#). And last night, the Transport Workers Union voted to support Occupy Wall Street. We hear that the UAW will be showing support as well.

We spoke to TWU Local 100's spokesman Jim Gannon, who told us that the executive board voted unanimously last night at their regular monthly business meeting to support Occupy Wall Street. TWU Local 100 has 38,000 members, the vast majority of whom work in New York City transit. (TWU has 200,000 members in 22 states.) Gannon said, "A motion was brought up to endorse the protests' goals; I don't know why it took us so long to do it. Right now we're going to be involved in a march and rally on the 5th of October. We'll gather at City Hall at 4:30 and march to Zuccotti Park."

Why did they join? "Well, actually, the protesters, it's pretty courageous what they're doing," he said, "and it's brought a new public focus in a different way to what we've been saying along. While Wall Street and the banks and the corporations are the ones that caused the mess that's flowed down into the states and cities, it seems there's no shared sacrifice. It's the workers having to sacrifice while the wealthy get away scot-free. It's kind of a natural alliance with the young people and the students -- they're voicing our message, why not join them? On many levels, our workers feel an affinity with the kids. They just seem to be hanging out there getting the crap beaten out of them, and maybe union support will help them out a little bit."

Via [Animal NY](#), [here's a video of a woman who identifies herself as a TWU 100 member talking about](#)

[support](#) for the demonstrators.

Marvin Holland, TWU

100's political director, told us that individual union members have been supporting the movement and down at Zuccotti Park since day one, and that this was "a natural fit for us." He'll be meeting with some of the protesters tomorrow to talk about what kind of support they need. Will this help OWS focus their still rather undefined goals? "I don't think it's our job to tell them what their demands should be," he said.

TWU Local 100 President John Samuelsen added, "We plan to be down there from now on. Previously there were individual rank and filers, but now there will be a coordinated presence from the Transport Union; we'll be joining the protest, standing in agreement and solidarity. One of the things that drew the issue to my attention is the fact that no one can get away from the fact that the richest and wealthiest folks have received a significant tax break and there have been ongoing efforts to extract concessions from public sector workers. Their formula is to give tax breaks to the rich and balance the budget on people making 50 grand a year. These folks down at Wall Street are singing the same tune as we are."

Meanwhile, Critical Mass writes,

We are bringing Critical Mass back to its glory days, and bringing it to Liberty Plaza, where the police have been surprisingly bike friendly! Join us for a rally against police brutality at 1 Police Plaza first, at 5:30pm, then ride with us to Union Square, where we will once again have the sound bike and we will be joining forces with the radical activists of Liberty Plaza. They have liberated a public place, much like Critical Mass did with the streets of New York, and we will revel in this space and this freedom with them.

Related: [There Will Be a Protest to Protest the Treatment of Occupy Wall Street Protesters](#)

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**Anonymous** 2 hours ago

Get educated!



What is a "Paid Troller"?

People who are paid for posting FUD content (Fear, Uncertainty and Doubt) at the bottom of online articles in order to discredit the author.

What is a "HoneyPot"?

A deceptive website set up as a "false flag" to lure targeted groups of people to post comments and/or register their personal information. The info is

then correlated against other online data to identify those people.

If I post from my home, can my street address be identified?

Yes! All computers have a MAC address that can be tracked down through the supplier who sold you your computer. Also your external IP address (the

ID code used to connect you to the internet) can be correlated to your previous online activity. Google calls it "finding a needle in a haystack." And of

course, the Google Street View cars have already photographed your street front.

How can I safely get involved?

MAKE TIME AND PLAN YOUR TRAVELS so you can post from hotel lobby computers or any other non-managed public kiosk that is not near your

home. Public libraries typically require your library card to be swiped and should be avoided. Internet cafes offer no safety unless the computer is public.

DON'T WORRY if you've already posted from home because there is a considerable degree of 'security in obscurity.' Just don't make it a habit!

What should I post?

Educate your worldwide brothers and sisters on these topics. Do it often and BE CONCISE!!!

MOST IMPORTANTLY, have a positive intention, imagine what a peaceful world would be like and conjure a joyful feeling of that already being in place.

What are the Banksters MOST worried about?

- 1) exposure of the operations of the Federal Reserve Bank and fractional lending
- 2) people losing confidence in paper currency and bartering instead
- 3) people avoiding mainstream news media (mainstream news induces fear and generates hopelessness)
- 4) positive thinking and self-awareness of individuals
- 5) anonymous mass resistance as described above

Remember that your identity is not important... only your ideas... which can go viral. We love you. Good luck!



[Karen Kennedy](#) 15 minutes ago

Confused about the date. Is it tomorrow or October 5?

# TWU blasts city for putting handcuffed Occupy Wall Street protesters on buses

BY [Pete Donohue](#), [Emily Sher](#) and [Helen Kennedy](#)  
DAILY NEWS WRITERS

Monday, October 3rd 2011, 4:00 AM



Anjali Mullany/News

Occupy Wall Street protesters and police officers on Brooklyn Bridge on Saturday.

## Occupying Wall Street

Do you support the protesters?

- Yes. They're fighting for a good cause.
- No, they have no idea what they're doing.
- I'm not sure.

- [Occupy Wall Street protesters return](#)
- [Pepper-spray videos spark furor](#)
- [Activists post identity of NYPD officer](#)
- ['Wall Street' protesters vow to fight on](#)
- [Wall St. protestors rail against corporate greed](#)

- [Crackdown on train taggers works](#)
- 

The [Transport Workers Union](#) will go to court Monday to try to stop the city from forcing bus drivers to transport [Wall Street](#) protesters arrested by the [NYPD](#), the Daily News has learned.

The union, whose leaders voted last week to support the protesters, said police brass commandeered three [MTA](#) buses to transport many of the 700 demonstrators arrested on the [Brooklyn Bridge](#) on Saturday.

Union President John Samuelson called ordering bus drivers to drive prisoners "a blatant act of political retaliation."

### [PHOTOS OF OCCUPY WALL STREET PROTESTERS](#)

Police brass had no immediate comment on Samuelson's comments Sunday night.

"TWU Local 100 supports the protesters on Wall Street and takes great offense that the mayor and NYPD have ordered operators to transport citizens who were exercising their constitutional right to protest - and shouldn't have been arrested in the first place," Samuelson said Sunday night.

At least five empty buses were commandeered from terminal points on both sides of the bridge, Samuelson said.

### [HOW I ALMOST GOT ARRESTED AT WALL STREET PROTEST](#)

In some cases, MTA supervisors ordered drivers to follow the directive.

"The MTA has a long history of cooperating with the NYPD and other law enforcement agencies when they require vehicles to perform their duties," said [Jeremy Soffin](#), MTA spokesman.

But that violates the contract between Local 100 and the MTA, Samuelson said.

"Our mission is to provide transit service to the riding public, not transport people who were arrested," he said.

The mass roundup on the bridge did little to stifle the protesters: Hundreds went right back to the rally after getting sprung.

"Just because we're being arrested, we're not being silenced," said [Robert Grodt](#), 24.

"You go to [Italy](#), you eat gelato. You go to a protest, you expect to be arrested," said [Daniel Levine](#), 22, a [Baruch College](#) journalism student.

NYPD spokesman [Paul Browne](#) said 700 people received summonses and eight were held - three for outstanding warrants and five for not providing ID.

He did not immediately comment on the TWU seeking an injunction.

The nebulous protest against corporate greed, income inequality and tax breaks for fat cats enters its third week with growing crowds, a higher media profile and a big union march set for Wednesday.

Cops and protesters argued over whether demonstrators Saturday defied orders to stay on the bridge's pedestrian walkway or were lured into a trap by cops who said they could use the roadway.

The NYPD released a video showing a captain with a bullhorn telling a teeming throng, "I'm ordering you to leave this roadway now. If you do so voluntarily, no charges will be placed against you."

The crowd responded with chants of "Take Our Bridge" and linked arms as protesters on the walkway cheered them.

The [Brooklyn](#)-bound lanes of the bridge were closed for nearly three hours as cops rounded up protesters.

"The protestors were warned: Stay off the roadway," said [Police Commissioner Raymond Kelly](#).

Protester videos showed a column of marchers entering the car lanes with officers walking calmly at their head.

"The cops led us onto that street," said [Casey O'Neill](#), 34, who quit his computer job in [California](#) to join the protest.

*With [Barry Paddock](#)*

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## Squeezed by MTA Debt, Transit Workers Join Occupy Wall Street

By Alice Brennan and Alexander Hotz

Marching two abreast, blowing high-pitched whistles and chanting militant slogans, they sliced through the heaving crowd of protesters on Friday afternoon. The representatives of [Local 100 of the Transport Workers Union](#) provided a stark contrast to the rather ragged disorganized mass of activity Zuccotti Park had played home to for the previous two weeks.

[The union had pledged its support](#) for the [Occupy Wall Street](#) protests the night before, offering a sense of legitimacy to the growing occupation. A week earlier, 700 airline pilots made an appearance. With the union backing, what started with a couple of dozen students sitting in a park talking about the ravages of capitalism is slowly gaining traction nationally and overseas.



Last week, members of Transport Workers Union Local 100 march into Zuccotti Park to join the the Occupy Wall Street protest. Photo courtesy Alexander Hotz

“The New York City Transit Authority has been in debt to Wall Street for 50 years with no hope of repayment,” said Kevin Harrington, acting vice president of Local 100. “Wall Street has hurt the transit system with their usurious loans, and a good portion of the Transit Authority’s budget is paying back the interest on these loans without even attacking the principal.”

The protests resonate with the 65,000-member union at an especially difficult time in its vocal history. The union’s current contract expires Jan. 15, and members are steeling for a tough showdown with the deeply indebted Metropolitan Transportation Authority. The MTA’s budget for 2012 included no wage hikes, and any delay in renewing the contract postpones future raises.

The MTA is currently proposing the largest borrowing program in the Authority’s history – \$14.8 billion over a five-year period to fund its capital projects. Borrowing would account for 60 percent of the funding. If this plan goes ahead, debt service alone would reach \$3.3 billion by 2018, a 64 percent rise on 2011, according to a [prediction by State Comptroller Thomas DiNapoli](#). It would constitute 22.7 percent of total revenue.

In addition to paying interest to bondholders, the MTA must pay fees to the bankers who package and sell the bonds, amounting to between \$2.50 and \$5 on every \$1,000 worth of debt, according to MTA Spokesperson Aaron Donovan. Financial institutions underwriting the bonds include Barclays, Goldman Sachs, BofA, Merrill Lynch, J.P Morgan, Jeffreys and Co, Jackson, Morgan Stanley and Wells Fargo. Over the last two years, the MTA’s underwriters earned \$39.7 million in fees by issuing bonds. The institutions don’t divulge how they split the fees among themselves, and some make additional fees from arranging interest rate swaps and other products for the MTA. But internal documents obtained by *The New York Times* last year revealed that Goldman Sachs secured \$28.8 million in fees from the MTA between 2000 and 2008.

Last month DiNapoli released an analysis of the MTA’s financial outlook, and it’s not pretty. According to DiNapoli, the MTA is about to embark on an unprecedented journey into deeper debt and budget gaps. “The MTA finds itself in a difficult situation,” he writes, “ for it needs to complete the expansion projects it has already undertaken and it must also invest in the current transit system to ensure its safety and reliability.”

Debt payments are the Authority’s heftiest cost behind labor, which sits at \$8 billion annually. Its borrowing has grown steadily since 1982, when the MTA first issued bonds, totaling \$350 million, to rebuild New York City’s then decrepit subway. MTA borrowing has grown as the share of government contributions to its budget has fallen: between 1989 and 1991, 26 percent of the capital budget came from the city and state, while 32 percent came from the federal government. Today, the city and state contribute about 9 percent of the MTA’s capital budget. Refinancing of MTA debt in 2000, in a deal Gov. George Pataki arranged with Bear Stearns, stretched payments out to the year 2032, at a cost of \$1 billion a year.

It’s in this environment that the TWU has decided to take up its megaphone and question just how much money Wall Street is making from the MTA’s debt. “Their money has to come from someplace,” mused Kevin Harrington, “and it comes from the subways, and the buses, and ultimately out of the pockets of the people of New York.”

*Due to a calculation error, an earlier version of this story incorrectly put the bond fees paid by the MTA at \$734.95 million.*

(Source: [thirteen.org](#))

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### About

# Well don't cha know it? Palin not running for President

BY THOMAS M. DeFRANK and ALISON GENDAR  
DAILY NEWS WASHINGTON BUREAU

WASHINGTON — Tea Party darling Sarah Palin finally got off the fence yesterday and said she's not running for the White House.

"After much prayer and serious consideration, I have decided that I will not be seeking the 2012 GOP nomination for President of the United States," Palin said in a letter to supporters obtained by ABC.

"I believe that at this time I can be more effective in a decisive role to help elect other true public servants to office — from the nation's governors to Congressional seats and the Presidency," she wrote.

While the former Alaskan governor didn't endorse a candidate, she vowed to play a role in national politics:

"In the coming weeks I will help coordinate strategies to assist in replacing the President, re-taking the Senate, and maintaining the House."

Republican Party officials have been predicting for months Palin wasn't running because she'd have to give up a lucrative speechmaking business earning her millions of dollars a year.

"The tipoff was she wasn't doing any homework on the issues," said a senior Republican with close ties to Palin. "As Rick Perry has learned, you have to be prepared in debates to talk about stuff you don't know, and she wasn't preparing."

Another GOP consultant said Palin's diva reputation tempted her to run, but several recent polls have shown a majority of Republican voters don't want her to be the party's candidate.

"Her negatives are high and she turns off independents," the consultant said. "Obama would have a field day running against her."

agendar@nydailynews.com

## N.Y. to honor soldier killed in Afghanistan

A 19-YEAR-OLD soldier from Manhattan is being honored by the state after he died serving in Afghanistan, authorities said.

Defense Department officials said Pvt. Danny Chen died Monday in Kandahar Province supporting Operation Enduring Freedom. The military is investigating the circumstances of his death, but the cause does not appear combat-related.



Danny Chen

Gov. Cuomo directed that flags on state government buildings be flown at half-staff tomorrow in honor of Chen, who was stationed in Alaska.

"On behalf of all New Yorkers, I send my profound sympathies to the family, friends, and fellow soldiers of Pvt. Chen," Cuomo said.

Tina Moore

# Union workers add muscle to protest



Despite shenanigans that occurred later in the day, some Wall Street protesters were about peace — and made themselves heard. Anthony Lanzilotti

## 'Have Nothings' have something special: A strong & unified voice

Three guys from the Transport Workers Union were on the sidewalk across Broadway — 20 or 30 feet from the throng assembling in City Hall Park.

"This guy has just started working on this job," Joseph Scafani said, introducing Scott Steinberg. "He's here three days."

"Twenty years," Steinberg said.

It was their talk on a sidewalk. Labor union guys. The sheer number of the labor members showing up made the day perhaps the most significant we've had.

The crowd was of any size you want to announce — and it made perfect sense for those thousands to be on a big, world-famous street protesting, while many others their age are getting killed in places like Afghanistan, where they should not be.

These young demonstrators were part of the great crowd yesterday.

The idea that there are no jobs for them makes their attendance at a rally

like this automatic.

This was the start of a moving day that has not been seen in this city in a great many years, back when the unions were large and nasty to those who opposed the war in Vietnam back in the '60s and '70s.

Now yesterday, they joined hands with the young, and people were mostly orderly and all for the idea that the

troops be pulled out of Afghanistan and that we need jobs for the young unemployed around here.

They were angry, and they shouted about the injustice of a tiny percentage of the rich getting richer, while the middle class endures foreclosures, dwindling savings and sudden losses in employment with the jobs going to places like China.

At no time in the last half century did anybody believe that the people who do not have are just that, Have Nothings.

If you want to know about important people, catch up with news of the wealthy. There is no sense asking about

the poor.

It is good that the rallies at City Hall and Broadway were huge and heard.

John Samuelsen, head of TWU Local 100, the bus and subway workers who get us to and from work every day, got up on the stage at Foley Square and said: "We can't be in the hall talking to politicians. Get out in the streets."

He talked about how much the 1% of the rich controls the 99% of the rest of us.

As the last brightness of the sun washed the buildings of Broadway, members of the crowd gathered in anger at what has been happening to them, the college tuition bills for their kids being too much to pay, the foreclosures of their homes, the jobless.

But because these people had too much human life to stifle, there was a joy to each of them as they marched or cheered or simply sang and talked to one another with warmth and pride.

They live in a world that is deeply flawed, and they know it.

Like those who marched against the war in Vietnam 40 years ago, they are filled with determination and hope and idealism — and they must be heard.



Jimmy Breslin

# VOICE OF THE PEOPLE

## Protest is a real piece of work

**S**taten Island: Just as the Constitution affords those who are occupying Wall Street the right to be morons, it affords the guy who worked hard the right to make whatever he can. What kind of freedom would we have if the government stepped in and limited our income? Why would anyone strive to succeed? If it weren't for billionaires, there would be a lot fewer jobs. The poor and middle class don't build skyscrapers or start corporations.

*Joe Manno*

**Bellerose Manor:** While the Wall Street protesters' intentions are good, the only things they are accomplishing is acquiring arrest records, racking up millions of dollars in police, fire and EMT costs and

disrupting everybody else. If they want to really take action, consider why there are no U.S. jobs: Where are their sneakers made? Where are their cars made? Their household goods? Our jobs problems start with consumers buying foreign-made goods. New York State alone has lost more than 160,000 jobs to offshore producers in the last 10 years. When you buy something made elsewhere, jobs are lost here because of it.

*Paul Bellisario*

**Whitestone:** "Tie-up on the bridge" (Oct. 2), about the protest and subsequent arrests on the Brooklyn Bridge, quotes a demonstrator who identified himself as a 48-year-old student. Tells you everything you need to know!

*Jake McNicholas*

### A leader who leads

Jamesburg, N.J.: The editorial "TWU to the barricades" (Oct. 4) was way off base. TWU Local 100 President John Samuelsen was not negotiating the upcoming contract through this protest, he was there protecting the rights of citizens to assemble peacefully. Like Mike Quill before him, John sees our country's future being stolen by the ruling class and wants to do something about it.

*Frank S. Tarulli*

### Idiocy incarnate

Manhattan: It's one thing to bash transit workers and our legitimate goals for a fair contract and protection from police state tactics. But to categorize the Wall Street protesters as "useful idiots" is proof that the Daily News needs to speak to its own readers. The protesters struck a chord with transit workers and many New York working families. Workers are sick of being told we must pay for Wall Street's implosion with our jobs, wages and benefits, while

corporations and the rich are protected by Congress, Albany, City Hall and shameless yet "useful" hacks for Wall Street swindlers like you.

*John Samuelsen  
President, TWU Local 100*

### Automation nation

Brooklyn: Fifty years ago, people were warning that technology would cost jobs. Today, when employers are profiting more with fewer employees, why should they hire? The answer is early retirement at 59, full retirement at 62, a 10% workforce reduction and full employment.

*Richard Walsh*

### Buffaloed

Valley Stream, L.I.: I am a Buffalo Bills fan, and I was annoyed to find that no cable channel showed my Bills on Sunday. Channel 2 aired the Steelers-Texas game. Since the Buffalo Bills are the only New York football team that plays in New York, that game should have been aired. They need to put these games on cable.

*Danielle Corona Gardner*

### Off-Target I

Yorktown Heights, N.Y.: To Voicer Dawn Joseph: First Lady Michelle Obama would not be able to win with you. You say she needs to be "elegant and dignified," but if she went out wearing a designer label you'd complain that she needs to tone it down when so many people are out of work.

*Steven Shaffer*

### Off-Target II

Bronx: Would it make Voicer Dawn Joseph feel better if First Lady Michelle Obama shopped in a gown? She shops at Target, and that means she looks for a bargain. That is not only human, but smart.

*Christina Figuerou*

### Off-Target III

Mount Vernon, N.Y.: I am tired of people picking apart the First Family. If Michelle Obama were shown shopping at Nordstrom, Barneys or other high-end stores, the same people complaining now

would call her out of touch with average Americans. I find it refreshing that we have an approachable, down-to-earth First Lady. There's nothing wrong with her doing what pleases her with her time, even if it's shopping at "lowly" Target!

*Ekeng Manczuk*

### Hail, no!

Flushing: Voicer Jawaid Toppa, the deep-in-debt, hardworking taxi medallion owner, is correct about the unintentional consequences of Emperor Bloomberg's plan to allow street hails for livery drivers. This is the same scenario that wreaked havoc with banks when social justice dictated that everyone should own a home.

*Olivia Harrison*

### Off-color statement

Brooklyn: In reporting on the complex issue of recruiting minorities to the FDNY ("FDNY all about who you know," Oct. 1), why is it acceptable to publish a quote that perpetuates yet another stereotype? A statement by a former assistant commissioner that, "You're dealing with a lot of Irishmen who are drunks and they get into bar fights" is printed without comment or debate. As a woman of Irish descent, and the spouse of a firefighter of Irish descent, I am highly offended by such statements. Wouldn't it have been more productive to write of the long, proud history of the Irish in the FDNY?

*Teresa D. Cashman*

### No smoke and no fire

Howard Beach: I was a city fireman for 22 years, and I worked with 15 members whom the Vulcan Society claims to represent. For 10 of those years I was a union delegate, and never were bias incidents like the ones the Vulcans claim are systemic in the FDNY brought to my attention. What I do know is that my son was denied a job as a city firefighter because Judge Nicholas Garaufis thinks the FDNY has some grand scheme to deny jobs to certain people based on their skin color. Doctors and lawyers are not



### They saw the fight

Huntington Station, L.I.: I breathed a sigh of relief over the Cuomo administration's decision to rethink dropping the vision test for driver's license renewals ("DMV's hindsight is 20/20" Oct. 1). All I could picture were thousands of Mr. Magoo's driving around.

*Nancy Macri Kennedy*

represented in a ratio that reflects the city's population, so why does Garaufis demand that of the FDNY?

*Ed Sullivan (FDNY ret.)*

### Kangaroo court

Bellerose: The Vulcan Society and Judge Nicholas Garaufis make the FDNY sound like the KKK. The judge didn't care what anyone said at trial because he already had his mind made up.

*Jerry Baccari (FDNY ret.)*

### For shame!

Old Bridge, N.J.: Thanks to Lori Dorn ("Breast cancer survivor says TSA humiliated her with chest patdown after double mastectomy," NYDailyNews.com, Oct. 3) for having the courage to share her story. However, expecting professional behavior from morons is like trying to make a silk

purse out of a pig's behind. Next time, she should carry her medical papers in her pocket and make sure they have no big words or numbers higher than 10.

*Claire Flaherty*

### Wedding bell boos

Brooklyn: Maybe best man Josh Fattal can buy hikers Sarah Shourd and Shane Bauer a portable GPS device so they don't inadvertently take a honeymoon beyond enemy lines.

*Kris Tapper*

### Justice delayed

Beverly Hills, Calif.: My eyes were glued to the TV for news about Amanda Knox. The Italian justice system finally smartened up and faced the truth that she was innocent and suffered for four years because of an awful investigation. What a shame.

*Margo Drivas*

## POLL RESULTS

With Chris Christie deciding not to run, can any GOP candidate beat Obama?

**24%** Yes, there are still strong candidates in the mix.

**48%** No, none of these clowns can beat Obama.

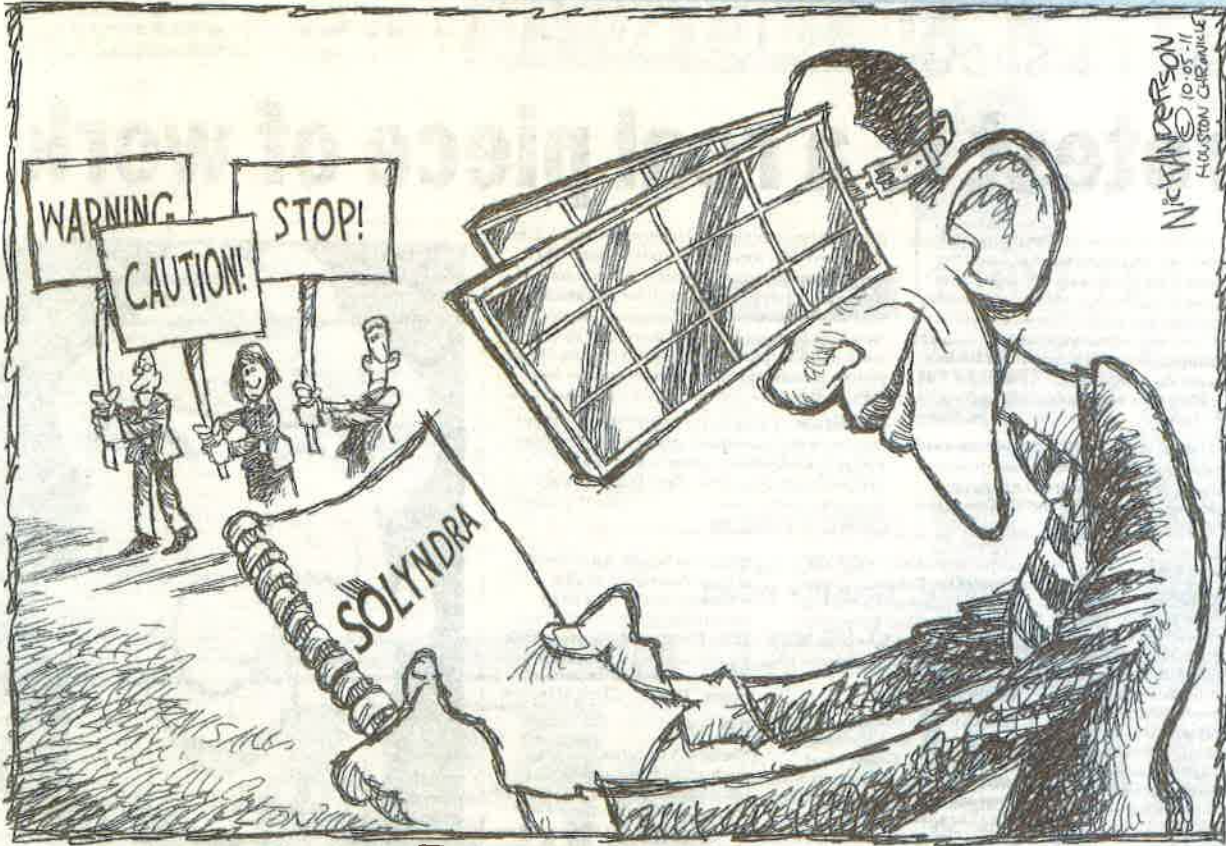
**28%** It doesn't matter who wins, since they'll stand a good chance because of anti-Obama backlash.

**TODAY'S POLL:** Do you think helicopter tours over New York City should be banned?

Take our poll at [NYDailyNews.com](http://NYDailyNews.com)



CARTOON COMMENT



NICK ANDERSON  
10.07.11  
HOUSTON, TEXAS

Blinders...

Bill Bramhall is on vacation.

# Sympathy for the occupiers

**BE OUR GUEST**  
**BY JUDITH MILLER**

If you ask any five of the many "Occupy Wall Street" camper-protesters why they've been sleeping, eating, partying and protesting in the Financial District day after day, braving rainstorms and increasingly chilly nights, you're likely to get five different answers.

Since I live near the encampment in the shadow of Ground Zero, I decided to visit Zuccotti Park early Monday morning to pose that question. Here's what I was told:

"I want to overthrow the U.S. government," said Brian Phillips, a 25-year-old former Marine who now heads the protesters' communications and security group.

"We want transparency, education and empowerment," said Will Roper, a disabled electrician who usually lives in Connecticut with his wife and two kids.

"We're building an alternative community," said Amy, 29, a former substitute school teacher who came here on "day one" to see what was going on and now largely through donations helps feed 200 to 1,000 people a day.

"We want to end the war," said a woman who refused to tell me her name or age, but acknowledged being old enough to have been at Woodstock.

"We want to stop companies with government help from polluting our water and land," said Thomas, a 28-year-old self-de-

scribed "jack of all trades" who came here from Tampa to protest.

There is a common theme to these answers: the mostly young people in the park are the 99% of the country that is suffering while 1% thrives.

Some are troubled by the demonstrators' lack of focus, by their absence of constructive policy prescriptions. This, writes my friend John Avlon, among the first to recognize the importance of the Tea Party, is a "lost opportunity."

I disagree. The refreshing thing about this modern-day "be-in" is its lack of predictable demands — its disdain for ostensible solutions to intractable problems. Their response is a primal scream against our high finance-bailout culture. It is not that dissimilar from the frustration that ignited the Tea Party in its early incarnation, before it got "organized," which is to say, hijacked by right-wing billionaires.

Every day provides reason for fresh outrage — be it the \$20 million bonuses for men rewarded for driving their companies into near-bankruptcy and new taxpayer bailouts, our stubbornly high unemployment rate, the continuing expulsion of middle-class Americans from the homes that

were supposed to be their castles, or health insurance premiums that have recently soared by 9%, only 1.5% of which is attributable to the 2,000-page mess of a bill that Obama promoted and Congress passed.

It's a scream about corruption between government and corporations. On Tuesday, Elisabeth Rosenthal at The New York Times obtained hundreds of emails showing how the State Department has cozied up to a Canadian pipeline company, TransCanada, becoming its facilitator at the potential expense of the nation's environmental laws. In the emails, environmentalists plead futilely for meetings while company reps waltz in and out of the State Department.

And who is TransCanada's lobbyist? Paul Elliott, a top official in now-Secretary of State Clinton's 2008 presidential campaign.

Many of the protesters are among the younger Americans who turned out in flocks in 2008 to help a young, inexperienced black senator with a silver tongue astonish the world by becoming President. But after capturing their yearning for

"hope and change," Obama has lost them. Ronald Suskind's disheartening new book, "Confidence Men," portrays a weak President who surrounds himself with officials whose "solutions" have helped perpetuate America's economic misery. A sample: Though Treasury Secretary Tim Geithner ignores an Obama decision on Citibank, he retains his job as treasury secretary, thanks to a President too much in the thrall of Wall Street to fire him.

**Sure, this movement is unfocused. So what? It's a cry of frustration about America's broken economy and politics**

If the OWS protesters are mad as hell, who can blame them?

The protesters may not have the answers to America's economic decline and political malaise, but at least they are no longer ignoring the stench of political cronyism and corruption emanating from Wall Street and Washington. Like the early Tea Party activists, they have articulated the helplessness and fear of so many Americans. The question we should be asking is not what is their program, but what took them so long?

Miller is a Pulitzer Prize-winning journalist and a Fox News contributor.

## Wall Street's Winter

### Grim news for NYC's budget



**NICOLE GELINAS**

**T**ICK-tock. Thanks to Washington's support for big banks, New York City has been a cocoon of prosperity compared to the rest of the nation over the last three years.

But banks can't stay on the dole forever — and the city's done nothing in the 37 months since Lehman Bros. collapsed to prepare for a leaner Wall Street.

Without endless financial-industry profits, New York can't afford to make good on the promises it's made to workers and pick up the trash and keep criminals off streets.

From 1997 to 2007, the city's tax collections nearly doubled, from \$20.4 billion to \$38.6 billion, growth nearly three times the inflation rate. Why? The financial industry was making record profits from debt and derivatives.

Yet even during these "good" years, New York could barely keep its head above water. That is, the city needed the biggest bubble that the modern world has ever seen just so it could continue to:

- Let cops and firefighters continue to retire after 20 years.

- Provide nearly free health benefits to its army of workers and retirees and their dependents.

- Throw a few dollars to bridges and transit.

- Oh, and double the schools budget.

Without a bubble, doing this stuff isn't tricky. It's impossible.

In the four fiscal years since Lehman collapsed (including this year), the city has run an average deficit of 4.6 percent of its tax collections. We've kept going thanks to an \$8 billion surplus we had built up in the five years pre-meltdown — but that money is now gone.

And those budget holes would've been bigger were it not for our other reprieve: Washington's decision, post-Lehman, to protect Wall Street at all costs.

First came the TARP bailouts, which kept some companies afloat when they should have gone bankrupt. Then came the Federal Reserve's zero-percent interest rates — which essentially meant free money for Wall Street, which made it easy to turn a profit.

Then, too, regulators have ignored the fact that banks have had no idea how to do foreclosures (when millions of houses need them) without, um, bending the rules.

Welfare-for-Wall-Street



Targeting the city's economy: Union protesters joining the Occupy Wall Street crowd don't realize where their own jobs come from.

worked for a while. The banks even started adding back jobs. After shedding 41,100 positions between 2007 and 2010 — 8.8 percent of the total — New York's financial firms hired back 10,600 people starting in spring 2010.

That may not sound impressive. But each of those 10,600 people makes an average \$262,195 — more than four times what a New Yorker who's not in the financial sector makes. And each of these new workers has supported other local jobs — in the private sector via consumer spending, and in the public sec-

tor through higher tax payments.

Last year, for example, the city took in \$2.1 billion more in "economically sensitive taxes" — closely tied to Wall Street — than it had the year before. That staved off a lot of wolves.

But the wolves aren't dead — and now Wall Street is shedding jobs again — 4,000 since May, and that's just the beginning. If tax revenues surprise us this year, it'll be on the way down, not up.

As bailout anesthesia wears off, Wall Street can't figure out how to make money — and the problem's not just the European crisis or new regulations. It's worse:

Investors and clients are increasingly skeptical of the Wall Street business model, and of the Western governments upon which too-big-to-fail finance depends.

And the demonstrators in Zuccotti Park are a reminder to astute bank investors that the broader public remains inconveniently white-hot angry about bailouts. The Tea Party hasn't gone away, either.

In other words, banks and their investors have no idea how the shifting business and political climate will affect their profits in the years to come. But it's pretty clear they won't enjoy the growth they experienced before 2007 — and neither will New York.

Nor has Mayor Bloomberg (or anyone else in city government, like mayoral wannabe Christine Quinn) used the four-year reprieve to prepare for wrenching change in our bread-and-butter industry.

Pension costs for public workers will reach \$3.4 billion this year — up from \$5.7 billion when Lehman collapsed. Add in health and other non-wage benefits for workers and retirees, and this year's total is \$16.4 billion — 39 percent of city tax revenues. Almost every dollar of property tax that the city collects goes toward these costs.

These numbers are an existential threat to everything New York has gained in the past 20 years — declines in crime included.

Though it may be hard to believe, we may soon wish we had the last three years back.

Nicole Gelinas is a contributing editor to the Manhattan Institute's City Journal.

## WHY CHRIS CHRISTIE MATTERS

**W**HAT happens to New Jersey Gov. Chris Christie now? Will he campaign for the Republican nominee? Will he settle back into New Jersey politics exclusively?

Not since William Taft graced the White House in the early 20th century has there been a national political presence like Christie. Larger than life both physically and emotionally, Christie plays the political game like a blitzing middle linebacker: If he zeroes in on you, you'll feel it.

Christie is not yet ready to be president, though, because he lacks sufficient executive experience. Perhaps the biggest problem President Obama has is a lack of problem-solving experience. Through no fault of his own, Obama was handed a damaged economy, and he promptly made it worse because he had no frame of reference in economic matters. He hired a bunch of liberal people who sold him on the preposterous idea that

the federal government could manage the private sector. Disaster.

New Jersey is a mess, with the highest taxes in the nation and an unemployment rate of 9.4 percent. Unions have a stranglehold on education and public services. The state has run up a \$33 billion debt. The insidious TV program "Jersey Shore" is now the projected image of the Garden State. Just when you thought it couldn't get any worse than Tony and Carmela Soprano, here comes Snooki.

So Christie should do what he's been called to do: Solve difficult problems. As a federal prosecutor, he nailed a variety of bad guys, including gang members, child pornographers and the terrorists who tried to attack Fort Dix. A tough guy, he brooks no nonsense. Most Americans admire that.

There is a sea change going on politically in this country. Obama is a cool, composed guy who inspired hope, especially among minori-

ties and younger Americans. The president's confidence is still on display, but his record speaks for itself. A new ABC News-Washington Post poll says that 55 percent of Americans now want a Republican in the White House.

That Republican will not be Christie in 2013, but it could happen. We're living in a complicated, dangerous age; many folks are confused. The nation needs direction and a clear path.

Christie is blunt. He describes the problem, tells you what he's going to do about it and also tells you to go nuke yourself if you don't like it. As long as the problems get solved, he can get away with that kind of presentation. But, as Obama has learned, if things don't improve, it will get mighty hot under the Christie collar.

I've never met the governor, but I have deep roots in Jersey. I don't like what has happened to the state. If Christie can turn things around, the next stop may well be Pennsylvania Avenue. That would be quite a change for that venue — and one that may be needed.



**BILL O'REILLY**

## What Truly Causes Crime

**A**SKED after the London riots: Who did this, and how do we stop them from doing it again? Well, the Telegraph reports that "the average London rioter had 15 previous offenses on his record —

**NATIONAL REVIEW**  
**The Week**

but only a third of those had ever been to prison." Justice Secretary Kenneth Clarke interpreted this as confirmation "that existing criminals were on the rampage." Criminality: Still and always the real root cause of crime.

— The editors of National Review, writing in the magazine's Oct. 17 issue



Bus driver Grantley Greenidge was drafted by NYPD to carry protesters arrested in Brooklyn Bridge protest Oct. 1. He says he understands demonstrators' frustration. Photo by Bryan Pace

## Bus driver hauling protest prisoners can see both sides

**B**us driver Grantley Greenidge expected to drive a shuttle route for G train riders whose subway line was partly knocked out of commission by weekend maintenance work.

Instead, he ended up transporting Occupy Wall Street protesters who had been arrested.

Police brass in white shirts flagged down Greenidge's MTA bus in Brooklyn on Oct. 1 and told him to pull over behind two other idling buses.

"I had no idea what was going on," Greenidge said.

He soon learned hundreds of demonstrators had been arrested for trying to march across the Brooklyn Bridge. The NYPD first summoned Correction Department buses, but they were taking too long to arrive.

In a pinch, the police turned to mass transit.

Greenidge, 57, isn't crazy about anyone blocking traffic. He is, after all, a bus driver.

But unlike some critics, Greenidge doesn't heap scorn on the demonstrators, who have called — however vaguely — for a shift of economic priorities and resources.

"Do I agree with people jumping on the Brooklyn Bridge and stopping traffic? I can't say that I do," he said. "Do I agree that sometimes it's the only way to get your point across to the powers that be? Yes, I do."

"I can't believe that the powers that be are so shortsighted. If you don't spread the economic bounty around, you will have these problems."

As Greenidge sees it, unemployment is rampant because corporations seeking

bigger profits moved their factories, assembly plants and back-office operations to other countries.

"How many times have you called about something and find yourself talking to someone 4,000 miles away?" he asked.

The situation wouldn't look so bleak if President Obama's political opponents weren't primarily interested in blocking his efforts to better their chances of winning the White House, Greenidge believes.

After driving a bus for 14 years, Greenidge has an annual base pay of about \$59,600. He increased his income last year by volunteering for extra shifts, sometimes working six days a week.

"Every little bit helps," he said, quickly adding that he's better off than many.

"I'm not married. I don't have kids," he said. "There are households with family members who are not working. I feel bad for them. These are some of the roughest times I've seen."

One of the most common criticisms of Occupy Wall Street is the lack of a unified goal or detailed platform. Perhaps that will emerge.

The transit workers union, which joined the fray, wants Gov. Cuomo and the state Legislature to extend a tax surcharge on millionaires that's set to expire at the end of the year.

That seems like a good start, and Greenidge agrees.

He said he would rather the bus lanes remain clear, but Occupy Wall Street is one of the few positive developments of late.

"I was pleasantly surprised to see that many young people with that much conviction," he said.

### ON THE SUBWAY



Pete Donohue

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# One Day, Maybe, Artisanal Train Cars



ROBERT STUJAREK FOR THE NEW YORK TIMES

**INDUSTRIOUS** In recent decades, the Brooklyn Navy Yard has become a draw for artists and filmmakers. In the 1980s, workers repaired subway cars at Brooklyn Army Terminal.

Among the 275 tenants filling four million square feet of leasable space at the Brooklyn Navy Yard — now in the midst of its biggest expansion since World War II — are any number of industries that do not easily evoke the imagery of “On the Waterfront.”

**GINIA BELLAFFANTE** These are businesses where fine art is ware-

**BIG CITY** housed, where antiques are restored, where jewelry and leather garments are made — where the prosperous life, so much and so misleadingly in evidence in modern New York, receives its methodical up-

keep.

**Steiner Studios, the film and television production facility, and the most visible occupant, has given New York its own version of Burbank, and more than that, a factory for reproducing the city’s glittering, millennial self-image.** Since the studio opened seven years ago, it has been home to movies and television series set in the world of light-end Manhattan real estate brokers

(“Did You Hear About the Morgans?”),

hovered over a conference that took place at the Navy Yard a few weeks ago, one that sought to capitalize on the resonance of its location’s history and offer a vision of something new. It was called Building the Future and sponsored by a coalition of union interests, policy organizations and sustainable living advocates. The participants called for large-scale investment to expand transit manufacturing in the state and city.

Why couldn’t our brake parts and headlights and signal equipment, even our rail cars and buses, be made here?

The argument forged was at once dreamy and entirely persuasive: From

## ONLINE: GETTING TO WORK

For previous Big City columns, including coverage of Occupy Wall Street, among other topics: [nytimes.com/bigcity](http://nytimes.com/bigcity)



2000 to 2009, the Metropolitan Transportation Authority was responsible for nearly a third of all buses, subway cars and commuter trains bought in the United States. Its current \$23-billion capital program involves the acquisition of more than \$7 billion worth of train cars, buses and signaling and communications equipment. These are not individual expenses: The signal system at the West Fourth Street subway station, for example, has not been replaced since 1932. About a third of the city’s buses are at least 12 years old — their official life span — while others, as Gene Ruslanoff, staff lawyer for the Straphangers Campaign, told me, “are not in the greatest shape — they’ve stayed too long at the fair.”

Economists say a healthy capacity for increased transit manufacturing exists across the state and in the city, including at repair facilities in Coney Island and at the 207th Street Yard in Manhattan (where subway cars were still being made in the early ‘90s) and potentially amid the vast industrial shells at the Brooklyn Navy Yard. New York City Transit recently awarded a \$115 million contract to New Flyer, a bus manufacturing company in Minnesota, for a series of compressed-natural-gas buses; only 13.8 percent of the materials used to produce them will have been made in New York State.

The most obvious benefit of producing buses and C trains in relative proximity to where one might catch them is the potential to have a real im-

1,000 employees in its Hornell, N.Y., plant three years ago when it was still producing some of the 382 subway cars the authority had ordered in 2002, as well as Long Island Rail Road cars. Only 75 employees are there today.

The impediment to all of this sensible thinking around transit manufacturing is, of course, financing: With a \$10 billion budget gap, the authority, in awful shape, is attempting to sustain itself with cuts to its capital plan and the issuing of ever more debt. The substance of Building the Future’s proposals can be realized only with significant public spending, which is forever diminishing

In the past three decades, contributions from the city and state have decreased to 2 percent of the authority’s capital program from a total of 29 percent.

The value of a well-maintained and high-functioning public transit system — vital to people, vital to the economic ecosystem — would seem self-evident: the value of ambitious job creation, equally so. In a sense, another obstacle to these plans is cultural: the romance to these plans is cultural: the romance much of the country still has with American manufacturing doesn’t really hold sway in New York, where love affairs, now, are more likely to be forged with the artisanal pickler, the imaginative sausage-maker, the emigré in Red Hook who would seem to possess a doctorate in mahogany. New York would do well to revitalize (and glamorize) old-school labor; the city should feel more hospitable to working people than it looks.

## A push for New York to make its own, much-needed, transit equipment again.

impact on unemployment. The transit authority’s previous capital program, of \$21.2 billion and spanning the period from 2005 to 2009, resulted in more than 324,000 jobs in the state, nearly two-thirds of them in New York City.

At the conference, John Samuelson, the president of Local 100 of the Transport Workers Union, who eight days later would deliver a rousing speech at the Occupy Wall Street protest on behalf of working families, made the simple but meaningful case that people using the transit system should be the people making the transit system. “We have the talent to do this; we have fallen-blown engineers now doing signal work because they can’t find jobs,” he said.

Upstate, the fate of factories that produce mass transit vehicles and components rises and falls on investment by the authority. The Canadian company Bombardier employed 1,000 workers in Plattsburgh, N.Y., in 1999 when it was making R-142 subway cars for the city and coaches for Metro-North. Now reliant on an order from the Chicago Transit Authority, it employs only 230 people there. Alstom, a French company, had



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# am NEW YORK



## TAKING OUT THE TRASH

MTA's surprising solution to dirty  
subways: Get rid of garbage cans  
Page 3



**His \$130K exit**  
Weiner dug into war chest  
Page 4

(GETTY)



**Hottest celeb bods**  
Can't top Jen's abs  
Page 10

(GETTY)

# Why Rent?

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# MTA's weird trash fix: Toss the garbage cans



Occupy Wall Street protesters continue their demonstrations at Zuccotti Park yesterday. (AP/WIDE WORLD)

## Support for protests, but legal woes remain

Occupy Wall Street protesters got some love from the highest corridors of finance, even as hundreds found out yesterday that they remain in legal hot water. Here are the latest developments:

● **The Manhattan district attorney's office** said it would not drop charges of disorderly conduct against some 300 protesters arrested on the Brooklyn Bridge and at Union Square at the beginning of the month, according to The New York Times.

● **William Dudley**, chief of the New York Federal Reserve, expressed agreement with the roots of the protests, saying: "There is a fundamental unfairness about what happened: The banks were rescued, yet the

economy suffers with a very, very high unemployment rate," WNYC reported.

● **Gov. Andrew Cuomo** went on former Gov. David Paterson's WOR/710 AM radio show yesterday and said he has "total respect for the right of the demonstrators," and that he believes "in the rule of law, and we enforce the law, and that's how the state handles it."



● **Rufus Wainwright, Sean Lennon** and **Lennor's girlfriend, Charlotte Kemp-Muhl**, dropped by Zuccotti Park on Sunday night to perform Madonna's "Material Girl."

● **MTV's planned reality show** based on the protesters, "True Life: I'm Occupying Wall Street," will premiere Nov. 5, the Times reported. (AMNY)

## TLC warns hacks of \$350 fine if they honk for no reason

The Taxi and Limousine Commission is reminding all licensed drivers that they risk a \$350 fine if they hit their horns for reasons other than "imminent danger."

Such messages began pulsing — silently — through Driver Information Monitors yesterday.

"Horn honking is a form of pollution, and it is simply unacceptable for our professional licensees to abuse their ability to create it," said TLC Commissioner David Yassky.

The TLC is encouraging passengers to tell taxi drivers that unnecessary honking is unappreciated and to call 311 to report violations.

Taxi drivers may indeed be in a hurry, Yassky conceded, but "horn abuse isn't the way to accomplish that goal."

The TLC recently announced that the new Nissan NV 300 taxicabs now on order will feature a "low annoyance horn." (SHELLA AND FERRER)

## Agency hoping riders will take junk with them

BY MARC BEJA  
marc.beja@am-ny.com

It's ironic: To cut down on trash on subway platforms, the MTA is considering trashing garbage cans.

The cash-strapped agency may remove all the cans from some platforms if everything goes well with a test-run under way at two stations. It's banking on riders to take their trash with them — or simply bring less of it.

If the pilot program — which began two weeks ago at the Eighth Street N/R station and Flushing/Main Street No. 7 station — is successful over the next two months, it could expand to other stations.

"It's just an experiment to see how much we can reduce the amount of refuse that we pick up," said John Gaito, the MTA's vice president and chief officer for subways. "We expect people to bring garbage, but we'd like them to bring less food. ... Food attracts rodents."

The test is being done in response to the agency's difficulty picking up the approximately 8,800 garbage bags daily across the system, Gaito said during yesterday's transit committee meeting. Eight trains and six trucks haul away trash each day, costing \$32 million a year.

Transport Union Workers spokesman Jim Gannon called the plan "pretty ridiculous."

"It's like saying we're gonna fight crime by taking the cops off the street," Gannon said.

The station cleaner at the Eighth Street station



An MTA worker sweeps the Main Street station on the No. 7 line in Flushing yesterday. Garbage cans have been removed there to avoid trash buildup. (PHOTO: RU MCKELSON/AMNY)

## Riders more satisfied with MTA

A year after the biggest service cuts in its history and another fare hike, the MTA said its riders are happier with subway and bus service, according to a survey the agency conducted in June. In fact, the survey showed customer satisfaction increasing in nearly every category. Some of the findings:

2010	Riders who are satisfied with...	2011
71%	Overall subway service	74%
76%	Service reliability	84%
72%	Service frequency	79%
63%	Communications on board trains	73%
62%	Overall local bus service	70%
68%	Service reliability	77%
68%	Speediness of bus trips	81%



agreed. "Not everyone is gonna carry their garbage around," said NYU student Naleeka Dennis, 21.

# New York

The New York Times

## at Cuomo's Property-Tax Cap, Communities Move to Get Around It

**BY KAPLAN**  
 A cap on property taxes by Gov. Andrew M. Cuomo is drawing resistance across New York as he seeks to restrict and seek to exempt new limits. The cap, which includes affluent suburbs and rural areas along the border with Canada, that they cannot receive property taxes and a variety of state programs and provide the cap. And now dozens of boards are overruling to override the cap. The cap is to dictate our own minds. Lee V. A. Roberts, the Westchester County Board of Supervisors, voted to grant itself a 10 percent increase. The board approved the tax cap

in late June, an effort to limit the annual growth of local property taxes to 2 percent or the rate of inflation. After that measure passed, Mr. Cuomo vowed that it would "provide much-needed relief" from rising taxes, and he was so proud of the law that he signed it six times, once in his office and five times on the front lawns of houses in high-tax communities.

It remains too early to determine exactly the impact the cap will have: New York State has more than 10,000 taxing entities, with varied processes and different calendars for determining their tax rates. Most school districts, which are responsible for the largest part of homeowners' tax bills, will not confront the cap issue until the spring.

The law allows taxing jurisdictions to grant themselves waivers with the approval of 60 percent of the members of whatever body approves local spending — a town board, a county legislature or, in the case of most school districts, the

residents themselves. And there are multiple early signs that the cap is not keeping tax increases down for all New Yorkers.

Gregory J. Edwards, the county executive of Chautauque and the Republican candidate for lieutenant governor last year, wrote in a letter to residents this month that the cap was a "scam" pushed by politicians in Albany. He has asked county legislators to approve a tax increase of nearly 13 percent, which he wrote was entirely attributable to increases in state-mandated costs.

### Some local governments say they can't operate with a 2% limit on increases.

The 2 percent property-tax cap is nothing more than a campaign slogan meant to get them re-elected and give local leaders the pain for their failure to act," Mr. Edwards wrote in his letter, referring to Albany lawmakers.

Chautauque is among several counties considering budgets that call for property-tax increases several times the 2 percent limit, saying the cost of providing services, mandated by the state, like Medicaid and welfare programs, is rising faster than that. Albany County, home to the Executive Mansion, has called for a 19 percent tax increase, while Franklin County has asked for a 13 percent increase.

The Association of Towns of the State of New York estimated that, based on historical budgeting data, about a third of New York's 932 towns might also consider overriding the cap. Some towns said they needed faster property-tax increases to pay for important capital projects; others cited a need to finance their share of the rebuilding after Tropical Storms Irene and Lee.

"There is a great deal of frustration," said Peter A. Baynes, the executive director of the New York State Conference of Mayors and Municipal Officials. "They want to make it work, but they're struggling to make the numbers add up."

At a meeting this month of the Board of Supervisors for Ontario County, when one town supervisor asked which of his counterparts was seeking to override the cap, nearly all of them raised their hands.

"I wasn't surprised," said Theodore M. Fafinski, the board's chairman and the supervisor in the Town of Farmington. "My comment to many of the legislators when I talk to them is — and I pull no punches — 'What in the world were you thinking when you passed this?'"

Each passing day seems to bring a new act of legislative rebellion. In just

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## Hoping to Reduce Subway Trash By, of All Things, Removing Bins

### An Experiment in Two Stations to Tackle 'Unsightliness'

By MICHAEL M. GRYNBAUM

If cleanliness is next to godliness, then the New York City subway has long been in need of a few prayers.

So trash-weary officials at the Metropolitan Transportation Authority are trying something new: in a counterintuitive plan, a pair of subway stops, one in Queens and one in Greenwich Village, have been entirely bin-free for the last two weeks.

The idea is to reduce the load on the authority's overtaxed garbage crew, which is struggling to complete its daily rounds of clearing out 40 tons of trash from the system.

But it also offers a novel experiment: will New Yorkers stop throwing things away in the subway if there is no place to put them?

The plan is part of a broader approach instituted three months ago by New York City Transit to tackle an epidemic of "unsightliness and malodor" in the subway system, as an agency report released on Monday phrased it.

Officials are adding several runs of garbage trains in the middle of the day, to pick up leftover refuse bags that were missed during overnight collection. Refuse receptacles have been added to 18 stations, and, in some cases, late-night passenger trains may be delayed so that the system's eight garbage trains can complete their runs.

So far, the results are promising: the number of garbage bags still sitting on station platforms at 6 a.m. has been cut in half.

The no-bin experiment is a more unusual

tile walls of the downtown platform. Its proprietor, Ranandra K. Talukder, said that since the bins were removed, he has been bombarded by riders who ask if they can throw away their trash in his store. Fiercely protective of what he deemed "my clean space," he tells them no. He keeps his own garbage bin hidden behind the counter. "Very, very nasty," he said of the platform outside his shop.

John Gaito, a subway vice president who supervises trash collection, said the no-bin pilot had had mixed results. The system's cleaner who sweeps at Eighth Street is a fan; the cleaner at Main Street in Flushing, one of the busiest in the system, is not. "He sees more trash," Mr. Gaito said of the Main Street worker.

According to a 2008 study, about half of the trash generated in the subway system is discarded newspapers — although print circulation has declined since then.

About a third of underground refuse is in a vague category, "other," which consists of a potpourri of trash: juice boxes, shoes, rubber products, discarded lunch bags and banana peels. MetroCards and food waste, like half-eaten hamburgers and apple cores, each account for about 1 percent.

Some officials at the transportation authority want to ban food in the system. Charles Moerdler, an outspoken board member from the Bronx, called for a study to examine "the extent to which foodstuffs on trains or sold on the platforms is either deleterious to the system, or can in



LEFT FOR THE NEW YORK TIMES

### The worker who sweeps the platforms at a stop in Queens is not happy.

# CityTime case will be a drag

By JOSH MARGOLIN

The wheels of justice are spinning slower than usual on the CityTime payroll scandal.

Criminal trials against those indicted for allegedly bilking the city in the massive payroll-automation scam are unlikely to start until the end of 2012, The Post has learned.

The delays were foreshadowed in a brief letter filed with US District Judge George Daniels Friday.

Prosecutor Andrew Goldstein told the judge that a scheduled court appearance had to be canceled because the "government is still in the process of [collecting records], which is particularly voluminous in this case, amounting to more than 3 million documents."

Attorneys told The Post that that many documents could translate into 4 million to 5 million actual pages that have to be reviewed.

Eleven people have been implicated in the case, which already has led to the firing of the city official in charge of the project

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# 'Tax the rich' union rally

## Push to keep state levy

By ERIK KRISS in Albany & SALLY GOLDENBERG in NY

With the Wall Street protest just blocks away, minority lawmakers and union leaders rallied at City Hall yesterday to step up their call for a New York "millionaires tax" — with a transit-union president vowing he won't accept wage freezes if Gov. Cuomo won't accept the tax hike.

But Cuomo and state Senate Majority Leader Dean Skelos are standing firm in their opposition, saying higher taxes on the rich would drive investment, jobs and businesses to other states.

Skelos (R-LI) even took a swipe at actor and liberal sympathizer Alec Baldwin, who's been spotted re-

cently at the Occupy Wall Street protests.

"We can't be influenced by the Alec Baldwins of the world that are just buying a \$17 million condo in Greenwich Village — and he's going to tell us that we should tax everybody else," Skelos said on the Capitol Pressroom upstate radio show yesterday.

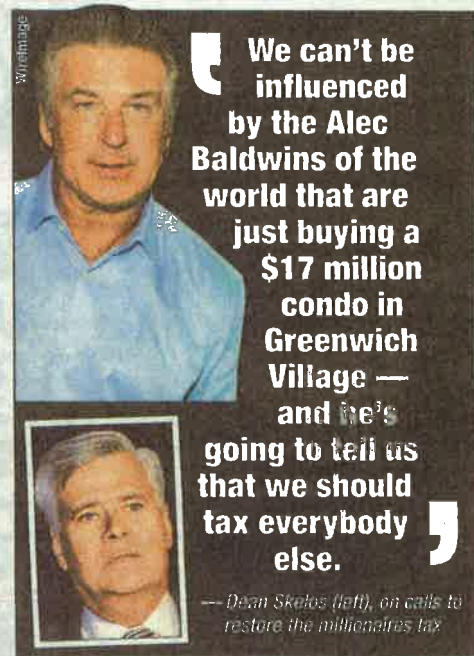
Skelos' comment came as dozens of Democratic city and state legislators joined Transport Workers Union Local 100 President John Samuelson and other labor leaders to demand that Cuomo extend the millionaires tax rather than allow it to expire as scheduled on Dec. 31.

"To expect working families and public-sector workers across New York state to suffer because you

want to give millionaires a tax break — it's not happening," said Samuelson, whose union's contract is up at the end of the year, in declaring he would not accept the three-year wage freeze other public unions have this year agreed to if the governor does not continue the millionaires tax.

Supporters of a state tax hike, who have been calling for the levy since Cuomo took office on Jan. 1, say it's needed to help protect funding for education, health care, transportation and other services.

"Today, more than ever, we should not hesitate to ask those who've gotten the most from New York state to give a little back when times get tough," City Council Speaker Christine Quinn (D-Manhattan), a



We can't be influenced by the Alec Baldwins of the world that are just buying a \$17 million condo in Greenwich Village — and he's going to tell us that we should tax everybody else.

— Dean Skelos (left), on calls to restore the millionaires tax

likely 2013 mayoral candidate, said in a statement.

Proponents of the tax claim there's new momentum behind them.

The Working Families Party, which had Democrat Cuomo on its ballot line in last year's race for governor, launched a petition drive to keep the state's millionaires tax alive.

Cuomo and Skelos noted that the next state budget

already has 4 percent increases in education and health-care spending built in — following deep cuts in both areas this year.

Cuomo has said that despite a \$2.4 billion projected deficit for 2012-13, he intends to stick with an \$800 million increase in school aid planned for next year as part of a two-year appropriation.

[ekriss@nypost.com](mailto:ekriss@nypost.com)

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# Attacks on MTA workers up

BY MARC BEJA  
marc.beja@am-ny.com

**'THOSE WHO COMMIT THESE CRIMES HAVE TO BE PROSECUTED TO THE FULLEST EXTENT OF THE LAW.'**

Councilman James Vacca

Straphangers are getting violent.

Attacks on MTA employees have skyrocketed this year on subways and buses by more than 26%, according to agency documents.

At least 170 employees were on the receiving end of passengers' wrath so far this year, up from 134 over the same period last year.

These people are not just a threat to drivers; they're a threat to people like myself

who are on the train and depend on transit every day. Councilman James Vacca (D-Bronx) said of the attackers during a transit committee meeting yesterday.

Transport Workers Union President John Samuelson blamed the spike in crime on

last year's massive service cuts and the feeling of 'economic hopelessness' among New Yorkers.

Vincent DeMarino, the MTA's vice president of security, said one likely cause for the jump in reported violence was increased report-

ing. Councilman Eric Ulrich (R-Queens) recommended that the MTA ask the NYPD for a "SWAT team of officers" to target areas where crime is higher. "Put them in plain clothes," he said. "You will catch the repeat offenders."

Vacca, who heads the transit committee, said he wants anyone busted for beating up a transit worker to get stiffer punishments.

"Those who commit these crimes have to be prosecuted to the fullest extent of the law, and I'm not convinced that's happening," he said.



The MTA has seen a 26% increase in attacks this year on its employees. (AP/WIDEWORLD)

## Why is our logo orange?

Margarette Purvis, President & CEO Food Bank for New York City

One in five New Yorkers struggles to afford food. Think about this the next time you're riding a crowded subway, walking down a busy street or shopping at a grocery store. One in five New Yorkers looks at their resources and wonders how they will put food on the table.



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Today, the amNewYork logo and the Empire State Building are orange. While orange is the color of hunger awareness, today it's our bat signal, calling you to serve and support the one in five mothers, children, seniors, veterans and neighbors who rely on soup kitchens, food pantries and after-school programs — the one in five who depend on the Food Bank.

Answer the call. Get involved. Visit [foodbanknyc.org](http://foodbanknyc.org).



## Freaks come out at night

Revelers attend the Village Halloween Parade last night. The annual event marches up Sixth Avenue from Spring to West 16th Street. (BY MICHELLE WAMNY)



Buses that pick up at curbside have become the fastest-growing mode of transportation in the U.S. (AP/WIDEWORLD)

## Curbside buses more dangerous, study says

Passengers aboard low-cost buses with curbside locations, such as in Chinatown, are seven times more likely to be involved in a fatal accident, according to a federal report released yesterday.

The National Transportation Safety Board concluded that curbside buses, which have become the fastest-growing mode of commercial U.S. travel, had 1.4 fatal accidents per 100 vehicles from January 2005 to March 2011, while buses originating from traditional terminals were at just 0.2%.

The startling finding is part of the most detailed study of the industry to date, prompted by a rash of deadly bus crashes. There have been eight fatal accidents — causing 28 deaths — involving buses traveling to and from

Chinatown this year.

"For too long, some bad apples have played fast and loose with passenger safety," said Sen. Charles Schumer (D-NY) at a Chinatown news conference.

Schumer reiterated his support yesterday for a letter-grade system similar to the restaurant industry's to alert riders of a company's safety record.

The study also found other alarming practices in the industry:

- Drivers continuing to drive even if they're fatigued.

- Drivers falsifying their hours logged so they don't have to stop driving.

- Carriers ordered to shut down, but continuing to operate under other names or switching owners in order to stay in business. (AP/WIDEWORLD)

**15**  
Number of people who died in March bus bound for Chinatown

# Few get prison for transit-worker attacks

BY PETE DONOHUE  
NEW YORK DAILY NEWS

DOZENS OF transit workers are beaten every year, but their attackers rarely wind up in state prison — despite a get-tough law on the books, the Daily News has learned.

Since 2007, law enforcement authorities have charged 102 suspects with second-degree assault for injuring a bus or subway worker, according to data from the state Department of Criminal Justice Services. A 2002 law made the maximum penalty for the D felony seven years in prison.

Only two dozen defendants have been

convicted of the top charge — and only seven were sentenced to at least one year behind bars, the minimum length of a state prison term.

"These statistics are mind-boggling," said Councilman James Vacca (D-Bronx), chairman of the Transportation Committee. "The criminal justice system must find a way to address this outrageous and disturbing trend."

Transport Workers Union Local 100 President John Samuelson said he would soon ask Manhattan, Queens, Staten Island and Bronx prosecutors to follow Brooklyn's lead and establish a unit to focus on crimes against transit workers.

Some defense lawyers said in most cases a sentence of probation or a few months behind bars probably is warranted. The injuries may not be severe enough to a warrant a multiyear sentence. The defendant may not have a record but got into a dispute with a driver that escalated, attorneys said.

Regardless, prosecutors resort to plea deals because of the overwhelming volume of cases in the system, said Kyle Watters, a former Bronx assistant district attorney.

"The only defendants that seem to get top-end convictions and top-end sentences are the ones who go to trial and lose," Watters said.

Fed up with attacks on bus drivers and other transit workers, Local 100 successfully lobbied the Legislature in 2002 to modify the penal law to make it a D felony to injure an on-duty transit worker. Previously, an attack would have had to result in serious injury — a higher threshold under the law — to sustain that charge.

The law doesn't appear to have served as a deterrent. There were 74 bus driver assaults between January and October, up from 63 in the same period last year, according to the MTA. Subway staffers have been attacked 22 times, compared with 19 last year. [pdonohue@nydailynews.com](mailto:pdonohue@nydailynews.com)

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## Beatdown susp riles Bronx judge

A SNOOKI LOOK-ALIKE who savagely beat a bus driver in a dispute over her Chihuahua was booted from court Thursday and slammed by a Bronx judge for mouthing off to authorities.

"Don't get an attitude with me!" Steangeli Medina, 17, told court officers when they asked her to take her baby niece outside. Medina was promptly booted, but returned an hour later to take her lashes from no-nonsense Bronx Justice Ann Donnelly.

"If you ever disrespect the court staff like you did today, you'll be going to jail," Donnelly told her. "If they give you a directive, you follow that directive without talking back. I don't ever want to see that again or you will have a problem with me."

Medina, sporting a beige fedora to match her Louis Vuitton scarf and purse, answered meekly that she understood.

The teen became enraged when bus driver Marlene Bien-Aime, citing an MTA rule, said her pooch couldn't ride



Marlene Bien-Aime (above) and Steangeli Medina.

along unless in a crate. Medina, who is charged with felony assault for the June attack, pummeled Bien-Aime and pulled her off the bus by her hair, prosecutors said.

Prosecutors Thursday offered Medina a plea deal that calls for six months in prison, five years' probation and anger management classes. Medina would also be barred for life from having any contact with Bien-Aime.

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# Crockin' in at the MTA

## Agency's time sheets vulnerable to fraud

AT LEAST TWO six-figure salary subway managers have been demoted for allegedly falsifying timekeeping records in a scandal exposing a MTA payroll system that's vulnerable to fraud, the Daily News has learned.

At least two other managers retired after investigators concluded NYC Transit staffers had reported working more hours than they actually did, sources familiar with the investigation said.

The payroll system has a flaw big enough to drive a train through: managers can clock in or out of any transit facility in the system — even if they are miles away from their base office, sources said. The time of the swipe is recorded — but not the location.

That weakness permits managers to report having put in a full day of work even though they arrived late and departed early.

"Acting immediately on an anonymous tip that individuals in Subways [division] had failed to accurately and honestly account for their work time, New York City Transit conducted an internal investigation that identified a handful of salaried managers who reported time not actually worked," the Metropolitan Transportation Authority said in a statement to The News. "Appropriate disciplinary action has been taken."

The MTA is upgrading its timekeeping software to flag instances of possible abuse and prevent future fraud, the authority statement said.

One source said manager David Murphy, who lives in the suburbs north of the city, regularly swiped in at the 207th St. subway yard in upper Manhattan and then resumed his commute to his base office at NYC Transit headquarters at 2 Broadway at the other end of the island.

As general superintendent overseeing

**EXCLUSIVE**  
BY PETE DONOHUE  
NEW YORK DAILY NEWS

work-train operations, Murphy earned \$110,000 a year before being demoted down three levels to an hourly position, sources said.

He couldn't be reached for comment. On his outgoing cellular telephone message, he says, "I was sitting around doing nothing. All of sudden I got real busy. If you leave a message and number, I will return your call."

One transit worker speaking on condition of anonymity said Murphy was no slouch.

"He knows his job," the worker said. "He's the most knowledgeable person about work trains out there."

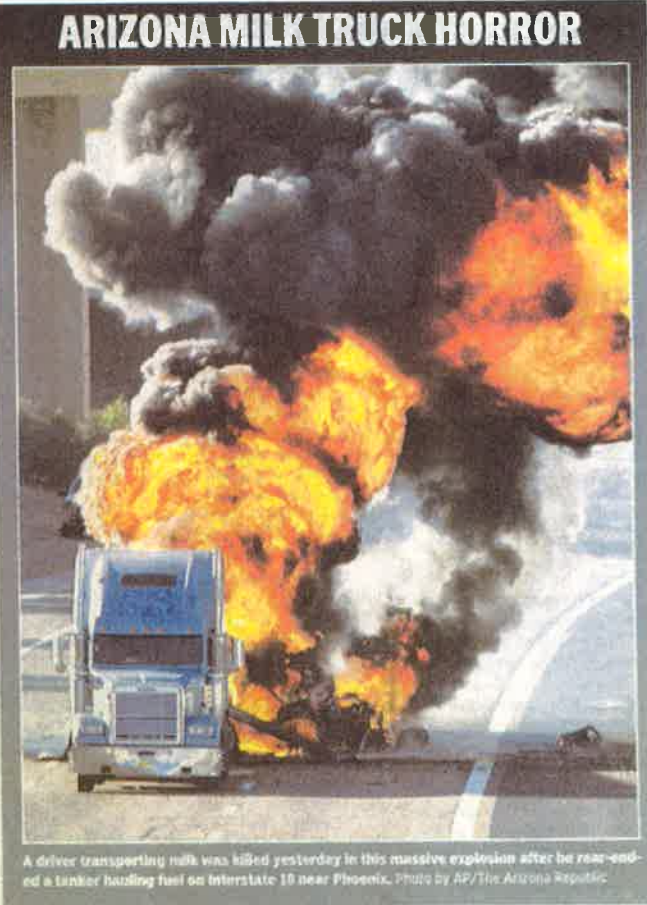
There are hundreds of transit facilities in the five boroughs, including subway stations, equipment repair shops, warehouses and bus depots. It makes sense to allow managers to punch in and out across the region because they often have responsibilities at several far apart locations, authorities said.

Vanessa Pettiford, a superintendent in the subway department, also was demoted within the last two months, sources said. One source said she allegedly manually entered false data into the timekeeping system.

Transport Workers Union Local 100 President John Samuelsen, representing bus and subway workers, said MTA brass should shift its focus as a result of the alleged scamming by supervisors.

"The MTA spends an awful lot of time going after their TWU workforce over petty violations but should spend more time scrutinizing their own bosses," Samuelsen said.

pdonohue@nydailynews.com



A driver transporting milk was killed yesterday in this massive explosion after he rear-ended a tanker hauling fuel on Interstate 10 near Phoenix. Photo by AP/The Arizona Republic

## An OT gravy train on Metro-North

AT LEAST 28 Metro-North workers abused the railroad's payroll system to reap \$1.5 million in overtime last year, a state audit reveals.

State Controller Thomas DiNapoli said the 30-employee signal-construction unit on the Hudson and Harlem line was rife with timecard antics and shift shenanigans that bordered on fraud.

He said management at the Metropolitan Transportation Authority "has tolerated a manipulation of the system."

He said the overtime abuses helped six

workers bloat their projected pensions by a whopping \$5.5 million, including one who boosted his by \$1.5 million.

Supervisors, he said, approved their own overtime and charged payroll costs to unrelated capital projects to avoid detection. They also put day shift workers on night overtime duty, triggering the federal requirement of a rest day with full pay.

"Federal laws implemented to protect riders were exploited to enrich employees at the expense of taxpayers," said DiNapoli, who has audited the MTA 17 times.

Pete Donohue and Bill Hutchinson

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# King Andrew sez, 'I am the government'

BY GLENN BLAIN  
NEW YORK DAILY NEWS

ALBANY — Gov. Cuomo no longer sees himself as just a governor — he is the government.

Cuomo, during a radio interview Wednesday, flashed a little ego when he argued that his sky-high poll numbers are less about him personally and more about the renewed pride New Yorkers are taking in state government since he took office in January.

"I am the government," Cuomo said on Albany's Talk 1300.

His words recalled those of French King Louis XIV who once said, "I am the state."

When reminded that there is also a Legislature, Cuomo quickly added "on the executive side."

As governor, Cuomo is not alone in keeping the government running. He commands a vast array of departments, commissioners and tens of thousand of government workers.

He doesn't control the state controller or attorney general's office — two other executive branch agencies — and the Legislature and judiciary are separate branches of state government.

"I think that the power has

gone to his head," said state Sen. Ruben Diaz (D-Bronx), a frequent critic of Cuomo and his budget cuts.

"He's got to be careful with that power," Diaz continued. "Many great leaders have lost their leadership because they have allowed their ego, their power to go to their heads."

"Andrew Cuomo is not the entire government," echoed state Conservative Party Chairman Michael Long. "He is the head of the executive branch, period."

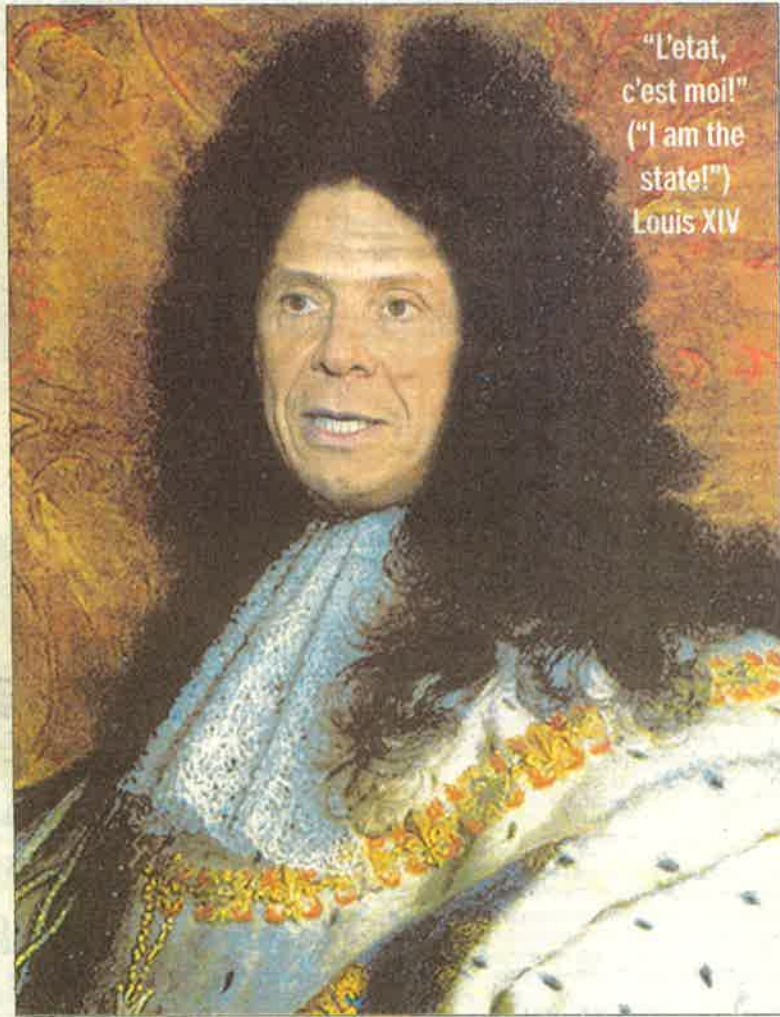
Cuomo's remarks created a stir on Twitter and were converted by one blog into a downloadable cell phone ringtone.

Cuomo spokesman Josh Vlasto said Cuomo's remarks were misconstrued.

"He said 'I am the government on the executive side,' which is a fact and needs no clarification," Vlasto said.

Cuomo's comments came during a discussion of his soaring poll numbers and how they reflect the improved performance of state government.

"I don't know people who don't say, boy, the government is working better now," Cuomo said. [gblain@nydailynews.com](mailto:gblain@nydailynews.com)



Gov. Cuomo would have made a good monarch in 17th-century France.

DAILY NEWS ILLUSTRATION

# OH, LORD — NOT AGAIN!

## Another unholy controversy at B'klyn Museum

BY ERIN DURKIN,  
MARK MORALES  
and KATIE NELSON  
NEW YORK DAILY NEWS

AN AVANT-GARDE video of ants skittering over the crucified Jesus is enraging Christians who say an upcoming Brooklyn Museum art exhibit is sacrilegious.

"Ants were crawling on the image of the crucified Christ," said Msgr. Kieran Harrington, a spokesman for the Catholic Diocese of Brooklyn, which sent a letter asking for the video to get yanked from the exhibit. "Certainly we don't think this would be tolerated if this was the image of the Prophet Muhammad or any other religious symbol."

"A Fire in My Belly" is a short, unfinished film created by the late

David Wojnarowicz. The Brooklyn Museum intends to show a four-minute edit of the video, which is about suffering.

The shaky, Super 8 footage shows a crucifix lying on the ground as ants scamper across Jesus' bare body. The 10-second crucifix segment is spliced between other bizarre scenes: objects dropping into a dish of what looks like blood, a boy breathing fire, hands lacing together a loaf of bread and bloody sewn-up human lips.

"As a Catholic, this is very sad for me," said Ginette Peterburs, 59, of Crown Heights. "It is not art, it is just disguising."

The video is part of a larger collection of gender identity-themed artworks that were displayed at

the National Portrait Gallery in Washington last year. "A Fire in My Belly" ignited a political firestorm while it was on display for about two months until it was pulled in December 2010.

The Brooklyn Museum will open "HIDE/SEEK" to the public Nov. 18 through Feb. 12.

It's far from the first time the art museum has stirred the pot: The museum drew ire from then-Mayor Rudy Giuliani in 1999 for an exhibit featuring a painting of the Virgin Mary decorated with elephant dung and images of female genitalia.

Giuliani tried to cut the museum's funding because of the painting, part of a provocative exhibit called "Sensation." Giuliani and Catholic advocates also slammed



Best video "Fire in My Belly" shows ants crawling over a crucifix.

the museum for featuring "Yo Mama's Last Supper" — which depicts Christ as a nude woman — in 2001.

"A Fire in My Belly" is creating a similar stir. But Brooklyn Museum Director Arnold Lehman defended the entire exhibit.

"For a city that prides itself on diversity and creativity, there

couldn't be a better exhibition," Lehman told the Daily News.

"We are talking about one of the greatest symbols of religion, so people are bound to be offended," said Carolyn Desalu, 22, a Fort Greene writer. "But for me, it's just another artistic form."

With Joe Tepper

[knelson@nydailynews.com](mailto:knelson@nydailynews.com)

### Gains in Revision

... was the second try; the rejected the first con- al in September by a tal- cent to 46 percent. The e union reopened negoti- Mr. Cuomo's stipulation out of money in the con- be reallocated but could the revised contract kept ar pay freeze, the nine ys, and the health-premi- cases of up to 60 percent, ed a couple of provisions? members slightly more

... and vote was a lopedid ,645—70 percent in favor n and 30 percent against. said three-quarters of the bers had cast ballots. he most important factor

Continued on Page 15)



HUGHES: 'A unifying labor.'

### AFL-CIO Head Expected To Office Soon

DAVID SIMS State AFL-CIO President will step down after 12 e, effective Dec. 16, like- December, allowing a re- be selected by the orga- tutive committee well ederation's next election 12.

... a Nov. 7 statement that the right time" to leave. s chief of staff, Mario mored to be a possible re-

### Another Possibility

... -CIO Secretary-Treasur- feivin has also been men- accessor. Mr. Hughes as- ce in 1999 after serving

Continued on Page 5)

# Assaults Up, Jail Time Isn't Bus Operators Feel Under Siege, Unprotected by Law

By SARAH DORSEY

Kissis Moreno was driving a Bx17 bus along E. 138th St. in The Bronx one afternoon in the summer of 2010 when she heard raised voices behind her. In her mirror, she saw two men arguing, then shoving each other. Stopping the bus, Ms. Moreno opened both doors and told them they'd have to take the fight outside. As passengers streamed out, one of the men approached her. Suddenly, she felt a sharp pain and saw a line of blood spread across her thigh: the man had slashed her with a knife.

Ms. Moreno was one of 76 Bus Operators criminally assaulted on the job in 2010. Assaults on bus drivers are up 20 percent this year compared to the first nine months of last year, according to Metropolitan Transportation Authority statistics. Subway operators are feeling the pain as well: attacks on them rose 16 percent compared to last year.

### 'Spit in Drivers' Faces'

Ms. Moreno had heard many stories from co-workers about bad treatment at the hands of passengers. "Every day it happens," she said. "They spit on their faces, they throw coffee on them and they're gone. We always talk about it."

She believes driving a bus is particularly dangerous in The Bronx, and has since transferred to Manhattan, where she feels safer. "They're really aggressive—really tough," she said of passengers in the Bronx. "They take

their frustrations out on us."

At a City Council hearing held on Oct. 31, the MTA gave no explanation for the rise in attacks on Bus Operators. But Cheryl Kennedy, Vice President of New York City Transit's Office of System Safety, said at least a quarter of assaults on Bus Operators are linked to fare disputes, and routes with higher rates of fare evasion tend to have higher assault rates.

When a customer doesn't pay, the MTA instructs the driver to "politely state the fare," she said, and if that doesn't work, to record the incident by pushing a button on the farebox. As a safety measure, drivers are trained in conflict-avoidance strategies.

### Putting in Cameras, Shields

The agency also launched a program to bring cameras and barriers into buses. A spokesman said that more than 500 new buses are to be fitted with a transparent shield to protect the driver, and that barriers for existing buses are being designed. Cameras are to be installed on 426 buses.

These pilot programs have been run primarily out of two depots: Kingsbridge in The Bronx and Flatbush in Brooklyn. Flatbush was the home depot of Edwin Thomas, who was slain by a knife-wielding passenger in 2008. Several bus drivers now wear blue bracelets in his honor.

An MTA spokesman said the agency was working with Transport Workers

(Continued on Page 10)



SERIOUS ASSAULTS, NOT-SO-SERIOUS PENALTIES: Kissis Moreno (left) and Marlene Bien-Aime are among the Bus Operators who have been victims of felony assaults at the hands of irate passengers over the past 18 months. Statistics show, however, that despite a 2002 law making such assaults on a Bus Operator punishable by up to seven years in prison, in fewer than one in 10 cases do offenders receive as much as a year behind bars for the crime.



... fired, saying that "his choices and actions show he can no longer be a member of the department." She also asked NYPD Deputy Commissioner for Trials Martin G. Karopkin to recommend a 30-day suspension for Police Officer Michael Carey, who fired three shots after Mr. Isnora began shooting at a car containing Mr. Bell, his other friend involved in the argument outside the club; Joseph Guzman, and their companion, Trent Benefield.

Detectives Endowment Association President Michael J. Palladino following the hearing labeled Mr. Slater's assertions "despicable. She insulted not only the profession but every undercover who risks his or her life."

... represents Mr. Carey, noted that Bell had already driven his car. Mr. Isnora and an unmarked p van. After he heard the Detect shout "Gun!," Mr. Lynch said of Carey, "He was in fear for his life was in fear for the Detective might be killed. He acted responsibly throughout the whole process." Earlier in the departmental t Mr. Isnora testified that because Mr. Guzman's threat outside the t Kalua, a notorious nightclub in maica, to retrieve a gun during a gument with another patron, F Coicou, he was apprehensive that Guzman was going to return in

(Continued on Page 13)

# Kelly: Just Managing Troops Contend New NYPD Order Sounds Like Illegal Quota

By MARK TOOR

The New York Civil Liberties Union said last week that a new operations order issued by the NYPD appears to establish a quota system for arrests, summonses, and stop-and-frisk operations. Such quotas are illegal under state law.

"This sounds like management-speak for a quota system," NYCLU Executive Director Donna Lieberman said of the order Oct. 27. "Enforcement quotas threaten basic rights and undermine trust between police and residents, which is why the State Legislature passed legislation outlawing them last year." She called on Police Commissioner Raymond W. Kelly, who signed the order, to explain how the "performance goals" it requires differ from quotas.

### 'Damned If We Do...'

Asked to comment, police spokesman Paul J. Browne said by e-mail, "Sounds like Donna-speak for damned if the department manages its workforce, damned if it doesn't."

The order, which was issued Oct. 17, says, "To provide guidance to Police Officers concerning their duties, department managers can and must set performance goals. Officers should be expected to act within the appropriate legal standards... with particular attention to self-initiated arrests, issuing summonses, conducting stops, and engaging in other enforcement activities."

The order also adds or expands activity-reporting requirements from officers to Sergeants and Lieutenants, and from Sergeants and Lieutenants to precinct commanders.

The NYPD has denied for years that the performance goals or standards it sets for officers amount to quotas. The department says it needs to set some kind of minimum to make sure officers don't just sit back and do nothing.

Lawmakers and community leaders who don't buy this argument won passage in the State Legislature of a law that forbids quotas for traffic summonses. The law was expanded



DONNA LIEBERMAN: If it quacks like a quota...

last year to cover arrests and stop-and-frisks as well.

### Law Forbids Discipline

State law defines quotas as demands that officers accomplish a specific amount of activity in a given timeframe. The law forbids transit schedule changes, denials of probation or overtime, adverse evaluation or other disciplinary actions against officers who do not meet quotas.

The operations order makes clear that officers who do not meet performance standards are subject to "performance-monitoring, transfer, reassignment or other appropriate disciplinary action." In fact, it indicates that the full weight of the department will land on any Police Officer who falls short.

Despite the Police Department's denials, "throughout the department in many precincts, there are already quota systems," Christopher Du

(Continued on Page 12)

# Suffolk County P.B.A., Inc.



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# Bus Operators: No Justice

(Continued from Page 1)

Union Local 100 to develop its safety measures, but Frank Austin, chair of the union's Bus Operators Assault Committee, said the improvements aren't coming fast enough. And he charged that Bus Operators feel pressure to collect fares even when it isn't safe to do so. Union officials point to the case of Jamel Wright, who was written up for letting passengers onto his bus without paying. Two months later, he reminded a man to pay—and was repeatedly punched in the face.

One driver in the Bronx said he encountered the opposite problem with management. Speaking conditioned on anonymity, he said he was assaulted for no reason a few times, and his supervisors implied that he'd done something to provoke the attacks.

"The worst thing I had to deal with was... to go back to the depot and talk to the manager who handles assaults," he said. "They treat bus drivers like it's your fault."

### 'Nothing Happens to Them'

Ms. Moreno feels that people who assault transit workers get off too easily. Along with many other Local 100 members, she was in the courthouse Nov. 3 when Steangeli Medina, the 17-year-old who beat Bronx bus driver Marlene Bien-Aime and dragged her out of the bus by her hair, was offered a plea deal of just six months in prison, five years' probation and anger-management classes. "Nothing happens to them," said Ms. Moreno.

The Daily News reported Nov. 4 that few attackers face prison sentences for assaulting transit operators, despite the 2002 law made the offense a class D felony punishable by up to seven years in prison. Since 2007, the paper reported, less than 10 percent of suspects charged with second-degree assault on a transit worker were sentenced to a year or more in prison.

Ms. Bien-Aime's case is being watched carefully by transit workers because the attack was particularly vicious, severely damaging her right eye. Operators need 20/20 vision to operate a bus, so her career as a driver may be over, Mr. Austin said.

"Someone from the MTA should have been there [at the courthouse]," he said. "Any assault is important, but this assault was so heinous—and she was only following the policy of the MTA." Ms. Bien-Aime was attacked when she told the passenger she could not bring her dog onto the bus without a carrier.

### 'No Bus-Enforcement Now'

Outside the courtroom Nov. 3, Local 100 President John Samuelsen faulted the MTA for not pushing for stronger sentences and for failing to have adequate police presence on buses. "We want maximum sentences to get these criminals off the streets behind bars where they can't hurt anyone else," he said, adding of the MTA: "They're tough on fare-beaters on the



**FRANK AUSTIN: MTA too slow in helping.**

select buses, but they don't care about Bus Operators getting assaulted."

Mr. Austin, who has been a transit worker for 22 years, agreed. "The MTA didn't make any statement saying they want a stiffer penalty. They didn't make any statement at all." He said one reason for the rise in assaults could be that the Police Department no longer has a dedicated bus unit since it was lost to budget cuts. "Once we lost that unit, we lost all enforcement for buses," he said. Before, "they would come by in their patrol cars and ask the operator if everything is all right. There is no bus enforcement [now.]"

A Police Department spokeswoman said an active bus unit still exists and that officers "enforce fare evasion." She had no further information by press time.

Mr. Austin would like to see the MTA's own police step into the role, noting that they ride on Metro North but not city buses.

New York City Transit spokesman Charles Seaton said Metro North and Long Island Rail Road trains get MTA cops because the NYPD doesn't have jurisdiction there.

### 'Of Great Concern to Us'

"The fact that there are individuals out there who think that it's OK to assault a Transit employee is unacceptable and of great concern to us," he said. "We will continue our efforts to protect our employees and identify those who harm them."

Mr. Seaton also said that NYC Transit officials want strong penalties for assaults, saying that along with the union they lobbied strongly in favor of making assaults against operators a felony.

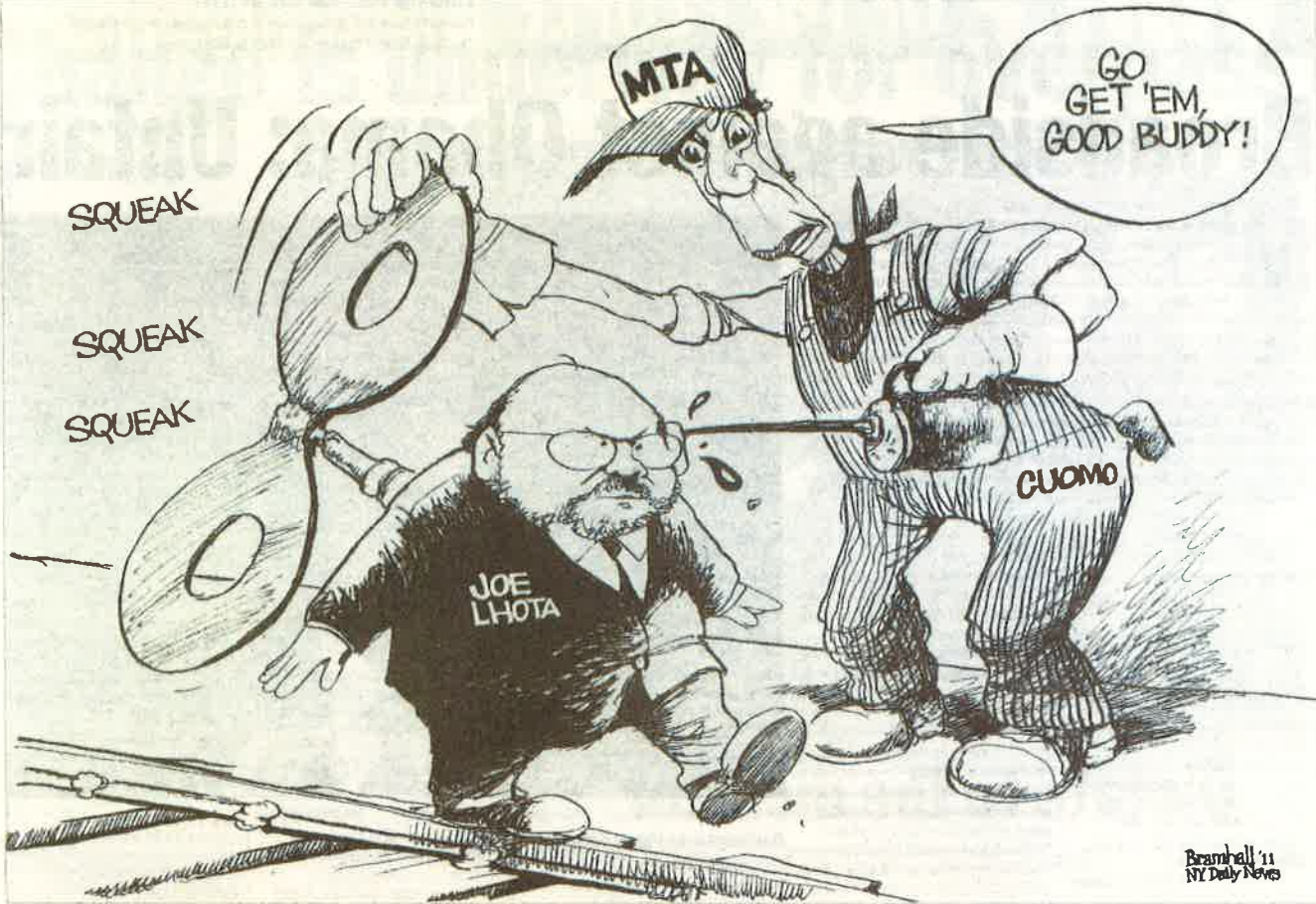
For workers who have been assaulted, it's difficult to feel safe under these circumstances.

"There's not one day that I come to work that I don't watch everybody," said Ms. Moreno. "I always like to know who's around me. I always assume they want to hurt me."

The other Bronx driver agreed. "We are sitting ducks there from aggressive passengers," he said. "And they are aggressive passengers."



BRAMHALL'S WORLD



# Cuomo's tax cap, flouted

**T**he more squawking you hear about New York's property tax cap, the more you realize why it was so necessary in the first place. That's because some local governments are showing that they cannot control their own tax-and-spend tendencies – not even for one measly year in the midst of a grim economy and the worst unemployment in almost three decades.

A property tax cap would all but force them to curtail spending – and too many show no stomach for doing so. How else to explain why counties, towns and villages are already overriding Gov. Cuomo's entirely reasonable 2% cap on property tax hikes, which was approved only a few months ago with overwhelming public support?

Some of them aren't merely exceeding the cap by a point or two, but completely blowing past it into double-digit territory. Clearly, these localities have a spending addiction that can't be kicked without strong intervention.

Cuomo's prescription – which he made the centerpiece of his campaign for office last year – was to limit annual hikes in property taxes outside New York City to the inflation rate or 2%, whichever is less.

Which is an entirely reasonable goal in a state where property levies are a punishing 90% higher than the national average. A



Bill Hammond

state that's home to all 15 of the top 15 most heavily taxed counties in the country. A state that's hemorrhaging citizens by the millions, in part because families are literally being taxed out of homes and businesses.

Thankfully, many local officials are sticking with Cuomo's diet for now. Of the 396 municipalities that have filed plans with the state controller's office to date, 85% report they intend to abide by the cap.

But that leaves 15% who have already decided that they won't abide by the 2% ceiling. They're exercising an escape hatch in the law that allows them to break the cap by mustering a 60% vote of their governing body or, for school districts, a 60% majority of voters in a referendum.

In western New York, for instance, Chautauque County Executive Greg Edwards proposed a property tax hike of almost 13%. Albany County is contemplating a 19% increase. Binging so grossly out of control demands action on two fronts.

First, Cuomo and the Legislature need

to get serious about mandate relief. As the locals rightly point out, they have little power to contain programs that chew up huge sections of their budget, such as Medicaid and pensions. In their telling, they have to raise taxes to pay for programs they can't otherwise afford.

By further reining in out-of-control Medicaid spending, scaling back retirement benefits for new government hires and reforming labor laws that stack the deck against management, state lawmakers could take billions in expenses off the backs of property owners.

Cuomo and the Legislature should make this reform a top priority for next year – and get it done before school districts have to finalize their budgets in the spring.

But mayors and county executive also need to get their own acts together. Albany deserves some of the blame for heavy local spending, but not all of it.

Not when Westchester County owns and operates a money-losing amusement park, Rye Playland.

Not when Nassau County Executive Edward Mangano, in the midst of a fiscal crisis, pushed to spend tax dollars on renovating a hockey arena and building a minor league baseball stadium – an ill-conceived

project that voters thankfully rejected.

Also hard to understand is the position that Edwards took on Chautauque's budget. Just last year, as the GOP candidate for lieutenant governor, Edwards was gungho for capping taxes.

Once the election was over, however – and the idea he backed had become law – he called it a "sham" and maintained that he needed 13% more from property taxpayers just to cover state-mandated costs.

But E.J. McMahon of the Manhattan Institute's Empire Center for New York State Policy points out that Chautauque's budget

hole is the result of a lot more than Medicaid and welfare costs.

The county's sales tax rate has also been repeatedly cut in recent years – a decision that wasn't in Edwards' control, but was a major factor in throwing the county's finances out of balance.

As it was, the Chautauque County Legislature ultimately rejected Edwards' tax increase and found a way to balance the budget while living within the cap. That's the kind of discipline from elected officials that New Yorkers need a lot more of, all across the state.

whammond@nydailynews.com

## Some localities evade governor's 2% limit



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Melissa has recreated the distinctive style seen in her works for Macy's 2011 parade poster. They will read from her book and sign your copy of her book when you purchase it at the event!

Take home show tickets!

The first 25 customers to make a \$150 purchase in the Kids' Department beginning at 12pm will receive a pair of tickets to see *The NEW 2011 Radio City Christmas Spectacular® - The Rockettes Magical Journey*, or *Cathy Rigby is Peter Pan* starring the Tony Award®-nominee\*\*!



Events subject to change or cancellation. \*One bag per customer. \*\*Tickets will be available beginning at Noon on the 7th Floor, Kids' Department, purchases made before Noon on November 20, 2011 are not applicable; tickets are for preselected dates and times, cannot be returned or exchanged and have no cash value. Please note your choice of venue/show preference is not guaranteed; based on first come, first served and due to limited supply, one per person. ©2011 MSG Holdings, L.P. All rights reserved. Macy's Thanksgiving Day Parade & Related Characters: ©2011 Macy's Inc. All rights reserved. Sonic ©SEGA. All rights reserved. SEGA is registered in the U.S. Patent and Trademark Office. SEGA, the SEGA logo and Sonic, The Hedgehog are either registered trademarks or trademarks of SEGA Corporation. Julius™ & ©2011 Paul Frank Industries LLC. ZhuZhu Pets® ©2011 Cepia, L.L.C. ZhuZhu Pets® names, logos, characters, artwork and related indicia are trademarks of and copyrighted by Cepia, L.L.C. All rights reserved. B ©2011 Tim Burton.



# Transit union honcho: 'We won't be bullied'

BY PETE DONOHUE  
NEW YORK DAILY NEWS

TRANSIT WORKERS won't be "bullied or blackmailed" into a no-raise contract, their union president vowed as labor negotiations began Tuesday.

Transport Workers Union Local 100 President John Samuelsen put forth general demands in a one-hour presentation to hundreds of union officials and a small delegation of top managers, including new MTA Executive Director Joseph Lhota.

But Samuelsen made it clear that bus and subway workers feel they have already paid a high price both before and during the recession and won't agree to a pact without a "fair wage increase." He didn't offer specific percentages.

Approximately 1,000 bus and subway workers were laid off in the two previous years, Samuelsen said. "Enough is enough," he said.

"Each and every day we pay our fair share . . . and sometimes we pay for it in blood," he said.

Approximately 240 transit workers have died on the job since 1947, many of them fatally struck by trains while working on the tracks. Dozens of bus drivers are beaten by riders every year. Gov. Cuomo has used the threat of layoffs to win contracts that freeze wages for three years with two state unions. The transit workers' contract with the MTA expires Jan. 15.

Other union demands included a schedule for putting partitions in buses to protect drivers, paid maternity leave and improved dental care.

The union leader also asked the MTA to join a lobbying effort in Albany for transit funding.

It was Lhota's second day on the job and both sides were cordial. Lhota praised workers as "the best in the business" but also said money is tight.

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# Feds don't hold peace: Keep goon outta nups

EXCLUSIVE

BY JOHN MARZULLI  
NEW YORK DAILY NEWS

A MOBSTER'S WISH of giving his daughter away at her wedding doesn't have the feds' blessing.

Prosecutors are opposing Thomas (Tommy Shots) Gioeli's request for a prison furlough to attend his eldest daughter Julia's Dec. 2 wedding.

Assistant U.S. Attorney Elizabeth Geddes said that since the gangster reviewed the government's evidence in his murder trial, he could pass information to associates during the nuptials, who could use it to influence his case.

There is "substantial incentive to authorize and direct his criminal associates to commit violence to preclude their perceived testimony or the testimony of other potential witnesses against him," Geddes said.

The prosecutor also said Gioeli's offer to provide the feds with a wedding guest list and to hire a security detail to monitor the ceremony and reception were unrealistic.

It's hard to believe Gioeli would even be allowed in a church given his résumé for the Colombo family.

The crime boss is charged with six murders, including the killing of an off-duty NYPD cop. Prosecutors say he also participated in a gangland rout in which a former Roman Catholic nun was fatally wounded by a stray bullet.

"I'm going to hell," Gioeli reportedly predicted for the 1982 slaying of Veronica (Sister Adelaide) Zuraw, according to court papers.

Brooklyn Federal Judge Brian Cogan unsealed letters written to him by Gioeli, his wife and daughters seeking the furlough. "She needs me to give her away to the new man in her life, Walter," Gioeli implored.



# Do the 'ride' thing on her bus!

On Brooklyn's toughest route, she demands better behavior from straphangers

**G**ive the lady a Metro-Card for life – and not just because her nickname is Chocolate. Chocolate – she wouldn't give her real name – is about 65 years old, maybe older. She walks with a cane but is otherwise a strong, stout woman. She isn't afraid to speak her mind and she curses like a sailor. "Where I come from, I'm not afraid of anything," she said with a Jamaican accent. "I know what I'm saying is the right thing, and people need to do the right thing."

Minutes earlier, Chocolate was on a B46 bus. It was an



uneventful ride. Then the candy wrapper hit the floor.

"Come on, Mommy!" Chocolate snapped at the litterbug. "You're not supposed to dump your garbage on the bus!"

The guilty woman sat across the aisle, motionless.

"I'm tired of going on the bus and finding roaches all over the place," Chocolate continued.

She ranted about riders eating fast food and leaving behind the wrappers, cartons and empty soda bottles.

"I have to use this bus!" she fumed.

It was a straphanger tirade reminiscent of Howard Beale's "I'm mad as hell and I'm not going to take it anymore," rant in the movie "Network."

Chocolate, who remained in her seat, briefly paused before resuming her tongue-lashing. "It upsets me bad, bad," she said. "What happened to people these days? Don't you know cleanliness is godliness?"

"We're not animals. We're not

supposed to do that. Think of somebody else!"

"You got a bag. A pocketbook. Two bags! Stick it in there and take it with you!"

"And you're an elderly person. You expect that from the younger people. Most young people don't give a damn."

The B46 is hardly the Disney World Shuttle. The route runs through Brooklyn, from Williamsburg to Kings Plaza, and passes through some of the city's toughest neighborhoods.

An ex-con stabbed a B46 driver, Edwin Thomas, to death several years ago. Four MTA bus drivers have been beaten this

year on the B46 tour – the most of any route. Riders also spit on two other drivers this year.

Of all the routes in the city, the B46 is considered the top priority for installing video cameras and partitions to protect drivers from abusive riders.

Fortunately, the woman who dropped the wrapper didn't respond to the scolding. But she picked up the trash and took it with her when exiting.

Several stops later, at Utica Ave. and Empire Blvd., Chocolate stood up to leave. A young woman who was sitting next to her shook her hand.

"Thank you," the younger woman said.

## Egyptian jailers 'beat & terrified us,' American student says

BY ROQUE PLANAS  
NEW YORK DAILY NEWS

ONE OF the three American students arrested in Cairo during Tahrir Square protests says Egyptian authorities beat and threatened them while in custody.

Georgetown University student Derrick Sweeney, 19, told Reuters the students' jailers threatened to shoot them and make

them drink gasoline.

"It was terrifying. One of the worst parts was the constant uncertainty," he said.

He also flatly denied the allegation that he, Gregory Porter and Luke Gates threw Molotov cocktails during the protests.

The Egyptian authorities said they arrested the three Americans on Nov. 20 on a roof near Tahrir Square. A spokesman for

Egypt's general prosecutor said police found a bag with empty bottles and gasoline on the students, CNN reported.

Sweeney said the students were escorted away from a side street near Tahrir Square by people who he suspected of being plainclothes police officers.

"The next thing we knew we were getting hit," Sweeney told CNN. "The first

night we got hit in the face, in the back of the neck, a number of times."

Sweeney said the American students were holding a bag for an Egyptian friend, but did not know what was inside it.

When police confronted the American students with empty bottles and accused them of making Molotov cocktails, Sweeney said it was the "scariest moment" of his life.



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Bank of America Home Loans

# Middle class gets tax break

## Albany deal lowers rate; millionaires take a hit

BY KENNETH LOVETT  
NEW YORK DAILY NEWS

**ALBANY** — The state's middle class will get a tax break thanks to a deal between Gov. Cuomo and legislative leaders, announced Tuesday, that will overhaul the state's tax code.

The little guy will see immediate relief — with the average middle-class household saving an average of about \$300 to \$400 a year — while those earning more than \$2 million per year will see their taxes jump.

State leaders also came to agreement on a number of other issues, including a deal to revamp a controversial payroll tax that helps fund the Metropolitan Transportation Authority.

"Our state government has come together in a bipartisan manner to create jobs, grow our economy and, at the same time, enact a fair tax plan that cuts taxes for the middle class," Cuomo said.

For Cuomo and Senate Republicans, the deal represents a dramatic shift from pledges the past two years of no new taxes. Under the deal, New York's 4.4 million middle-class families making between \$40,000 and \$300,000 a year will see their taxes cut by a combined \$690 million.

Their personal income tax rates will drop to their lowest levels since 1953, ranging from 6.45% to 6.65%. They currently pay the state's top rate of 6.85%.

Those making between \$300,000 and \$2 million won't see a change in their tax toll.

But the 30,000 raking in more than \$2 million — half of whom live outside the state — will pay significantly more in taxes.

### What Cuomo's Tax Deal Means to Your Tax Bill

FAMILY INCOME	WITHOUT THE DEAL	UNDER THE NEW PLAN	DIFFERENCE
\$50,000	\$3,425	\$3,225	\$200 less
\$100,000	\$6,850	\$6,450	\$400 less
\$200,000	\$13,700	\$13,300	\$400 less
\$2 million	\$137,000	\$176,400	\$39,400 more

Their rate will jump to 8.82%, from the 6.85% they would have been paying come January.

Cuomo and legislative leaders argued, however, that even the rich will pay less since the new rate is lower than a three-year-old surcharge on the middle class and wealthy set to expire at the end of the month.

"Someone who makes \$50,000 should not be paying the same tax rate as someone making \$5 million," Assembly Speaker Sheldon Silver said.

The new tax will generate nearly \$2 billion in revenue, the bulk of which will be put toward reducing next year's projected \$3.5 billion budget deficit, officials said.

Some liberal groups complained the plan doesn't generate enough revenue — while conservatives argue that any tax hikes hurt the state's business climate.

Cuomo said he had to change his no-new-tax pledge because closing the budget gap with just cuts and no new revenue would "decimate essential services."

"I think this is fair, I think it will benefit all New Yorkers in the long term," he said.

Other parts of the deal include:

- A new infrastructure fund to

spark jobs and needed bridge and highway improvements.

- A reduction for small businesses in the controversial payroll tax designed to help fund the MTA. Private schools will be completely exempt. The state will reimburse the MTA for the \$250 million in lost revenue.

- An agreement to seek a vote by the Legislature on a constitutional amendment to legalize casino gambling.

- Funding for an inner city youth jobs program.

And while not finalized, Cuomo and legislative leaders are said to be nearing a deal to amend a bill to allow livery cars to pick up street hails in the outer boroughs.

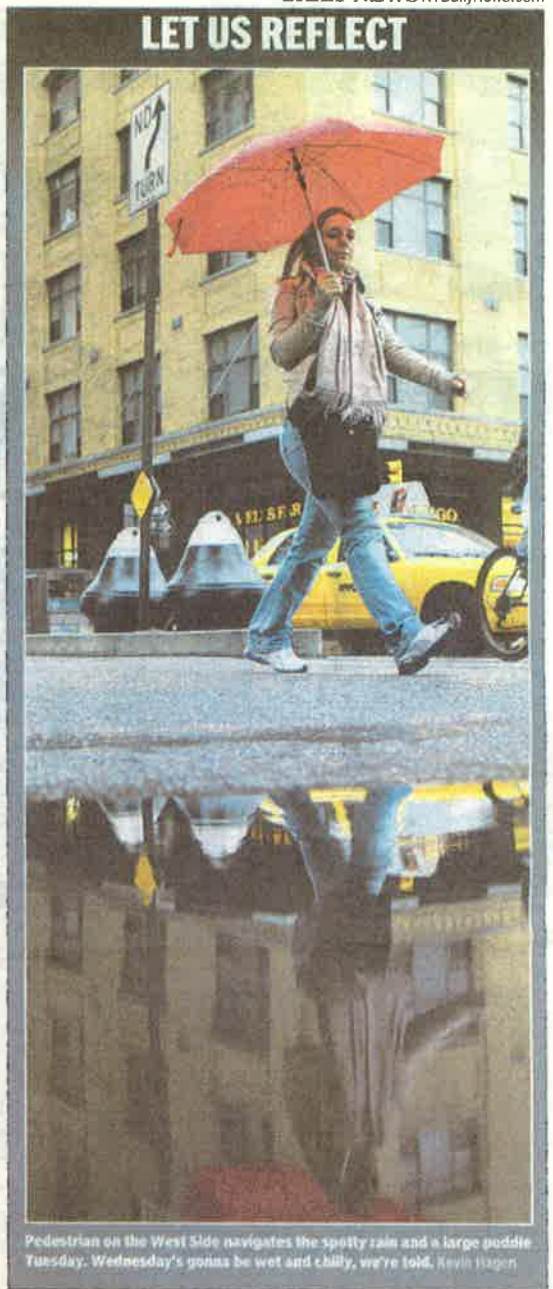
For Cuomo, even though he will get hit for going back on his no-new-taxes pledge, the deal gets most of the heavy lifting of next year's budget out of the way.

The Legislature and governor have already agreed to increase education and health care spending 4%.

klovett@nydailynews.com

**THE NEWS SAYS: Grand slam for Gov. Cuomo.**

EDITORIAL — SEE PAGE 36



Pedestrian on the West Side navigates the spotty rain and a large puddle Tuesday. Wednesday's gonna be wet and chilly, we're told. Kevin Kagan

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Midday: 903 Win 4: 4323  
Pick 10: 3-6-15-18-25-35-38-43-44  
51-52-56-57-60-66-70-71-72-73-75  
Mega Millions: 7-21-29-35-49  
Mega Ball: 39  
Take 5: 12-15-16-21-39

#### NEW JERSEY LOTTERY:

Pick 3: 362 Pays \$241  
Box: \$40 Pairs: \$24  
Pick 4: 2703 Pays \$2,592.50 Box: \$108  
Cash 5: 7-13-14-15-39  
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1-900-448-4000

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viva NEW YORK

GET THE LATEST LATINO NEWS INSIDE!

# Escalating subway 'disservice'

## Report: MTA fails to enforce fixes to broken equipment

BY MARC BEJA  
marc.beja@am-ny.com

If the MTA doesn't own one of the subway's many broken escalators, then the agency is in no rush to get it fixed, a new report has found.

The cash-strapped MTA has let privately owned subway escalators and elevators stay shut down for years, failing to force companies that own them to fix them, according to an audit by the MTA inspector general released today.

In the worst examples, four Manhattan subway escalators that were supposed to be maintained by private companies were out of service for three years or more, according to inspector general Barry Kluger.

"This is not fair to the riders," Kluger told amNewYork. "While this disservice is largely the result of private owners not meeting their obligations, a share of the fault belongs to the MTA and New York City Transit, which have not effectively managed their own responsibilities regarding this equipment."

Though the MTA is responsible for most subway escalators and elevators, today's audit focused on 33 privately operated ones in 13 Manhattan subway stations, including Columbus Circle, Times Square, Union Square and Grand Central Terminal.

In most cases, the companies agreed to maintain

nearby straphanger passageways in exchange for special permits to build taller buildings or get other perks.

In certain instances, it took up to 31 months for the MTA to get its legal office to notify the companies that their equipment was broken. None of the companies returned calls from amNewYork for comment yesterday.

Among his recommendations, Kluger said the MTA should try to partner with the city to push companies to hold up their end of the contracts — or for the agency to fix the equipment themselves and then send a bill to the companies.

The MTA said it would "take a more aggressive approach to address outages."

Straphangers said they were tired of seeing busted escalators and elevators.

"Sometimes you have to run up the stairs really far, and it's really annoying," said Alex Evans, 24, as he passed an escalator at Lexington Ave.-53rd St. that has been out of service since 2008. "What's the point of having an escalator if it's always broken?"

**'THIS IS NOT FAIR TO THE RIDERS.'**

Inspector general Barry Kluger



The escalator at the Lexington Ave.-53rd St. subway station, above, has been out of service since September 2008. (PHOTOS: MARC BEJA)

### OUT OF COMMISSION

Place	Out of service	Back in service	Years out
Lexington Ave.-53rd St. (885 Third Ave.)	Sept. 2008	May 2012 (expected)	3.63
Lexington Ave.-53rd St. (875 Third Ave.)	Jan. 2008	Feb. 2011	3.12
Union Square (2 escalators)	Sept. 2007	Aug. 2010	2.98



## News

## West Indian cop rants upset Kelly

The online rants of alleged NYPD officers who called West Indian Day paradegoers "savages" and "animals" drew a sharp rebuke from Police Commissioner Ray Kelly yesterday.

"It is unacceptable when police officers do it," Kelly said in a statement. "Despite the assertion of First Amendment rights in social media cases, the Police Department reserves the right to discipline behavior it determines unbecoming of a police officer if detrimental to the service, especially when it is disrespectful of communities that officers have taken an oath to protect."

Kelly hadn't commented on the postings to a Facebook page called "No More West Indian Day Detail" when it was first publicized Monday by The New York Times.

He said Internal Affairs is now investigating and that 20 "offensive comments" were associated with names matching actual cops.

The annual Brooklyn festivities, held over Labor Day weekend, have been criticized for attracting violence — including this year, when two cops were wounded by gunfire and three people were killed.

(AMNY)



A family member holds a picture of Shannan Gilbert.

(MAGNUS)

## Search continues for hooker's body on L.I.

The search for the remains of Shannan Gilbert — one of the women believed to be murdered by a serial killer on Long Island — will resume today at Oak Beach, where, for a third day, officers will comb a marshy area where she was last seen alive, police said.

During the first two days of the search, police found a pocketbook with Gilbert's identification — along with a pair of jeans, shoes and a cell phone believed to be hers — Suffolk County Police Commissioner Richard Dormer said yesterday.

Officers have not found any remains of Gilbert, 24, a sex worker from Jersey City who was last seen alive in the area on May 1, 2010, when she went to see a client, Dormer said, adding that the search will continue "into the foreseeable future."

(NEWSDAY)

## Banks on alert after bomb attempt

The NYPD warned the city's financial firms yesterday to monitor their mail after the German headquarters of Deutsche Bank received a letter bomb addressed to its CEO.

The bomb, which contained shrapnel, did not detonate. Nobody was injured, CNN reported.

"The return address was listed as a European central bank, which would likely increase the chances of [it being opened]," NYPD spokesman Paul Browne said in a statement.

The police increased security around Deutsche Bank's offices in New York as a precaution.

(AMNY)

# Give MTA some Apple-ause

## Critics of Grand Central lease overlook benefits

**R**odney Dangerfield has nothing on the MTA, which can't get a bit of credit — or respect — even when it does something right.

Take Grand Central Terminal, the historic hub where Apple opened a new store on Friday. It's the latest addition to the hub's assortment of 100 restaurants and shops.

The Metropolitan Transportation Authority's net income from

rent and special events at Grand Central totaled \$8.2 million in 2000. Last year, the net income hit \$18.7 million.

That's a 128% increase and an additional \$10.5 million a year the MTA can use for the subway, bus and commuter train network. It's also a pretty good indication that the authority has done a good job marketing and managing the space.

You wouldn't know it, however, from a flurry of media reports suggesting the MTA is giving

away the store on 42nd St.

According to the reports, authorities have launched investigations into the lease arrangement between the always cash-short MTA and Apple. In fact, there doesn't appear to be anything rotten about the deal at all.

The Assembly Committee on Corporations, Authorities and Commissions, which has oversight over the MTA, made a routine request to the authority for information



after the media reports. The state controller's office is conducting a standard noncriminal followup audit of a previous audit it did of the MTA's real estate policies and management last year.

No hearings are planned, and these are investigations in the loosest sense of the word. It's similar to calling golf a sport, Newt Gingrich a family man, city Controller John Liu a mayoral contender or pepper spray a vegetable.

Apple is renting 23,000 square

feet of space. The three largest indoor parcels are the East Balcony, previously rented to the restaurant Metrazur; the Northeast Balcony, which has always been vacant, and a basement area used as a railroad crew room that lived up to its unappealing name, "Carey's Hole."

The retail outlet will be on the balconies and Apple is using the basement for storage.

The MTA banked \$260,000 a year from Metrazur under a lease dating to the 1999 renovation of Grand Central Terminal. The most recent lease didn't expire until 2019.

Looking for a more lucrative arrangement, the MTA advertised for bids in major newspapers. Other businesses expressed interest but only one, Apple, submitted a bid.

Apple's rent is more than four times what Metrazur paid — \$1.1 million a year. It ponied up \$5 million for the MTA to buy out the restaurant's lease and spent \$2.5 million on infrastructure improvements that aren't normally the responsibility of a tenant. These renovations included an



The new Apple store at Grand Central Terminal has caused storm of controversy over an alleged sweetheart lease. Photo by Kevin Hagen

improved heating and ventilation system.

The store also will draw far more people to the terminal — and boost sales at other businesses. Every 1% increase in sales is worth \$500,000 in additional payouts to the MTA.

There are some unique aspects to the Apple lease. The MTA isn't getting a percentage of Apple's revenues, as it does from other

Grand Central tenants. The MTA says Apple refused, much like the computer giant has elsewhere.

The per-square-foot rate is also significantly less than other businesses in Grand Central.

You can argue Apple negotiated a good deal, but you can just as easily argue the MTA has done right by riders as well.

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# Driver claims abuse by cop who cuffed pol

**EXCLUSIVE**

BY REUVEN BLAU  
NEW YORK DAILY NEWS

A WOMAN IS suing one of the police officers who arrested City Councilman Ydanis Rodriguez during the raid on Zuccotti Park — charging he slammed her into her car during a routine traffic stop.

Cecilia Efem, 50, says it all started after she was pulled over for illegally passing a slow-moving car on Staten Island on Oct. 10, 2008.

She handed over her license, but Police Officer Steven Caro suddenly yanked her from the car without giving her a chance to give him her car registration from the glove compartment, the federal suit alleges.

He slammed her into the car, tearing her rotator cuff and injuring her back, the suit claims.

Efem was then arrested and charged with resisting arrest and reckless driving. She later pleaded guilty to a traffic infraction, but the other charges were all subsequently dismissed.



Ydanis Rodriguez

Her lawsuit charges he violated her civil rights and used excessive force. She's seeking unspecified damages. Rodriguez (D-Manhattan) says he, too, was blindsided by Caro.

He alleges he was suddenly forced to the ground while innocently crossing Broadway three blocks from Zuccotti Park during the late-night police raid on Nov. 15.

He was charged with resisting arrest and obstructing government administration.

The court complaint said he tried to force his way past a police barricade and tried to evade handcuffing.

He has vociferously denied the charges.

"While most of the NYPD does great work, the officers who arrested me were out of line," he said Sunday. "If I'm acting as an observer, which is part of my job as a Council member, why should I have to worry about being pushed to the ground and cuffed?"

Caro was not available for comment, and the NYPD did not respond to a request for comment.

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GOVERNOR CUOMO: An artful metamorphosis.

## State Deal Preserves Higher Tax Rate For Wealthier in Budget Fix

### Helps Cover Key Services; Union Pension Funds To Assist Infrastructure

By MARK TOOR

With the state facing an ever-worsening financial picture, Governor Cuomo and the other Two Men in a Room quickly put together and moved through the Legislature a revision to the income-tax code that cuts taxes for the middle class and raises the basic tax rate for the wealthiest New Yorkers.

The deal was praised by both key business leaders and union officials, with one notable exception.

And it was structured in such a way that both Mr. Cuomo and Senate Republicans, who had fought plans to extend in some form the soon-to-expire millionaires tax, could claim they had kept their promise not to raise taxes.

#### 'No One Will Pay More'

"It's a package under which no one in the state would actually pay more," Mr. Cuomo said Dec. 7, shortly before the Assembly passed the tax revision, completing Special Session legislative action on an idea that the Governor broached only four days earlier.

"We're cutting taxes, in my opinion," said Senate Majority Leader Dean Skelos. Only the top bracket, he said, "won't go down as much as people anticipated."

That bracket, for individuals with taxable incomes of more than \$1 million a year and families with incomes of more than \$2 million, will have its rate reduced slightly, from 8.97 percent

(Continued on Page 7)

## Council Committee Is Quick to Endorse Cuomo's Tax Plan

## Lose Dedicated MTA Funding TWU, Transit Advocates Hit Payroll-Tax Cutback

By SARAH DORSEY

It may not be as high-profile as the millionaires tax, but Governor Cuomo's rollback of a payroll tax that funds the Metropolitan Transportation Authority has union leaders, advocates and at least one business group wondering where a good chunk of transit's future checks will be coming from.

The deal, hashed out in a Special Session of the legislature last week, will also allow the Governor to sign the "lockbox" bill, designed to safeguard transit funds—but then immediately nullify its most crucial provision.

#### 'They Just Slash and Cut'

Small businesses and schools will now be exempt from the tax, which since 2009 has charged 34 cents for every \$100 in payroll costs to just about every entity with employees in the five boroughs and surrounding counties, including nonprofits and hospitals. More of the self-employed will also be exempt. Lawmakers expect the cuts to cost the MTA some \$320 million a year.

In exchange, the agency will receive \$250 million from the state treasury and be "held harmless," which means the Governor must find state funds to cover the gap in the future. For Transport Workers Union Local 100 President John Samuelsen, that's a poor substitute.

"Everybody takes it out on mass transit," he said. "Politicians always make statements about how vital it is to the economy of New York State, and then they just slash and cut."



JOHN SAMUELSEN: Uneasy that money will be made up.

He and other critics noted that payroll taxes grow with inflation. Monies plucked from the state's general revenues don't.

#### MTA a Cash Cow

Gene Russianoff, an attorney for the Straphangers' Campaign, which advocates for passengers, agreed with Mr. Samuelsen that those who deserve exemptions should be reimbursed by the state after the fact, a deal public schools have gotten up until now. That

(Continued on Page 12)

## Press for 4% 'Pattern' Raises Nurses Claim City Changing Rules in Stalled Bargaining

By DAVID SIMS

New York State Nurses Association members rallied outside City Hall in the rain Dec. 6 to press their demand for raises retroactive to early 2010 that match the 4-percent hikes afforded to unions that negotiated contracts with the city in 2008 and 2009.

Much like the United Federation of Teachers and Council of School Supervisors and Administrators, NYSNA has been unable to secure hikes that unions like Teamsters Local 237 and District Council 37 received starting in September 2008.

Because NYSNA's contract expired after the enormity of the financial crisis became clear and the city's budget hole began to grow, talks with the Health and Hospitals Corporation have been stalled for nearly two years.

#### Cites Wage Disparity

of facilitating, to make sure the community at large is taken care of."

But according to Ms. Bove, HHC has said that while it doesn't expect givebacks in the next contract, any wage increases would have to be funded by union concessions. "The idea of giving up holidays to get raises, or what have you," she said, "it's really not acceptable."

#### Treating Far More Patients

Ms. Bove said that city hospitals were getting more crowded as private hospitals cut back, and that Bellevue Hospital had seen a particular increase because of the closing of St. Vincent's Hospital in 2010.

"You walk through Bellevue or any HHC facility, and you can see how overburdened those facilities are now with all these closures. We're the safety net," she said. "I'm not worried about layoffs as much as I'm worried about

# Sewage Worker

## 25 Face Ax or Contraction Unions Rip School As 'Stunning DOE'

By DAVID SIMS

The Department of Education will move to close or truncate 25 schools at the end of this school year, it announced Dec. 8 and 9, prompting ex-coriating responses from union heads, with United Federation of Teachers President Michael Mulgrew calling the move "another stunning failure of DOE management."

"Rather than doing the hard work of helping struggling schools, the DOE tries to close them, making sure that the hardest-to-educate kids end up concentrated in the next school on the closure list," Mr. Mulgrew said in a statement. "It's playing three-card monte with children's lives and education. It's wrong, and if our attorneys find that the DOE is violating state law in this process, we'll be seeing them in court."

#### Some Losing Middle Grades

Most schools on the DOE's list would phase out over time, with one, the Academy of Business and Community Development, closing immediately at the end of the year and seeing its students sent to other schools. Six more schools would lose grades 6 through 8.

The number of schools targeted this year is similar to 2010's figure of 26. The DOE narrowed down a list of 47 low-performing schools to arrive at the final tally.

"These are never easy decisions, but when a school has failed to serve its students well year after year — even after receiving additional supports — we have a responsibility to provide students with better options," Schools Chancellor Dennis Walcott said in a statement. "We are already hard at work creating the great new schools that these communities deserve."

But Council of School Supervisors and Administrators President Ernest Logan, who has a more cordial relationship with the administration, was also damning in his assessment of the DOE's policies towards low-achieving



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## Kelly: 'Hateful Speech' Racist Posts on I



**COULD'VE HAPPENED TO ANY OF US:** The Chief-Leader/Federica Valshvega Local 100 members gathered at Malcolm X Blvd. and Gates Ave. for a candlelight vigil for Bus Operator Edwin Thomas, who was slain there while driving a city bus. Drake Jackson, right, works out of the Flatbush depot, where Mr. Thomas was based, as did his father before him. "This is a dangerous job," he said.

## Bus Operator's Memorial

(Continued from Page 5)

from as far away as the Bronx. Passing B46 drivers honked their horns furiously in support.

Drake Jackson, who's been a Bus Operator at Flatbush for two years, said he'd never met the deceased. "[But] it doesn't really matter because we're all Edwin Thomas," he said, looking a little choked up. "Because in the back of every Operator's mind is, 'That could've been me.'"

Duane Wooten, also at Flatbush, said, "You're in a trapped position. You pick up at hospitals, you get people on drugs, you get people who are angry at other people. They're looking for an outlet. And guess who they encounter? Us."

Tareque Ahmed, a subway station agent in Queens, said he wanted to pay tribute to Mr. Thomas because he knew his pain. Mr. Ahmed was assaulted last year after he left his booth to attend to a woman who was calling for help; her attacker then started punching him and Mr. Ahmed woke up in the hospital.

He said he is still frightened at times. "I close my eyes [now] and I see this guy punching me," he said.

### Few Shields in Flatbush

Frank Austin, who heads the union's committee to boost safety for Bus Operators, said the Flatbush depot is the third-worst in the city by number of assaults.

And he said that three years after the stabbing, only 14 out of the nearly 400 buses in that depot have been outfitted with safety partitions.

"They're going to say the reason is because of bidding and outsourcing

[issues]," he said. "But when do you put a price on a life?"

An MTA spokesman said the actual number of buses with the partitions was 23, and that it has been working with the union on the issue, and making significant progress.

In a statement, officials said the agency is ahead of schedule on partitions, with 500 expected to be installed system-wide by the end of the first quarter of 2012, instead of the 400 originally anticipated. Fifty-eight vehicles already have them, another 20 are in the process of being installed, and nearly 200 buses have security cameras.

### More Cops Called For

It's not just the TWU that has issued alarms recently about bus safety. Amalgamated Transit Union Local 1056, which represents bus drivers in Queens, released a statement last week demanding more security after last week's shooting of two passengers on a Q111 bus in Jamaica, one of whom died.

Union president I. Daneek Miller said more police need to ride the most-troubled routes.

"We went nine days in a row last week of assaults, leading up to the day of the murder," he said, including in that number serious threats, such as one in which a man said he was going to his car to get a weapon, and the same car trailed the bus the next day. "This lawlessness...is starting to spread."

He said police didn't have to be on every bus, but an occasional presence would act as a deterrent.

"There's a perception out there that there's no consequence to their actions if those actions occur on a bus."

## Hit Payroll-Tax Cutback

(Continued from Page 1)

way, the MTA still sees that steady rise in funds—and hopefully, New Yorkers will duck the painful fare hikes and service cuts they suffered last year.

Relying on Albany alone is a more-precarious bargain, Mr. Russianoff added: Governor Cuomo and former Gov. David Paterson have already skimmed \$260 million in MTA funds since 2009 to pay for budget shortfalls. And the lockbox bill doesn't prevent that from happening again—it just requires approval from the Legislature, which the Governor can get by announcing a fiscal emergency and calling a Special Session. Lawmakers assented to both Governors' previous cuts.

The agency itself, however, released a statement that "We are grateful... the MTA will continue to receive the level of funding needed to keep New York and its economy moving."

### Business Group Dismayed

Felice Farber, director of external affairs for the General Contractors Association of New York, represents businesses that pay the tax, and she's not happy about the rollback.

"We can't afford to shortchange the MTA," she said. "The whole point of the [payroll tax] is that businesses benefit from having a reliable transit system and should share in the cost of that system. The region benefits, housing prices benefit, everyone benefits."

Already, the agency suffers from a stretched budget, she said. "People aren't talking about the decline in the service. Stations are clearly not as clean. [During] my commute this morning, the trains were delayed because of debris on the tracks. I grew up in New York, and that hasn't happened in a long time." But businesses outside the city resented having to pay the tax, and scrapping it was a key element in Mr. Cuomo's persuading suburban Republican legislators led by Senate Majority Leader Dean Skelos to support a higher tax rate for wealthy residents.

As part of last week's deal, the Governor said he will sign the lockbox bill. But he also pushed through a provision that takes away its main weapon: a requirement that if he diverted any money, he'd have to explain how it would affect the economy.

Assemblyman James Brennan, one of the bill's co-authors, said he wasn't told about the change and plans to reintroduce the bill with State Sen. Martin Golden next year.

He said the governor was apparently trying to "wrangle out of vetoing [the bill] and evade accountability."

A coalition of 13 labor and advocacy groups, including TWU Local 100, the Straphangers' Campaign, and the General Contractors Association, released a statement condemning the move.

Mr. Samuelson found some small comfort in the increased scrutiny.

"There's more political value than legal value to the bill [now]," he said. "I think it's going to bring a whole lot more attention if public transit monies are swiped."



**HARRY NESPOLI: 'Pattern' not a one-way street.**

## Nurses' Stalled Talks

(Continued from Page 1)

aggressively through the State Legislature."

Municipal Labor Committee Chairman Harry Nespoli also spoke at the rally, which featured Nurses from across the boroughs who came into Manhattan on buses after work.

"You can't talk about pattern bargaining for 35 years and then all of a sudden stop talking about it," he said in an interview. "Over 200,000 members already received the four and four [percent raises]. These people are out of a contract now for more than a year."

Mr. Nespoli is continuing to press the city to honor the pattern, rather than let the contracts continue expired for years. "What happened to pattern bargaining?" he asked. "You can't do it when you want to do it, and not do it when you don't."

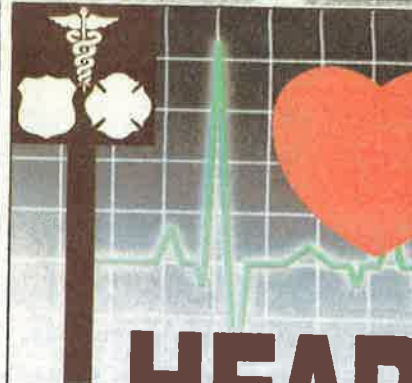


**JAMES BRENNAN: 'Lockbox' not so secure.**

# WTC ZADROGA BILL

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# For now, Love keeps NYC pad

**Landlord wants singer out due to rent, renovations**

BY SHEILA ANNE FEENEY  
sheila.feeny@am-ny.com

There's no place like home for the holidays.

Courtney Love, facing eviction from her sumptuous \$27,000-a-month West Village townhouse for allegedly being a deathbeat and damaging the property, will get to remain in her digs at least through the new year.

A lawyer for the Hole singer filed a motion to dismiss the case in Manhattan Housing Court, and the landlord has until Jan. 13 to respond.

But Love, 47, shouldn't get too excited. The owner of the townhouse, located at 250 W. 10th St., intends to contest the motion, in a move the singer's attorney said in a statement yesterday.

The rocker's landlord, an

bed linens.

The lawsuit unfairly maligns a responsible tenant who is paid up on her rent, Love's lawyer, Eric Sherman, countered.

The landlord's lawyers said that Love also broke her lease by altering the interior of the "extraordinary and meticulously designed home" — renovat-

ed by architect and interior designer Steven Gambrel — without permission.

"A dispute has erupted over the townhouse and its condition and what has to be restored before Courtney moves out, but that is not the subject of the lawsuit," Sherman said. He suggested that people judge Love's treatment of the home for themselves by visiting Curbed.com, which features pictures of the pad before and after Love moved in.

"I was just there, and the place looks great," Sherman said. "Courtney has been an excellent tenant. No cops have ever been called there. It's unfair that Courtney has been attacked in the press like this."

Astor Street Partners has previously stated in media reports that it intends to sue upon Love's departure if the house isn't in its original condition.

Love's lease is up Feb. 15, but Sherman said the singer wants to keep the pad.



THE TOWNHOUSE

- **Location:** 250 W. 10th St., between Bleeker and Hudson streets
- **Year built:** Early 1800s
- **Listing price (2010):** \$7.6 million
- **Bedrooms:** 3
- **Baths:** 5/2
- **Floors:** 4
- **Size:** 3,825 square feet
- **Amenities:** The building is gut-renovated and was designed as a Flemish bond merchant's house, complete with six fireplaces and a garden patio.

(COURTESY ASTOR STREET PARTNERS)



COURTNEY LOVE IN THE TOWNHOUSE (PHOTOGRAPH BY PATRICK MCCORMY)

## News

### MTA boss: No hikes in 2012

BY MARC BEJA  
marc.beja@am-ny.com

Although incoming MTA head Joe Lhota rejected a campaign to restore service cuts throughout the city, he vowed yesterday not to raise fares or slash service in 2012.

Despite the agency's "fragile" economic situation, Lhota said, "there are no contemplations of service cuts or fare increases next year. It is my hope and my prayer that someday we can restore service cuts that happened last year," he said.



Lhota

added, "I do not expect to have any service cuts during my tenure," though fare hikes are already planned for 2013, 2014 and 2015.

Lhota, who is expected to be officially confirmed as MTA chairman next month, adamantly shot down a last-minute proposal to hire 300 employees as part of \$20 million in service additions for next summer, saying it was still uncertain if the agency would recover funds lost due to the bad economy and tax revenue reductions.

Board member Allen Cappelli reintroduced an amendment proposed earlier this week to undo some service cuts. The plan gained traction among the board, though it still failed by a 6-4 margin. The budget, without the amendment, passed by a 7-3 vote.

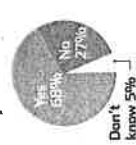
### New Yorkers want casinos, poll finds

Most New Yorkers want to take a gamble on Las Vegas-style casinos. A Quinnipiac poll released yesterday shows widespread support for building the state's first non-Indian casinos with live table games, a proposal currently under consideration by the Cuomo administration. (AMNY)

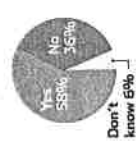
**Do you support or oppose the creation of non-Indian casinos in New York state?**



**Do you think the creation of these casinos would be good for the economy?**



**Do you think the creation of these casinos would lead to increased gambling addiction?**



## Re-Make

### Gov signs off on livery law

Gov. Andrew Cuomo signed a new law yesterday to permit as many as 18,000 livery cabs to pick up street hails in the outer boroughs and Manhattan north of 96th Street.

Cuomo's ability to negotiate the plan was seen as a success for both himself and Mayor Michael Bloomberg, who originally proposed it in January and met fierce opposition from livery and yellow cab owners and drivers. (MARC BEJA)

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12/19/11

**NEWS**  
By Marc Beja

## MTA board votes down plan to return slashed service



Straphangers won't be getting any surprise gifts from the MTA this Christmas.

The cash-strapped agency's board passed on a proposal Monday to undo some of the massive service cuts it made last year, axing dozens of bus routes and two subway lines to save \$93 million.

Mitch Pally was one of two board members to introduce an amendment to the agency's budget that would have restored some of those cuts by reallocating \$20 million.

It was slapped down by a 7-2 vote.

"If we don't do it now, we will most likely never be able to do it - at least in the next five to six years," Pally told amNewYork after the plan was squashed. He vowed to raise the issue again next year.

"We can afford it now," Pally said. "It's a question of prioritization."

But Andrew Saul, acting chairman and head of the finance committee, said it was "a disastrous time" for the agency to be spending more.

"This can always be looked at in the future, and I think it should be looked at in the future," Saul said before calling a vote. "But at this moment, with this budget and what's happened, it would just be suicidal were we to add service."

Bill Henderson of the MTA's Permanent Citizens Advisory Committee said the money could have been used to help improve some of the "really egregious impacts" of the service cuts to riders.

"Some people ended up with no service a reasonable distance from their home or their place of work," Henderson said. "You have to take care of the customers first. You have to take care of the riders first."

Non-voting board member Andrew Albert said the extra funding would be "a drop in the bucket" in the MTA's \$12.6 billion budget, and made the board look like a bunch of Scrooges.

"People have a tendency to hate the MTA," Albert said. "If they got a little something back for their next three fare increases, I don't think that's too much to ask."

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Oscars:

**So excited to watch!**

**Eh, they're lame every year**

**You mean like the weiners?**

**PHOTO GALLERY**



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December 21, 2011

# M.T.A. Sets 2012 Budget With No Cuts

By **CHRISTINE HAUGHNEY**

The [Metropolitan Transportation Authority](#) on Wednesday approved a \$12.6 billion budget for 2012 that called for no new service cuts or fare increases, even though the plan leaves a \$68 million deficit.

[Robert Foran](#), the agency's chief financial officer, told board members that he would fill part of the gap by dipping into \$33 million in reserve funds. But he said he still did not know about the rest.

"I don't know where I'm going to get the \$35 million I said I would cut," Mr. Foran said.

But he and other agency officials, including Joseph J. Lhota, the newly appointed executive director, wanted to reassure passengers that fares would not rise and service would not be reduced in 2012.

Still, the meeting seemed unusually contentious. Allen P. Cappelli, a [board member](#) from Staten Island, proposed an amendment calling for the agency to reallocate \$20 million in the budget to restore service cuts made in 2010. Mr. Cappelli suggested that the \$20 million could be found in administrative savings, like consolidating the agency's various legal departments.

"We have an obligation to push the institution to do more with less," he said. "We need to show the riders out there that we are listening."

His proposal prompted more arguments from board members about the agency's perilous finances. [Andrew Albert](#), a board member since 2002, complained that "these budgets are always balanced on the backs of riders." He said he had never heard so many vocal board members.

"Usually it's the rider reps who are the only ones arguing for more service," Mr. Albert said. "Now more and more people are speaking up."

But Mr. Foran, whose voice shook slightly and whose face grew redder through the meeting, warned board members that the agency may encounter even more troubled finances in the future because it depends, in part, on tax revenue from Wall Street bonuses. He predicted that

next year, when smaller bonuses are handed out, the agency may have to cut back even more.

After rejecting Mr. Cappelli's proposal, the board approved the operating budget and a proposal to pay for the final three years of the agency's \$24.3 billion five-year capital program.