

**NEW YORK POST**

**News Columns**

- Michael Goodwin 13
- NYPD Blotter 18
- Weird But True 21

**Gossip**

- Page Six 14-15
- Cindy Adams 16

**Post Opinion p. 23-25**

**Business p. 27-32**

- Media Ink 28
- Between the Bricks 30

**Weather p. 39**

**Features & Lifestyle**

- Su Doku 22
- Comics 26
- Pulse 33-38
- Steve Cuozzo 34
- Movie Clock 38
- Crosswords 42
- Horoscope 43

**Classroom Extra p. 38**

**Classifieds p. 39-42**

**Sports p. 43-59**

- Racing 43-45
- Paul Schwartz 57
- Mike Vaccaro 58

**Television p. 60-63**

- Listings 62-63

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# TWU vows you'll keep paying for nothing

By JENNIFER FERMINO  
Transit Reporter

Hey, lay off our board games!  
The TWU's chief said yesterday there's a fat chance that the rule that allows dozens of bus drivers to sit around and play chess will ever get changed.

Transport Workers Union Local 100 boss John Samuelsen vowed to fight tooth-and-nail against the MTA's demand to hire part-time employees under the new contract — a measure that could save money and prevent workers from getting paid to do zilch.

"It's simple," Samuelsen said. "We don't have part-time families, we don't have part-time mortgages and we don't have part-time college tuition."

Now the battle over part-time workers could derail ongoing contract talks between the MTA and its 35,000-member union. The contract expires on Jan. 15, but the TWU has voted to extend talks beyond that date.



As The Post reported yesterday, the MTA doled out paychecks to bus drivers for playing chess and watching TV when it slashed service in anticipation of fewer riders during the week between Christmas and New Year's.

Making some drivers part-time — a key MTA demand in the labor talks — will give the agency the flexibility needed to adjust schedules and save money, officials said.

The MTA saved on fuel and maintenance costs this holiday season by running a reduced schedule, but claims it couldn't curtail most labor costs because of union rules requiring that bus drivers work five shifts a week.

Part-time drivers, by contrast, could be scheduled for busy times and let go during slow periods.

"Our riders deserve service provided at the lowest possible cost, and we owe

**It's simple. We don't have part-time families, we don't have part-time mortgages and we don't have part-time college tuition.**



— Transport Workers Union Local 100 boss John Samuelsen (inset)

it to them to explore any work-rule changes that help achieve that goal," said Jeremy Soffin, an MTA spokesman.

Contract negotiations between the MTA and TWU are always contentious. The TWU has gone on strike three times in the past 46 years, most recently right before Christmas in 2005.

For his part, Samuelsen accused the MTA of using the issue of part-time

workers as a tool to eventually cut workers' benefits.

"If they succeed in getting their foot in the door with part-timers, they'll try to have the entire workforce part-time, with no health benefits, no pensions," said Samuelsen.

He had another suggestion for saving money.

"The MTA would benefit from putting all their executives on part-time pay," Samuelsen said.

But part-time MTA bus operators and subway conductors are probably inevitable, said Mitchell Moss, the director of the Rudin Center for Transportation Policy and Management at New York University.

"The 21st century is requiring flexible time in all kinds of sectors. The fact is, bus service has to be congruent with user patterns, and the MTA should have the flexibility to deploy drivers when they need them," he said.

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**Editorial / Page 24**

## Gowanus cleanup to be taxing

By RICH CALDER

Now this really stinks!  
The feds' Superfund cleanup of Brooklyn's toxic Gowanus Canal could sock taxpayers with a bill of hundreds of millions of dollars.

The US Environmental Protection Agency yesterday released its draft proposal for cleaning up the purple and green-bued waterway, and it includes calling on the city to halt its century-old practice of allowing sewage and storm-water runoff into the canal.

The proposal is opposed by the Bloomberg administration, with the city's Department of Environmental

Protection issuing a statement saying, "The evidence clearly indicates that the primary sources [of canal contamination] are the former industrial plants on the canal, and not ongoing sewer overflows."

The EPA is looking to recoup the cost of an expected \$500 million Superfund cleanup from property owners that contaminated the waterway and soil along the canal for decades, including the old Brooklyn Union Gas company, which is now National Grid.

But the report's more shocking news was its call on the city to deal with sewage and storm water flow-

ing into the canal, generating 259,000 pounds of "suspended solids" annually.

The city would likely have to redirect the sewage elsewhere, such as the East River, or build massive retention tanks to collect runoff during heavy rains.

The city last year opened a \$404 million retention plant at Brooklyn's Paerdegat Basin in Canarsie, and sources said building a similar Gowanus facility would be far more expensive.

EPA spokesman Elias Rodriguez called sewage overflow "a major source of canal contamination that will need to be addressed."

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## Unbowed Liu plans birthday cash bash

By CHUCK BENNETT

City Comptroller John Liu is not going to let the federal investigation into his campaign fund-raising dampen his 45th birthday.

The mayoral hopeful is planning a fund-raiser Monday for his big day — where he'll eschew his self-imposed \$800-per-donation cap. "We are asking people to contribute up to the [\$4,950] maximum, like all candidates," said campaign spokesman George Arzt.

Federal prosecutors on Nov. 16 charged that one of

Liu's fund-raisers, King Wu "Oliver" Pan, with using straw donors — each giving \$800 — to hide larger improper contributions.

The birthday bash's "host committee" includes labor bigwigs and elected officials, but many said they won't attend or donate.

Liu "asked if he can use my name" and "I told him he could, but I won't be able to make it," said Brooklyn Democratic Party boss, Assemblyman Vito Lopez. Another "host," Senate Minority Leader John Sampson also won't attend.

# Rock duo can't move Roker

## Page Six

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**AL Roker** nearly "pulled an Alec Baldwin" on an American Airlines flight when he refused to give up his aisle seat for rocker **Alex Van Halen** and his wife, **Stine Schyberg**, and remained glued to his phone after the gate closed to tune out the pushy couple's protests.

After hosting the Rose Bowl in LA on Monday, the campy "Today" meteorologist avoided a fiery confrontation on AA flight No. 4 to New York when his first-class companions, the Van Halen co-founder and his wife, bitterly complained to the gate agent that Roker was sitting between them as the plane sat on the ground.

Witnesses said Alex was seated by the right-side window, his wife in the center of the cabin,

with Roker in the aisle seat between them. Alex's brother and Van Halen co-founder **Eddie** and his wife, **Janie Liszewski**, were seated in the row behind them.

"Alex complained, 'We're not together, Mr. Roker's seat is between ours,'" a spy said. "Al was looking at his phone, desperately trying to ignore the whole situation."

When the agent asked Roker to move to the aisle seat in the first-row center, he stated that he's "allergic to dogs," a source tells us. A passenger with a little dog in a crate was in the row behind Roker, and moving to the aisle would have put him three seats away, rather than four. To sit together, Alex and Stine then swapped

with passengers in business class, our spy said, adding that a relieved Al "said 'Hello' to the new people when they sat down, after hiding from the Van Halens by texting."

Roker, who then turned his phone off, seemed to have better etiquette than "30 Rock" star Baldwin, who was bounced from a flight last month for unleashing his rage on a flight attendant who asked him to put his phone away.

While the situation was uncomfortable, "There was literally not an ounce of rock star bullbleep," a spy said of Alex. "But his wife was making a big deal complaining about it."

A rep for Van Halen told us the band "couldn't be reached." NBC declined to comment.



## Boy hero saves tot

FORMER N'Sync boy-bander **JC Chazez** was a hero saving a baby in Miami Beach on New Year's Day. A helicopter flew so close to the beach in front of the Fontainebleau that the umbrellas in the sand flew up from the force of the rotors. One parasol began hurtling toward a stroller carrying a 1-year-old baby girl. Chazez sprang into action and grabbed the umbrella before it fell onto the child. Hotel security confirmed the incident, and sources say Chazez was "sweet and humble" about his heroics. The night earlier, Chazez had partied at a Fontainebleau private bash hosted by "Gossip Girl" star **Chace Crawford**.



## Sightings . . .

**JUSTIN Bieber**, after performing in Times Square, at his own New Year's bash at The Ainsworth with **Selena Gomez** and

his family . . . **BETHENNY Frankel** dining with 12 friends and husband **Jason Hoppy** at PH-D at the Dream Downtown on the Eve . . . **BLAKE Lively**, **Heldi Klum**, **Brooklyn Decker** and **Molly**

**Sims** sporting **Theodora & Calum's** limited-edition **Orange Multi Navajo Blanket Scarf** to benefit the Child Mind Institute . . . "PARKS and Recreation" star **Aziz Ansari**, **Momofuku's David Chang** and **Phillip Lim** at Red Egg's "No Tickets and No Losers" bash . . . **JIM Chanos** ordering Champagne at a VIP table at **Miami's Wall Lounge** on the Eve.



## New LA couple

**JONAH Hill** (above), the slimmed-down star of "The Sitter," is dating **Ali Hoffman**, daughter of **Dustin Hoffman**. Sources say both are from LA and "were friends when they were growing up. Jonah is good friends with Ali's brother, **Jake**. Dustin discovered Jonah when they were in high school." Jonah got his break in "I Heart Huckabee's," which starred Dustin. The source added, "Jonah was in Hawaii over the holidays with the Hoffman clan." Reps didn't get back to us.

## Kashing in with a glossy

THERE'S no end to the **Kardashian** empire's ambition. Sources say the reality attention-grabbers, perhaps because of negative publicity after **Kim's** ill-fated marriage, now want to lead their own coverage and are close to landing a deal with **American Media Inc.**, which owns **Star**, **The National Enquirer** and **Shape**, to launch a glossy dedicated to the family. "This is a Kardashian idea," a source said. "They have been reaching out to several media outlets." We hear the girls plan to be heavily involved editorially. **Kris Jenner** won't be editor-in-chief, but will certainly be pulling the strings. Some say the mag could launch as soon as spring. "Now the Kardashians can spin their own stories in print," a competitor sniped. Others say the mag will be more of a fanzine devoted to the family. **AMI** launched **Reality Weekly**, a magazine devoted to reality TV, with **Victoria Gotti** as editor. Some suspect the Kardashian mag will be similar to **Kim's** celeb buzz blog, which is packed with family happenings and plugs for sponsors. **AMI** and a **Kardashian** rep declined to comment.

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## Hookah habit

**SHAQUILLE O'Neal** has taken his hookah-loving ways to the islands. The former NBA star was spotted yesterday at **Bamboo Bernies** on **St. Maarten**, puffing away, having relocated from the **Viceroy Hotel** on **Anguilla**, where he hosted a **New Year's Eve** blowout. In November, the big man was spotted heading into **New York's Babylon Hookah Lounge** three nights in a row, after reportedly being rejected by a doorman at **Mars 2112** for dressing in jeans. "He was the genie in 'Kazaam,'" so I guess he likes it," said a spy.

## Warmed by love

**ASHLEE Simpson** (above) couldn't handle the cold at the **Bridgestone NHL Winter Classic** on Monday night in **Philadelphia**: between the **Rangers** and the **Flyers**. She was at the outdoor even at **Citizens Bank Park** with her beau, "Boardwalk Empire" actor **Vincent Piazza**, and spies said he was warming her up throughout the game. "He was hugging her a lot, and would take her inside to an elevator bank during intermission. But she was a trouper," a witness reports.

DAILY NEWS

# Cuomo thinks big

**O**f the many ambitious plans Gov. Cuomo laid out in his second State of the State speech, none had more wow than putting the world's biggest convention center at Aqueduct Racetrack.

The proposed 3.8 million-square-foot facility — to be built on state land with \$4 billion in private money — would create thousands of jobs, boost New York City's status as a tourist magnet and make far better use of a grossly underused property a stone's throw from Kennedy Airport.

As a further plus, Cuomo would couple that project with a full-scale redevelopment of the 18-acre site of the Javits Convention Center — further catalyzing the rebirth of Manhattan's West Side.

The convention center upgrade was the centerpiece of a speech brimming with smart ideas — including a second year of fiscal responsibility.

Cuomo renewed a pledge to hold the growth of the state budget to no more than 2% — and to close a projected \$2 billion deficit strictly with spending cuts, not more taxes and fees. Holding to those goals would mark an important step toward shrinking a bloated state government.

Also welcome is his commitment to stem the spiraling cost of public employee pensions — which would deliver huge savings for taxpayers without touching current employees' generous benefits.

Deservedly in Cuomo's cross hairs is an inadequate public school system that's first in the nation in spending but 38th in graduation rates. If his proposed reform commission seriously tack-

les that challenge — as Cuomo says it will — he will score his biggest accomplishment to date.

Also good to hear was his push for collecting DNA samples from all convicted criminals and a campaign finance reform plan that's suitably cautious about entrusting politicians with tax dollars.

Even those skeptical of expanding casino gambling, including this page, must acknowledge that gaming is here and needs better management. Cuomo's plan for recognizing that reality via constitutional amendment is at least worth debating.

No item on his agenda holds greater potential benefit to the city than the proposed convention center. Although details remain sketchy, New York has long needed a modern facility to attract large shows Javits cannot accommodate.

Further development at Aqueduct is needed — to ensure the new video lottery casino becomes a destination rather than simply a local haunt.

The fact that the casino operators think they can raise \$4 billion speaks volumes about their hopes for the project and sends a welcome signal that taxpayers won't be on the hook.

Meanwhile, Cuomo says he'll replace Javits with a mix of commercial, residential and culture space on the model of Battery Park City — which promises a wonderful addition to the West Side.

An agenda half as grand would be dismissed as pie in the sky from virtually any other official. But Cuomo earned a reputation for delivering on big promises his rookie year. New York has reason to anticipate he will make good again.

# Getting real on Romney

**S**coff not at Mitt Romney's margin of eight votes over surging just-in-time challenger Rick Santorum. Romney won Iowa and with it an impressive start at the polls toward the GOP presidential nomination.

The former Massachusetts governor has run a disciplined, highly organized campaign — more than can be said for the rest of the shrinking field.

Bye-bye to ill-prepared Michele Bachmann. Condolences to Newt Gingrich, who marches on toward doom with characteristically distasteful petulance. Prepare for a rest for Rick Perry, who has yet to accept that the rodeo is over. And, go away, Ron Paul, and take your loony no-government, no-foreign-policy platform with you.

Conventional wisdom has it that by process of elimination, Romney is becoming the go-to guy for a party whose members prefer someone with certain conservative credentials. Someone, they believe, unlike once-pro-choice Romney, author of a health insurance plan much like Obamacare.

This search for ideological purity is, in a word, nuts. And there is every reason to believe that foolishness will come to an end as pragmatism

takes hold — provided Romney continues to campaign with the same discipline and effectiveness.

His rivals are now throwing all they've got against him. By withstanding the blasts in New Hampshire and South Carolina, Romney will break through the ceiling of support that has kept him in the low to mid-20s in the polls.

Which don't count from here on in. Votes do.

Meanwhile, former Pennsylvania senator Santorum is the flavor of this turn of the electoral wheel. Give him credit for that. He earned his rise by long, hard, person-to-person work in Iowa, where a substantial segment of the population is concerned about abortion, gay marriage and other issues on the social conservative agenda.

Santorum is with them, and they responded. Elsewhere, he'll have more difficulty harvesting a similarly sized bloc. He has comparatively little organization and money and has yet to craft a strong economic message or demonstrate the management chops to occupy the Oval Office. Nor has he withstood the slings, arrows and attack ads now sure to come, filled with opposition research from a decade and a half in Congress.

# Freeze frame

**O**ne of America's proudest companies — a pioneer whose innovations opened a world of wonder and employed generations of New Yorkers — is dying.

Founded in 1881 as the Eastman Dry Plate Co. and headquartered in upstate Rochester, Kodak has fallen victim to creative destruction.

Digital imaging and wireless communications have eclipsed the scientific wonders that made the company great. Though bursting with assets, a

trove of patents and thousands of brilliant employees among them, Kodak lost the cutting edge. It became a company of yesterday, not tomorrow.

The U.S. and New York need to grow forward-leaning enterprises, not mourn the loss of greatness past. Someday soon, a new New York City technology campus run by Cornell and Technion-Israel Institute of Technology will set out to plant the seeds of the Kodaks of tomorrow.

That cannot happen soon enough.

# Bus drivers and motormen: The real environmentalists

## BE OUR GUEST

BY BILL MCKIBBEN

**A**s negotiations between the MTA and the Transport Workers Union go in to their final week before the old contract expires, there's no guarantee what will happen come Jan. 15.

But one thing is for certain: If you wanted to find some of the greenest workers on the continent, look no farther than the city's subway tunnels and bus lanes.

When we think about "green jobs," we usually imagine the (former) employees of Solyndra, or people putting up solar panels in the Mojave Desert or building giant windmills in the Dakotas. And those will help, some, to lessen America's drain on energy resources. When visitors think about New York and the environment, maybe it's the Greenmarket at Union Square that comes to mind — an awfully nice place to spend your money.

But the real reasons that New York is the greenest place on the continent are more humble. For one thing, New Yorkers live in smaller homes and apartments that take less energy to heat and cool and light. What really sets city dwellers apart, however, is the lack of cars in the driveway (or, in most of the city, the lack of a driveway at all). New Yorkers get chauffeur service — mostly not in long black town cars, but even longer silver ones on the subway.

Forget the EPA. If you want to understand what real fuel savings look like, consider the IND and the IRT and the BMT. The average Vermonter, living amid the woods in a state we think of as ecologically sensitive, uses 540 gallons of gas a year; the average Manhattanite uses less than 90. The last time all of America was at that level was in the 1920s and we were driving Model Ts.

New York's transit system, like its water system, is one of the planet's great wonders. The Metropolitan Transportation Authority accounts for fully one-third of all transit passenger miles in the U.S. And in many ways, it's a model of efficiency, with the lowest cost per passenger trip, the second-lowest cost per hour of service, and the second-lowest cost per passenger mile.

But what about the drivers, the men and women who spend their days peering down the dark tunnels or crisscrossing midtown? They have the second-highest labor productivity of any big transit system in the country. They're almost twice as productive as, say, their counterparts on the Atlanta metro system.

Their union is pretty green, too: The TWU last year helped lead the fight against the climate-wrecking Keystone Pipeline, joining with everyone from Native American chiefs to Nebraska ranchers in what became the year's defining environmental fight.

The irony is, because the subway is noisy and the tunnels are grimy, and because it's been there a very long time, we rarely think of just how environmentally shiny it is. But it will be decades before the windmills and solar panels add up to the energy savings that the subways and buses — and men and women who operate them — have produced.

So when you think about "environmentalists," don't imagine some guy standing on a mountaintop looking into the wilderness. Think instead of that motorman leaning out the window to make sure the doors are closed and the train can go.

McKibben is founder of the global climate campaign 350.org.

**Tree-hugging Vermonters use far more energy than pavement-pounding New Yorkers**

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## New York Stands Tall

**T**ake pride, New York. Your unrivaled generosity — and deep devotion to those who put their lives on the line to protect a great city — are legendary.

No surprise, then, that donations to the Peter Figoski Scholarship Fund reached \$2,076,065 yesterday.

This speaks volumes about the value New Yorkers place on the lives of their police officers — and the family members of those who make the ultimate sacrifice.

Last month, Officer Peter Figoski, sadly, was among those who have paid that price. He was fatally shot while responding to a home invasion in Brooklyn.

The New York Post and the New York City Police Foundation launched the fund to ensure that his four daughters — Christine, 19, an undergrad at SUNY Oneonta; Caitlyn, 18, a SUNY Plattsburgh undergrad; and Caroline, 16, and Corinne, 14, high-school students in West Babylon, LI — could pay for their higher education.

New Yorkers came through. Just yesterday, for example, Fairway Market held a special fund-raiser, donating 10 percent of all sales between 3 p.m. and 10 p.m. at three of its stores — in Red Hook,

Brooklyn, Douglaston, Queens, and Plainview, LI.

The proceeds helped push the fund well past the \$2 million mark — an achievement that should make every New Yorker proud to stand up and say so.

The Post is certainly proud to have partnered with the Police Foundation to make this milestone a reality for the girls.

And we're delighted that so many New Yorkers opened their hearts and gave what they could on behalf of this worthy cause.

New Yorkers know that an attack on a New York City police officer is, at bottom, an attack on the rule of law itself — indeed, upon civilization.

It wasn't all that long ago that New Yorkers had real reason to wonder whether the social contract would hold.

Nobody wants to walk that path again — but if it were not for brave officers like Figoski, there would be no alternative.

The stunning success of the Peter Figoski Scholarship Fund underscores the fundamental decency of New Yorkers.

We only hope it provides his daughters a measure of comfort — and conveys New York's sincere appreciation for their dad's profound sacrifice.



## The Boot for Vito Ally

It's long overdue, but City Hall has finally ousted a key political ally of Assemblyman Vito Lopez as head of his powerful Ridgewood-Bushwick social-services empire.

As The Post's David Seifman reported yesterday, City Hall ordered that CEO Christiana Fisher give up her job by Jan. 15, or Ridgewood-Bushwick will lose \$69 million in city contracts.

Fine. But what took so long? Back in 2010, after all, then-Gov. David Paterson froze all of Ridgewood-Bushwick's state funding — even as the city kept the cash spigot flowing.

And that's on top of hundreds of thousands funneled each year to the network by City Council Speaker Christine Quinn and other Lopez allies through the dubious member-item system.

And in addition to a similar amount of state funds approved by the Economic Development Council last month.

The new move comes on the heels of a city Department of Investigation report alleging that Fisher "recreated" supposedly missing documents to justify her outrageous \$782,000 compensation package for fiscal 2009 — more than double what she'd received the year before.

Fisher, who is Lopez's campaign treasurer, also approved a \$343,000 pay package for Ridgewood-Bushwick housing director Angela Battaglia — Lopez' longtime girlfriend.

Though Lopez, who doubles as Brooklyn Democratic boss, no longer has official ties

to the empire he founded 40 years ago, it still serves as his power base and has a \$120 million annual budget — virtually all of it public money from one source or another.

Besides demanding Fisher's ouster, the city is also requiring other reforms, based on the DOI report.

But nothing less than a wholesale housecleaning — one that severs all of Lopez' ties — will be enough.

After all, it's not as if Ridgewood-Bushwick is doing such a bang-up job: As The Post reported last summer, the city Department of Aging rated it so low (among the 20 worst of 440 vendors) that it was barred from bidding on a contract to run 10 new senior centers.

Granted, member-item cash — on both the state and city level — accounts for only a tiny part of its annual budget. But Ridgewood-Bushwick didn't start out as a social-service empire — it was nurtured over the decades by the politically corrupt handout system and allowed to mushroom.

It's a system to which Legislators are so addicted that Quinn stubbornly refuses to strip Councilman Larry Seabrook of his \$350,000 in funds — even as he awaits retrial on charges of corruption specifically related to such member items.

She says the verification system now in place ensures that "the money is scrubbed thoroughly."

Maybe so — but it's the taxpayers who are still getting hosed.

letters@nypost.com

## Overpaid Bus Drivers — or Pawns of the MTA?

•Thanks to The Post, New Yorkers know why that bus they were waiting for in 14-degree temperatures flew right by them without stopping ("Under the Bus, NY," Editorial, Jan. 4).

It wasn't personal. The driver's queen was being threatened by a bishop back at the depot.

The MTA needs to put TWU Local 100 President John Samuelsen and the TWU in check.

**Ray Arroyo**  
Westwood, NJ

**THE ISSUE:** Bus drivers who played chess on the job because of service cuts during the holidays.



**John Samuelsen**

The MTA's a rogue agency that's unchecked and heartless.

**John Brindisi**  
Manhattan

•The TWU and people like Samuelsen are exactly what is wrong for this city and country.

These people, and the majority of the unions throughout the country, do not care whether they bankrupt their cities.

You don't have to look that far to see the effects of unions. Detroit, once robust with industrial jobs, is pretty much a ghost town.

Unions are like locusts. They come in, eat everything until it's gone, and then move on to the next town to deplete its resources.

**Stewart Lara**  
Manhattan

•Why do municipal employees of all stripes feel that they are the ones being picked on? If nothing else, they are the ones excluded from this horrendous recession.

They don't have to worry about profits paying for their generous salaries and insane benefits because all the bosses have to do is simply raise another fee or raise another tax.

The city should get out

of the bus business and sell the entire bus system to a private investor.

Like any other corporation, the owner could hire whomever it wants and pay its employees whatever it wishes.

No one is holding a gun to the heads of these union guys. If they don't like the job, they can quit. **Steve Hagendorf**  
New City

•Spend just one day in our seat, and tell us how easy we have it.

Because some genius in management decides to cut service when the city is bustling with tourists, we are supposed to cut our salary in half? Apply that theory to any other industry and see what you come up with.

**S. Whelan**  
Staten Island

•There is a way out from "Under the Bus, NY."

In 1953, the old Board of Transportation passed control of the municipal subway system, including all its assets, to the newly created New York City Transit Authority.

Under Gov. Rockefeller in the 1960s, the Metropolitan Transportation Authority was created.

Within the 1953 agreement between the city and NYC Transit is an escape clause. The city has the right to take control of its assets, which include the subway and most of the bus system.

If others feel they could do a better job running the nation's largest subway and bus system, including avoiding fare hikes, reductions in service and paying employees for doing nothing, step up to the plate. **Larry Penner**  
Great Neck

**E-MAIL:** letters@nypost.com or **WRITE** to The Editor, The New York Post, 1211 Avenue of the Americas, New York, NY 10036. Include name, address and daytime phone number. No unverifiable letters will be published. The Post reserves the right to edit all letters.

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# Fight State Move to Increase Retiree

# The Chief

Civil Service LEADER

THE CIVIL EMPLOYEES' WEEKLY

115th YEAR - Vol. CXV, No. 43

thechiefleader.com

## Unions Sue State To Block Big Increase In Retiree Health Costs

### Claim It Creates Unfair Burden, Raising Rates As Much As 20%

By MARK TOOR

A coalition of state public-employee unions filed a lawsuit in Federal court last week seeking to stop Governor Cuomo from imposing an increase in health-insurance premiums on retired workers.

"What the Cuomo administration is trying to do is pull the rug out from under state retirees, many of whom planned their retirements based on when they felt they could afford to retire," said Ken Brynien, president of the Public Employees Federation. "These decisions were based on a promise and expectation of what their health-insurance costs would be. Changing the rules after the fact is outright wrong."

### Unions: It's Illegal

The unions say it is illegal to raise rates beyond the level outlined in the contract that was in effect when an employee retired. One union, United University Professions, said its contract specifically prohibits increasing health costs for retirees.

The administration, which needs to respond in court within a month, says that what it is doing is legal, and that the state has raised retiree contributions in the past.

Retirees have long contributed 10 percent of the cost of individual coverage and 25 percent of costs for family coverage. (This means their actual

(Continued on Page 9)



## Will Extend Jan. 15 Deadline

# TWU Won't Force Issue As Pact's End Approaches

By SARAH DORSEY

When Transport Workers Union Local 100 leaders sit down for their first official contract discussion with the Metropolitan Transportation Authority shortly after New Year's Day, negotiators will be under no hard-and-fast deadline to complete talks by the Jan. 15 expiration date of the current wage pact.

The local's executive board voted in November to extend that deadline, giving the union some breathing room that became particularly important after arbitrators Dec. 13 broke with the pattern wage increases set in Local 100's previous contract by giving another MTA union, TWU Local 252, no raise for the final year of its contract.

The union board's decision requires that an impasse be declared in order for the matter to enter arbitration, rather than being triggered by any particular date.

### Some Progress Made

A Local 100 spokesman said discussions with the MTA have so far been productive on some departmental issues, such as job picks and work locations. The union wants workers to be able to pick their own vacation days, rather than having them rolled into one pre-arranged schedule. The MTA has also shown willingness to work with TWU on improving conditions for female employees, the representative said. Workers have demanded better access to bathroom facilities and breaks for women.



JOHN SAMUELSEN: Will keep talking if contract lapses.

Local 252, which represents more than 700 employees of Long Island Bus, had been working under an expired contract since April 15, 2009. Arbitrators acknowledged that settlements between the MTA and Local 100, which represents most of the agency's employees, have traditionally had an important impact on the contracts of MTA workers represented by other unions or TWU locals.

Still, the decision broke with the pattern established in Local 100's last agreement, known as the "Zuccotti

(Continued on Page 12)

## How PBA Eases Deaths' Aftermath

# 'We Do What We Can To Get Them Through'

By MARK TOOR

The sea of officers who filled the streets at the church for the funeral of Police Officer Peter J. Figoski came out to show their regard for the slain officer, and to bolster his family as well, said the president of the Patrolman's Benevolent Association.

"It was the largest funeral I've ever seen," Patrolman...

ily needs done will be taken care of."

This starts with getting relatives to the hospital, Mr. Lynch said. In the case of Officer Figoski, arrangements were made for State Police helicopters to pick up the two eldest of his four daughters at their colleges upstate, fly them separately to the Albany airport, and put them on a State Police plane

# State Offers Caring for

## \$60M At Risk for City

# Teacher Unions Push To Accept New E

By DAVID SIMS

School districts around the state could lose millions in Federal school-improvement grants if agreements were not reached with unions on Teacher evaluation by the end of the year, State Education Commissioner John King threatened.

New York State United Teachers hit back at the warning, accusing the Commissioner of engaging in "an arbitrary exercise of brinksmanship" and saying districts needed "a reasonable extension of time to construct quality evaluations that support Teacher development."

### New Ratings, Mentor Incentive

New York City would lose \$60 million earmarked for 33 struggling schools if it failed to formalize an agreement on Teacher evaluations made in July with the United Federation of Teachers. That agreement called for a 4-category system that rates Teachers highly effective, effective, developing or ineffective, and would pay certain Teachers more money if they served as mentors for others in their schools.

Nine other districts in the state are also at risk. A lack of funding could hit the jobs of the "Master Teachers" hired to mentor their co-workers, as their salaries are paid for with Federal funds.

"These funds are targeted to help troubled schools. The last thing the students need is to lose resources because the adults who run those schools won't fulfill their responsibilities," Mr. King said in a Dec. 27 statement. "The clock is ticking. When the ball drops at midnight on New Year's Eve, the money drops off the table, and it will be difficult to get it back."

At the time this newspaper went to press...



JOHN B. KING: Urgency v

out statements had reached ident Michael had "refused to ful way" and more professional outside arlers rated inef Schools Cha in a letter to I "has insisted lieve would v bility," calling proposal "a m current appe

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# Helping Cop Families Cope

(Continued from Page 1)

"You're now part of the NYPD family, and we will do whatever we can to get you through this."

## Aid in Blocking Parole

This relationship goes on for years through shared dinners, vacations and more, he said. When the killers of police officers come up for parole, he said, the union helps the family prepare victim-impact statements that encourage the parole board to keep them behind bars. Mr. Lynch said the union is working on defeating a parole bid by Herman Bell, who was convicted of murdering Police Officers Joseph A. Piagentini and Waverly D. Jones in 1971 by shooting them from behind.

Describing the Figoskis, Mr. Lynch said, "They were a strong family. They say the apple doesn't fall far from the tree... Those daughters, the parents, the entire family were struck with the worst news they could possibly get. What I found was they stiffened their back, they stiffened their upper lips, and they walked through this terrible process with grace. And I think that they got that from Peter."

Officer Figoski's brother, Brian, was retired from Transit District 32, which covers some of the same East New York area that the slain officer patrolled for the 75th Precinct, Mr. Lynch said.

## 'A Cop's Cop'

He called Officer Figoski "a cop's cop," describing how he responded to a call from a woman who was having problems dealing with her teenage daughter. "Peter took the time to stop and say, 'The streets have nothing for you. Be a part of this family, listen to your mother, and you'll have a future.' And it worked." Mr. Lynch quoted the girl as saying after the shooting: "They killed my police officer. That was the bond he had with the people he worked with... He was a police officer who could say, 'I had an effect.'" Union officials and the NYPD, par-



**PETER J. FIGOSKI: PBA repays bond he had with people.**

ticularly the Employee Relations Department, worked together seamlessly to help the family, Mr. Lynch said. Officer Figoski was posthumously promoted to Detective First Grade in order to increase the amount of benefits his family would receive.

In addition to working with the family, Mr. Lynch said, the PBA has a responsibility to monitor the criminal-justice system as it deals with the suspects. At the press conference announcing the indictment of the alleged shooter, Lamont Pride, and four co-defendants, he stood at the podium along with Brooklyn District Attorney Charles J. Hynes and Police Commissioner Raymond W. Kelly.

He said PBA members attended the arraignment and will attend the trials. This sends a message to the criminal element: "When you attack one of us, you attack all of us. And we don't forget."

"It was Peter today," Mr. Lynch said, "but it could have been any of us."



**A TOUCHDOWN ACROSS THE RIVER: R play Santa Claus, but the young pediatric tal weren't complaining when New York (top right) accompanied by ex-Jet fullba up at the Brooklyn facility bearing gifts dies Foundation Dec. 27.**

# A Model Paralegal

(Continued from Page 5)

said. "She's soft-spoken, and yet the work gets done, there's never any question about that. She's absolutely a model employee."

Ms. Dorner also heads the Law Department's Staff Quality of Life Committee, which she joined at its inception and became chair of in 2010. In that role, she organizes conferences and events for the department's staff centered on issues like planning retirement, managing one's finances, and health awareness.

"That was really important to me,

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"Pr Corp the p a voi bring said. tunity Ms suffer when Blair, on a i hac that ( a ful mean

# TWU to Extend Contract Talks

(Continued from Page 1)

Award," by denying Local 252 members the 3-percent raise in 2011 that the arbitration decision had provided. Instead, they got only two years of 4-percent increases. In the Zuccotti decision, announced in 2009, Local 100's members were awarded raises of four percent, four percent and three percent over three years.

## Job Action Unlikely

The decision may make arbitration a somewhat-less-attractive contingency for Local 100 President John Samuelsen, who is negotiating his first contract. On the other hand, the damage done to the union by penalties for the three-day strike in December 2005 makes a job action to pressure the MTA unlikely.

The MTA argued that it couldn't afford wage increases for Local 252 members because shrunken revenues require it to eliminate nearly \$4 billion in expenses—one-third of its operating budget—by 2015. Labor costs, which make up two-thirds of that budget, had to be a part of the cut, negotiators claimed. They further noted that all management and non-represented employees endured three years of wage freezes and said that it was up to unionized employees to make up the rest of the budget gap.

Arbitrators preserved the work rules the MTA sought to eliminate including allowing overtime pay for less than 40 hours' work in a week and payment of premiums rather than just base wages during paid leave. They deviated from the pattern set by Local 100's contract in failing to give Local 252 members a slight reduction in health-care contributions.

WVAV TH Ge O E arcl IF YOU T A ye



The Chief-Leader/Pat Arrow

**MILLIONS: Manhattan Borough President Scott M. Stringer at a press conference that the Department of Education will collect on millions in Medicaid reimbursements liabilities. "This is one bill that the Federal Government is able to pay, and yet DOE has collected only between 2004 and 2010," he said. "The result is that been picking up the bill, and that is simply un-**

# g Costs in Aid

Page 1)

between 2006

ve all paid for axes, and we ck," Mr. Mulcan do it, if trying to tell Chancellor of t's absolutely

## Pressing It'

ddressing the our Medicaid list of imple- nements." Mr. statement. tive Director al aspects of ring commit- s across divi- trained over on Medicaid part-time doc- tions for serv- eneration eye- recognize our d are working e a long-term our students he money to



# Pressure Unions On Teacher Evaluations

(Continued from Page 1)

compel a speedy agreement. "The U.S. Department of Education recognizes the challenges in getting the evaluation system right and has offered states waivers to provide the necessary additional time to complete this complex work," the union said.

## Why Not Seek a Waiver?

"At least 14 states have received these waivers," it continued. "SED's refusal to support local school districts with a waiver request is especially disappointing given the fact that in July, SED sought and was granted a Federal waiver on its own behalf to give the agency more time to meet Race to the Top deadlines."

Negotiations over the evaluations have been drawn-out and strained, with NYSUT suing in July over the direction of a statewide system and in November rolling out its own model for assessing Teachers, which it said was more collaborative.

In October, the UFT complained to the Department of Education that Principals were already using the agreed-upon framework to rate Teachers, even though the system had not yet been formalized.

Because the evaluation system was approved by the State Legislature in 2010 as part of the city's Race to the Top application, negotiations have to continue or the unions will be breaking state law. But UFT Secretary Michael Mendel said in his October letter that the "abuses" of the system were slowing down progress.

# Murder, Fire Deaths

(Continued from Page 2)

UCT, dispute those arrival times, because they don't account for the length of the 911 calls themselves, which the unions say have grown under the UCT. They also charge that the system leads to mistakes because dispatchers aren't as familiar with fire department protocols or the details of local neighborhood geographies.

Ambulance response times to serious calls were also the fastest on record in 2011, at 6 minutes and 31 seconds. And "serious" fires have become scarcer, falling 15 percent in the last decade. Mr. Cassano credited the 6,000 fire safety events the FDNY held last year.

**C ZADROGA BILL**  
**WHY US?**  
**LEGAL EXPERIENCE COUNTS!!**

**USA**  
*We the People*  
**SOCIAL SECURITY**



Wynton Habersham describes effects of Sandy at Coney Island Rail Yard. Enid Alvarez/News

# Storm & strain

IN A PRE-DAWN fog that blanked southern Brooklyn, a transit worker bent over a metal box and used a "crank handle" to move a switch so a work train could proceed from one track to another. The transit worker had to turn the 5-pound tool in a clockwise position about 20 times. About 75 feet away, another worker using the same rudimentary tool maneuvered the far end of the switch into place. The operation could have played out in the early 20th century, but it took place Monday morning as the MTA was firing up the subway system. For most riders, the subway seems to have recovered fully from Hurricane Sandy. Behind the scenes, however, the system is badly wounded.

Opening and closing the switch for the work train took 10 minutes. Before Sandy, it would have taken 10 seconds. "The wheels are rolling, but we still have a lot of work to do," said Wynton Habersham, chief electrical officer for the subway system. The lingering effects of Sandy are perhaps most starkly illustrated in the Coney Island yards, where about 1,800 subway cars are stored each night. Flooding damaged all of the 196 motorized switches that allow staffers to remotely set a course for trains to move in, out and about the yard. As of Monday, 80 switches were back in automatic service while 116 still needed to be operated by hand. **Pete Donohue**

**Death Notices, In Memoriam and Acknowledgment Notices**  
 Notices may be placed in by a Funeral Director, Mon. - Thu., 9:30am - 6pm, Fri. 9am - 6pm, Sat. 9am - 3:30pm to appear in next day's edition. Sunday notices must be placed in by 1:15pm, Saturday, Monday notices must be placed in by 3:30pm, Saturday. Call (212) 210-2111. Fax (212) 210-2648. [classifiedads.nydailynews.com](http://classifiedads.nydailynews.com) notices can be viewed on NYDailyNews.com

**ATANASIO**—Peter J., Sr. on January 12, 2013. WWII Veteran, U.S. Navy, Retired Director of The Bureau of Buildings Management, NYC Department of Sanitation. Distinguished member of the Knights of Columbus Thomas Donato Council #1221 4th degree. Beloved husband of Catherine Meyer. Loving father of Marlon Samperi and Peter J., Jr. (Francis). Dear brother of the late Joseph P., MD and Marie Leonard. Proud grandfather of Michael, Nancy and great grandfather of Reese. Visiting Wednesday 2-4 & 7-9 P.M. at CLAVIN FUNERAL HOME, 7722 4th Ave., Brooklyn. Mass of Christian Burial Thursday, 10:30 A.M. at Our Lady of Angels R.C. Church, where he served as an usher for over 40 years. In lieu of flowers donations to his beloved Our Lady of Angels R.C. Church, 7320 4th Ave., Brooklyn, N.Y. 11209.

**BRINKMAN**—Harold L. on Beloved husband of the late Diane. Loving father of Diane. Loving half-brother of Cousin Elsie and loving stepbrother of Gerald Nemeroff. Devoted father-in-law of Carol. In lieu of flowers donations to the MARTIN L. GLEASON FUNERAL HOME, 149-20 Northern Blvd., Flushing, Mass of Christian Burial Wed. 01/16/13, 9:30 A.M. Interment Calvary Cemetery. Visiting Tuesday, 2-5 & 7-10 P.M.

**CAMPBELL**—Thomas J. Passed away on January 11, 2013. Thomas was a member of Local 46 Metallic Lathers Union and Reinforcing Iron Workers for fifty-six years until his retirement in 2001. Thomas was a diligent worker, and a wonderful family man. He is survived by his wife Margaret four children, 8 grandchildren, and his sister Frances. He was loved by everyone with whom he came into contact, and will be sorely missed by all. At the family's request, Thomas's funeral was private. John Skinner, President George Fernandez, R.S.

**HERBERT**—Frances P. on 01/12/13. Beloved wife of the late Raymond Brooks, mother of Veronica Brooks and her husband James, Raymond, Herbert and his wife Laurie, Sharon Daux and her husband Steve, and the late Robert and his wife Barbara. Devoted sister of Stella Herbert and Florence Korzen. Devoted grandmother of 12 and great grandmother of 7. Reposing at PERAZZO FUNERAL HOME, 10-21 100th St. Westchester NY. Mass of Christian Burial Wed. St. Mat R.C. Church, 9:45 A.M. Interment Mt. St. Mary Cemetery. Visiting Tuesday 2-5 & 7-10 P.M.

## DEATH NOTICES

**HICKEY**—Thomas M. died January 14th, 2013. Husband of the late Beatrice Hickey. Loving brother of Charles Hickey (Justina) and survived by many nieces and nephews as well as great and great great nieces and nephews. Visitation will be held Wednesday, 2-5 & 7-9 P.M. at McLoughlin & Sons, 110 Third Ave. @ 97th St., Bklyn, Mass of Christian Burial Thursday, 10 A.M. St. Patrick's Church.

**INGENITO**—Gerald (Jerry). On January 14, 2013. Electrician, Local 43. Beloved basketball coach at St. Raphael's Church, Christ the King High School and Queens College. Beloved son of Richard and Maryann. Dear brother of Cookie Cocchioli (Joseph), Richard (Elli) (Diane), Dennis, Collins (John) and Jimmy (Kelly). Cherished uncle to John, Anthony, Steven, Gino, Danielle, Gobby, Stephanie and Nicholas. Reposing at EDWARD D. LYNCH FUNERAL HOME, 43-07 Queens Blvd., Sunnyside, NY. Wed. 2-5 & Thurs. 2-5 & 7-9:30 P.M. Funeral Mass St. Raphael's R.C. Church, 10:00 A.M. Interment Calvary Cemetery. In lieu of flowers donations to Sunnyside-Woodside Boys & Girls Club, 21-12 30th Rd., Astor, NY 11102 would be deeply appreciated.

**LANGAN**—Thomas, on 12/29/12. Memorial Mass: 1 P.M., Sat. 1/19, St. Sebastian Church, Woodside, NY. Life Member of Steamfitters Local 638. Offerings to members of Local 638 extend to the family of our deceased brother our deepest sympathy. Patrick Dolan Jr., President Robert Egan, F.S.T.

**LERUSSO**—Sister Marie Anne, formerly of a Missionary of Charity. Beloved member of the Sisters of Charity, Convent of Mary the Queen, founded January 13, 1877. In lieu of flowers donations to the Convent of Mary the Queen, 33 Vark Street, Yonkers, NY on Tuesday from 2-8 p.m. with a prayer visit at 6:30 P.M. General Mass Wednesday 9:30 a.m. at the convent. Interment to follow at St. Joseph's Cemetery, Yonkers, NY. In lieu of flowers, donations may be made to the Sisters of Charity Development Fund, 6301 Riverdale Ave., Bronx, NY 10471. P. RUSKIER & SONS, INC. 732 Yonkers Ave., Yonkers, NY 10724 (212) 375-1400. [ruskierandsons.com](http://ruskierandsons.com)

**MARINI**—Joseph, 76. Beloved husband of Mildred. Devoted father of Theresa Luisi. Loving father-in-law to Andrew. His best grandfather of Francisca and Joey. Reposing at PERAZZO FUNERAL HOME, Mass of Christian Burial on Thursday, 9:30 am at St. Anthony Church. Friends may call Wednesday from 2-5 and 7-9 am. For online condolences, visit us at [perazzoehome.com](http://perazzoehome.com)

**MCCARTHY**—Joseph M. On January 12, 2013. Silver member International Union of Operating Engineers Local 14, Visiting Tues., 1/15 from 2-4 & 7-9 P.M. at Conell FH, 234 New York Ave., Huntington Station, NY. Edwin L. Christian, NY President & Business Man.

**MCSHERRY**—Edward G. on January 11, 2013. Survived by his loving wife, Eileen M. (nee Horkins), his loving children, Maureen A. (Domenick) Turcios, John (Christopher), Christopher (Kathleen), Brian (Jennifer), Grandpa to his seven grandchildren. Predeceased by his sister, Grace A., and his brother John W. Woke at the Fred McGrath Funeral Home, 20 Cedar Street, Bronxville, from 2-4 and 7-9 on Tuesday, January 15, 2013. Concelebrated Mass of the Christian Burial Wednesday, January 16, 2013, 10:00 A.M. Church of the Annunciation, Westchester Avenue, Greatwood, N.Y. Interment, Gate of Heaven Cemetery, Mount Pleasant. Memorial contributions may be made to Hill Hollows High School, 111 East 148th Street, Bronx, New York, 10452, Attn. Mr. Paul Krabbis.

**TURNBULL**—Mary A. (nee Tinney) on January 13, 2013. Beloved wife of the late Philip J., Loving mother of Barbara Stalano (Daniel), Phillip (Patricia), James (Kathleen), Mary Schroeter (John) and the late Gregory Tinney. Cherished grandmother of 10 and great-grandmother of 17. She was predeceased by her loving grandson, Phillip, Funeral Thurs. 9 AM from the MARINE PARK FUNERAL HOME, 3024 Quenett Rd., Bklyn, Funeral Mass 10 AM Good Shepherd R.C. Church, Interment L.L. National Cemetery. Visitation Wed., 2-5 & 7-9 PM. In lieu of flowers donations may be made to the Alzheimer's Association, 200, Box 9801, Washington, DC 20090-6011.

**In Memoriam**  
 MIRTHES—Caroline A. "Miss Mirthes" 2nd Anniversary in Heaven. A beautiful person & missed by all.

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### LEGAL NOTICE

LEGAL NOTICE  
**THE CITY OF NEW YORK  
 OFFICE OF THE MAYOR  
 NEW YORK, N. Y. 10007**

EXECUTIVE ORDER NO. 218  
 EMERGENCY RE-OCCUPATION ORDER  
 January 14, 2013

WHEREAS, Executive Order 205, issued December 27, 2012, contains a proclamation extending a state of emergency in the City of New York, and such proclamation remains in effect for a period not to exceed thirty days or until rescinded, whichever occurs first;

WHEREAS, a severe storm hit New York City in October, causing heavy flooding, power outages, and disruption of public transportation and other vital services; and

WHEREAS, the recent storm caused widespread damage to buildings and infrastructure in Zone A, as defined by the Office of Emergency Management, and in other areas of the City outside Zone A;

NOW, THEREFORE, it is hereby ordered:

§ 1. The Office of Emergency Management, Police Department, Fire Department, Department of Health and Mental Hygiene, Health and Hospitals Corporation, Department of Sanitation, Department of Housing Preservation and Development, Department of Sanitation, Department of Buildings, Department of Environmental Protection, Department of Transportation, New York City Housing Authority, Department of Design and Construction, Department of Homeless Services, Department of Correction, Department of Parks and Recreation, Department of Citywide Administrative Services, Office of Citywide Event Coordination and Management, Office of Labor Relations, School Construction Authority, Department of Education, Department of Information Technology and Telecommunications, Department for the Aging, Department of Small Business Services, Department of Consumer Affairs, Office of Media and Entertainment and Department of Cultural Affairs, Taxi and Limousine Commission, and other relevant departments and agencies, are directed, by and through themselves and others as needed, to undertake whatever activities and measures are needed, including revocation of street activity and other related event permits, to protect life and property or bring the emergency situation under control.

§ 2. Re-occupation of commercial and residential buildings in Zone A, as defined by the Office of Emergency Management, shall take place in the following manner. The Commissioner of the Department of Buildings shall issue guidelines and directions for re-occupation of buildings in the various portions of Zone A. Such guidelines shall include what information, if any, owners of buildings must provide to the Department of Buildings prior to re-occupation. Owners, residents, employees of businesses, and other members of the public (other than authorized government personnel and essential emergency personnel) may re-occupy buildings in Zone A only upon determination by the Department of Buildings that re-occupation is permitted. The Commissioner of Buildings may also issue guidelines and directions for the re-occupation of residential and commercial buildings damaged by the storm that are located outside of Zone A, as appropriate.

§ 3. This Order shall take effect immediately. It shall remain in effect for five (5) days unless it is terminated or modified at an earlier date.

MICHAEL R. BLOOMBERG, MAYOR

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**DAILY NEWS**  
 NYDailyNews.com



# Slowdown showdown

## MTA: Union's safety concern bogus

By JENNIFER FERMINO  
Transit Reporter

Your subway ride will soon get a lot longer — thanks to the transit union.

Responding to a recent spate of people killed on the tracks, the Transport Workers Union has instructed subway-train operators to slow down significantly when entering stations.

But the MTA wasn't buying the union's concern — accusing it of using the safety issue in order to slow down trains.

Reducing service could give the 35,000-member TWU Local 100 leverage in upcoming contract talks with the MTA by showing how much it could cripple service if it doesn't get its way.

The TWU, which went on an illegal strike in 2005, hasn't had a contract for a year.

Union brass distributed fliers to train operators over the weekend, giving them instructions on how to reduce speed in order to prevent subway deaths.

"Slow down, blow your horn and proceed with caution," the flier reads.

"Preventing [an accident], and saving yourself the emotional

### Nowhere fast

#### A slower commute for "safety"

- The transit workers union is asking its members to "proceed with caution."
- That means subway train operators should enter stations at around 10 mph, down from the current 30- to 40-mph entry.
- Operators were also asked to blow their horns when arriving to warn people.
- The MTA insists these measures will seriously slow down subways.



trauma and potential loss of income that go with it, is worth a few extra minutes on your trip."

TWU officials insist that slower trains could help prevent subway deaths like the two recent instances in which straphangers were killed after being shoved onto the tracks.

But in an e-mail to the union, a top MTA negotiator warned the TWU that its fliers, which have gone up in crew rooms through-

out the system, could be construed as an illegal protest.

"Any slowdowns in the system which results from this activity may be considered a job action," wrote Christopher Johnson, MTA vice president of labor relations.

The state's Taylor Law prohibits the TWU from striking or slowing down service as a bargaining tool, if the union does so, it could be fined.

Subway operators currently en-

ter stations at about 30 to 40 mph. But TWU President John Samuelson, in a Jan. 9 letter to MTA subway chief Tom Prendergast, insisted that speed should be drastically reduced.

He said the MTA should "post speed restrictions at the entrance of every station reducing the allowable speed to 10 mph."

The MTA said doing that would delay service for millions.

"If we would slow trains down we'd have fewer trips, more crowded trains and more crowded platforms," said MTA spokesman Charles Seaton.

Entering at abnormally slow speeds also disrupts signals, causing a chain reaction of delays throughout the system, he said.

Any operator caught driving at slower speeds would be disciplined, he said.

Riders are starting to notice.

"Just left R train motorman clearly doing a rule book slow down," tweeted straphanger Bill Mastro from Brooklyn yesterday during the evening rush hour.

Samuelson also wants the MTA to install a customer-activated light to alert train operators when someone is on the tracks.

*jennifer.fermino@nypost.com*

# BRAKING BAD

## Union says speed kills, but MTA sees 'slowdown'



In the aftermath of subway push tragedies, including one at left, union flyer (below) tells motormen to go slow, but MTA says "safety" notice may be an illegal "job action."

By Christina Boyle

BY PETE DONOHUE  
NEW YORK DAILY NEWS

TRANSIT UNION bigs are telling motormen to slow down as they enter stations in the aftermath of two shocking subway deaths - but the MTA has warned the directive may be illegal.

Motormen typically enter a station at a speed of 30 mph to 35 mph, but the union is advising them to cut their speed to about 10 mph to give operators more time to stop in an emergency.

Transport Workers Union Local 100 President John Samuels said the union wants to save lives - and save motormen from the emotional trauma of running someone over.

MTA management, however, apparently believes the union -

whose members will have been without a contract for a full year on Wednesday - is flexing some muscle to make a political point.

Christopher Johnson, vice president of labor relations in the NYC Transit division, ordered union officials to "cease posting these unauthorized notices," warning they may be breaking the law.

"Any slowdowns in the system which results from this concerted union activity may be considered a job action," Johnson said.

The state's Taylor Law makes it illegal for transit workers not only to strike, but to negatively impact service.

An MTA spokesman said that as of Monday afternoon, the authority had not seen any evi-

dence trains were slowing down as a result of the union's directive.

Track deaths have been in the spotlight since December, when two people were pushed into trains by deranged straphangers - bringing last year's death toll to 54.

An average of 128 people have been hit by trains per year since 2007; about one-third are killed.

Many are suicides or suicide attempts, and a significant number of incidents involve intoxicated riders who stumble and fall to their deaths, studies have shown.



A Brooklyn rider saw a possible need for less speed.

"Maybe if they slow down they can see if somebody is on the track," said straphanger Ariel Lyons at the Atlantic-Pacific Aves. station. "Or it will give people more time to help them back up."

With Christina Boyle

# SLOWDOWN!

## TWU flyer urges 'extra care' at stations

**EXCLUSIVE**

BY PETE DONOHUE  
NEW YORK DAILY NEWS

WITH CONTRACT talks at a standstill, the transit workers union is expected to start suggesting that subway motormen slow down their trains.

Transport Workers Union Local 100 has drafted a flyer telling train operators to use "extra care" when entering stations to avoid hitting anyone who might wind up on the tracks.

The stated goal is to prevent some of the all-too-common deaths that happen when people fall or jump from platforms.

The flyer cites a particularly deadly weekend this month when three people were killed in separate incidents by trains roaring into stations. A fourth was killed walking along tracks in between stations.

The safety tips come as Local 100 leaders have become increasingly frustrated by what they perceive as the MTA's unfair and inflexible demands.

Under the state's Taylor Law, it is illegal for public transit workers in New York to even plan a strike or a work slowdown. Those tactics can lead to fines against workers and the union.

It's not illegal to urge workers to be extra careful in the name of public safety, but the timing of the flyer - which will be distributed Monday - will raise eyebrows.

While four fatalities in one weekend garnered headlines and public attention, underground tragedies are not uncommon. Trains injure or kill dozens each year, but the union doesn't normally send out safety notices.

One veteran labor lawyer called the flyer "fascinating" be-



cause it could mean the union is giving motormen cover for venting frustration over the contract by providing an excuse for slowing trains.

The contract between the Metropolitan Transportation Authority and Local 100 expired Jan. 15. The two sides have continued to negotiate for a new deal, but are in a stalemate over raises connected to cost-cutting measures.

The MTA contends wage increases are possible, but only if paid for by savings from work-rule changes or other measures.

The union seems open to cost-cutting concessions to help the MTA close any budget gaps. Local 100 President John Sam-

uelisen, however, has said workers reject the premise that the MTA - which has a \$12.6 billion operating budget - can't kick in some money to help its employees keep pace with inflation.

The flyer makes no mention of MTA Chairman Joseph Lhota or contract negotiations. It appears to have been very carefully crafted, with no specific direction on slowing down when entering a station.

"We might prevent some incidents, especially those where a passenger jumps, falls or is pushed in front of an oncoming train," it states.

Then, in bold print, it continues: "Train operators can increase their reaction time by entering stations with extra care."

If anyone missed the point, it's repeated almost immediately in the text:

"So, in the interest of safety, train operators should enter stations, especially crowded stations, with enhanced care. Even if we prevent one tragedy, it would be worth it."

Samuelisen insisted the flyer is "strictly in response" to a recent uptick in trains hitting riders and said the MTA - not the union - should have issued it.

"It's not designed to interfere with train service, but to protect the riding public, and that should be clear to everyone," he said.

pdonohue@nydailynews.com

Attention RTO Members

# Three Fatal 12-9's

# in *One* Weekend

In late January – we had three fatal 12-9's in one weekend, an unusually high occurrence. This is due to passengers jumping, falling, being pushed, falling between cars when crossing between cars of a train or attempting to climb onto trains while they are moving. None of these incidents were caused by improper operation by any T/O or C/R. However, we might prevent some incidents especially those where a passenger jumps, falls or is pushed in front of an oncoming train. *Train operators can increase their reaction time by entering stations with extra care.* This may help reduce these traumatizing incidents. So in the interest of safety, train operators should enter stations, especially crowded stations, with enhanced care. Even if we prevent one tragedy, it will be worth it.



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PRINT


## Men killed in Manhattan subway tunnel and at station staircase in Queens

**Accidents near Union Square and in East Elmhurst, Queens**

[Comments \(22\)](#)  
 BY [JOHN DOYLE](#) / NEW YORK DAILY NEWS  
 Published: Saturday, January 21 2012, 8:23 PM  
 Updated: Sunday, January 22 2012, 1:28 PM

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BRYAN SWITH FOR NEW YORK DAILY NEWS

A man was killed in a subway tunnel by an L train near this station on Third Ave.

Four people were killed — two on the L train in Manhattan — in four separate accidents in the city transit system on Saturday.

At about 10 p.m., straphangers were greeted by the gruesome scene of a man's head wedged between the train car and the platform when they stepped off the L train at the Sixth Ave. subway station.

Cops could not say how the man became pinned by the train.

Earlier in the day, at the nearby 14th St. station, just one stop west on the L line, [Brian O'Mara](#), 22, of Long Island man was struck and killed while wandering around inside a tunnel between stations about 8:30 a.m., said police. It is unclear what he was doing in the tunnel, said cops.

In Brooklyn, an unidentified man was struck and killed by an A train at the Nostrand Ave. station at Fulton St. in Flatbush about 4:30 p.m.,

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**NEW YORK POST**

**News Columns**  
 Inside Albany 8  
 Andrea Peyser 10  
 NYPD Blotter 18  
 Weird But True 19

**Gossip**  
 Page Six 12-13  
 Cindy Adams 14

**Post Opinion p. 21-23**

**Business p. 25-26**

**Features & Lifestyle**

Comics 24  
 Pulse 27-32  
 Movie Clock 31-32  
 Horoscope 32  
 Crosswords 49  
 Su Doku 52

**Classroom Extra p. 20**

**NYP@Work p. 33-36**

**Classifieds p. 38-39**

**Sports p. 37, 40-65**

Racing 40-42  
 Phil Mushnick 54  
 George Willis 56  
 Mike Vaccaro 59  
 Steve Serby 62, 65

**Weather p. 51**

**Television p. 67-71**

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■ Take-5 Sun: 23, 24, 29, 30, 36

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**CONNECTICUT**

■ Play-3 Sun: 274

■ Play-4 Sun: 0045

■ Cash-5 Sun.: 13, 14, 18, 25, 28

# Fast & Lew-se with parking laws

The Brooklyn councilman campaigning to replace convicted crook Carl Kruger in the state Senate continues to use a public plaza outside Borough Hall as his private parking space.

Lew Fidler (right), the front-runner to fill the seat in a special election March 20, is up to his old tricks, leaving his car there illegally and crossing the street to his Court Street law office.

But, unlike in October 2010, when The Post reported he had illegally parked his 2002 Infiniti I35 routinely on the plaza the

previous two years, Fidler now pulls in with a larger, sweeter ride — a 2011 Infiniti FX35.

"It's insane that [Fidler] would do this when there's already a lack of trust over politicians in his district, between Kruger and [the sexting scandal that led to last year's resignation of former Rep. Anthony] Weiner," said a stunned Brooklyn pol.

The city says only borough-president office vehicles can be parked in the reserved section of the plaza.

A spokesman said Borough

President Marty Markowitz allows other officials to park in the plaza, but "short term only" and while on "official business at Borough Hall."

A Post reporter spotted the Infiniti there on five random checks in the past two weeks, including Friday, while Fidler spent the afternoon and early evening at his office. In each case, he never went into Borough Hall.

Fidler told a reporter he had permission to park there, but hung up when asked who gave it to him.



Benny J. Shumbo

# MTA union railing over quota e-mail

**EXCLUSIVE**

By JENNIFER FERMINO  
 Transit Reporter

A high-ranking MTA superintendent instituted a quota on the number of disciplinary violations that his underlings must dole out to subway workers each month — infuriating the agency's largest union in the midst of tense contract negotiations. The Post has learned.

The quota order is likely to rekindle the still-simmering tensions from the 2005 holiday-season transit strike — staged in large part because the union accused the MTA of a disciplinary crackdown.

Now, the directive e-mailed to subway supervisors Wednesday by New York City Transit Superintendent Anthony Bartolotta will likely fuel old tensions between the agency and Transport Workers Union Local 100.

In the e-mail, obtained by The Post, Bartolotta informed his staffers — who oversee conductors and train operators on the F, G, Q, N and B lines — of the

new policy. Demanding supervisors submit five violations against workers each month.



"Until further notice all TSS [train-service supervisors] personnel in District 3 will be required to submit 5 violations per month," he wrote.

Union chiefs are now accusing the MTA of playing dirty during contract negotiations.

"It's like psychological warfare," said Kevin Harrington, a TWU vice president.

"To me, it's just bad management."

The MTA quickly disavowed the e-mails, saying they were the work of a single employee, and vehemently denied ever endorsing quotas.

"There are absolutely no quotas," said spokesman Kevin Ortiz. "This directive was not sanctioned by senior management, and has already been rescinded."

Still, the e-mail couldn't have come at a worse time.

If someone's first citation is considered severe, that person could get fired if he or she commits a minor offense within 12 months.

Minor violations include such things as an undone tie or not wearing a work vest.

A moderate infraction includes a conductor not pointing at the ceiling when pulling into a station, which indicates that he or she has lined up the train at the platform.

A severe infraction can be for opening train doors while not in a station.

In 2002, transit-agency supervisors issued more than 16,000 citations for a workforce of 36,000.

That number eventually dropped after the strike, but the bitter feelings remain.

During the current contract talks, TWU President John Samuelsen has lashed out at the MTA for disciplinary crackdowns.

He calls the MTA's tactics an "1880s-railroad style of discipline."

"Elimination of that system is a primary objective [of negotiations]," Samuelsen said.

[jennifer.fermino@nypost.com](mailto:jennifer.fermino@nypost.com)

# WHEEL FEAR

## Slow and steady for motormen

SUBWAY MOTORMEN said Monday they were hitting the brakes a little sooner and a little harder when they enter stations, heeding their union's call to slow down for safety reasons.

One motorman said he arrived at stations about 5 to 10 mph slower than usual after union officials issued a directive aimed at reducing track fatalities.

Other operators said they reduced speed a bit more than usual when platforms were packed.

"Some of the station are so crowded there's barely enough room for the passengers," one Lexington Ave. line motorman said at Grand Central. "You have to be careful because someone could get pushed or shoved."

The Daily News reported Monday that the Transport Workers Union Local 100 had planned to urge motormen to use "extra care" after three recent subway fatalities.

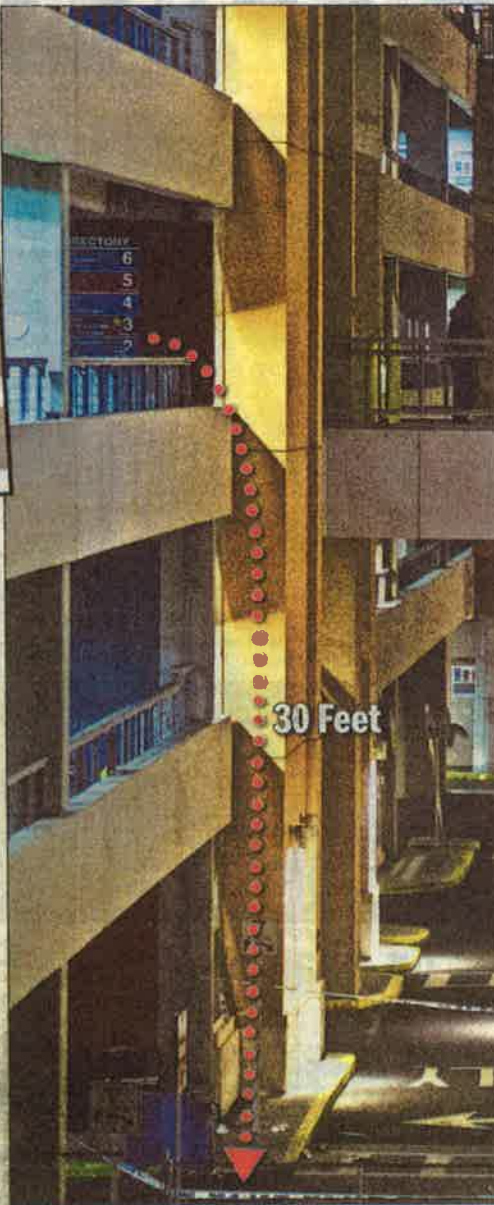
Union officials distributed fliers with the message Monday morning at about six stations used by No. 4, 5 and 6 trains, including 125th St. in Manhattan and Nevins St. in Brooklyn.

Ten motormen interviewed by the Daily News all said they believed the directive aimed to reduce fatalities on the tracks — not to show dissatisfaction with MTA over stalled contract talks.

However, sources say the union directive had a secondary purpose — to flex some muscle against management without being accused of carrying out a slowdown in violation of the state's Taylor Law.

Transit officials have been closely monitoring bus and subway service for slowdowns since the latest union contract expired Jan. 15.

Pete Donohue



## Another shopping cart toss seriously hurts 2 more people

BY TANYANKA SAMUELS and ROCCO PARASCANDOLA  
NEW YORK DAILY NEWS

### IT HAPPENED AGAIN.

Two men were injured outside a Bronx Home Depot Monday when they were hit by a shopping cart tossed from an upper level of a parking garage — the second such incident in the city in the last three months.

The haunting replay happened about 5:30 p.m. at the Gateway Center near Yankee Stadium — and was nearly identical to the incident in Harlem that left a mother of two with brain damage last October.

The two men were walking in a roadway between the hardware store and the adjacent parking garage, within the big-box shopping center at E. 149th St. and River Ave. Police estimated they were about 50 feet from the doorway of the store.

Suddenly, the cart came crashing down from two stories above in the parking garage — a distance of about 30 feet — and landed on their heads, police sources said.

Home Depot cashier Julie Russ, 30, said she heard a "thud" and then ran outside.

"It was pretty bloody," she re-

called. "They were laying on the ground. One guy was trying to sit up, and the other guy was just laying there — he wasn't moving."

"It's horrible," she added.

A blue Toys "R" Us cart stood on its end on the pavement, with blood splattered nearby.

The hardware store's manager called 911, Russ said, and emergency responders arrived within moments.

Both men, ages 30 and 32, were rushed by ambulance to Lincoln Medical Center with what police described as serious head injuries. The 32-year-old was initially in critical condition, but a hospital official said later Monday that both were in stable condition.

Neither man was identified. Police were not immediately able to say what brought the men to the store. A Home Depot manager would not confirm if they worked for the retailer.

Police had not made an arrest as of late Monday night, but sources said the cart was tossed over a railing.

On Oct. 30 outside of a Target store in Harlem, Marion Hedges, 47, was smashed in the head by a shopping cart that two boys had hurled off of a walkway that connected the parking garage to the store. The cart fell about 40 feet, and initially left the Manhattan woman in a medically induced coma. She came out of the coma,

Two people were injured when a shopping cart was thrown from third floor of shopping plaza at Home Depot parking lot in Bronx. Witnesses say cart was thrown over pedestrian walk and hit people walking underneath. Photos by John Teggart and Richard Harbus for Daily News

and her husband later said that she has a long rehabilitation ahead of her.

In that case, police arrested two 12-year-old boys. Both were charged as juveniles and later pleaded guilty to felony assault charges.

With Sarah Armaghan and Kevin Deutsch  
rparascandola@nydailynews.com



How News covered last cart nightmare.

☆☆

## Spring is in air — in midwinter

### WHAT HAPPENED to winter?

Temperatures in the Big Apple will be downright balmy for the next two days — hitting 60 degrees on Wednesday, according to the National Weather Service.

Not quite beach weather, but New Yorkers welcomed the change after last year's frigid winter.

"It's going to be 60 degrees — wild," said Abdo Zindani, 33, night manager at a Brooklyn deli.

The cold weather blowing in from Canada will be pushed out Tuesday by southerly winds, said meteorologist David Stark.

Stark said this is the sixth warmest winter since 1869, when they started keeping records.

Kerry Burke and Janon Fisher

DAILY NEWS  
EDITORIAL

# Raise the minimum wage

**A**ssembly Speaker Sheldon Silver proposed on Monday the biggest boost in the history of New York's minimum wage — a \$1.25 increase, to \$8.50 an hour.

The Legislature and governor should pass and sign an increase without delay.

Raising the state's smallest legal wage is not just about putting much-needed cash in the pockets of 1.4 million low-income workers, who can be expected to turn around and spend it right away.

It's about helping the value of work, which has steadily eroded over the years, catch up to decades of inflation.

In mid-2004, prodded by this page and this paper, New York last voted to boost the wage floor, from \$5.15 an hour.

That increase came in four steps about a year apart: first 85 cents, then 75 cents, then 40 cents and a final 10 cents, to its current \$7.25, in 2009.

Adjusting for inflation alone, that sum should rise to \$7.60 today. But more is called for, because the paychecks of low-wage employees have been steadily slipping.

In the 1960s and most of the '70s, a single minimum-wage job could keep a three-person family above the federal poverty level. Today's \$7.25 is about 80% of that. The 1970 minimum of \$1.85 would be worth \$10.77 in 2012 dollars. The 1980

minimum of \$3.10, adjusted for inflation, would hit about \$8.50.

Looked at another way: In 1980, the state's \$3.10-an-hour minimum was 41% of the state's average wage. Today, 41% of the state average is more than \$12 an hour.

Don't believe the oft-repeated myth that the minimum wage goes mainly to teenagers in part-time positions. Nearly nine out of 10 workers who make less than \$10 an hour are 20 or older — and most of them work full time.

An estimated 40% of New York families with children are supported by a single income of less than \$10 an hour.

As to the other pervasive myth, that raising the wage floor will suddenly make New York businesses uncompetitive: 18 states, including bordering Connecticut, Massachusetts and Vermont, have higher minimum wages than we do.

Still to be determined is whether Silver has hit the sweet spot where low-wage earners get more money without costing the state low-wage jobs.

And under the bill, after the increase set to take effect next year, the minimum would wisely rise with inflation in each succeeding year.

That should have happened long ago.

A state that values work over dependency needs to act like it. Raise the minimum wage.

# Working on the railroad

**I**t has been a long time since anyone — except his mother — called Transport Workers Union President John Samuelsen cute, but he deserves the description today.

Not cheek-squeezing cute, but game-playing cute.

Amid contentious labor negotiations, Samuelsen called on subway drivers to enter stations "with extra care," raising the possibility of slower trains and longer trips for riders. The union said it was handing out flyers only because three people had been killed on the tracks over a single week-end this month.

Samuelsen crafted the leaflets to emphasize safety first, last and always, so he will get no arguments on that score from the Metropolitan Transportation Authority or anyone else. That said, he none too subtly reminded the city of his members' ability to make life miserable if talks grind to a halt.

To this point, Samuelsen has proceeded with

muscular prudence. While his members are steeped in the ethos of no-contract-no-work, hard realities stare him in the face.

With governments at all levels deeply in the red, Gov. Cuomo won state contracts that include zero raises for three years, and Mayor Bloomberg is following the pattern. The MTA must hold the same line to avoid slamming riders with still more fare increases or service cuts.

Both would inevitably result if the MTA relented, as a new analysis by the Citizens Budget Commission makes clear. The public is in no mood for either, nor will riders have the patience for a pains-in-the-neck rule book slowdown.

There's light at the end of Samuelsen's tunnel: He can purchase raises by finding productivity measures that save the MTA an equivalent amount of money. Sooner or later in this political and financial landscape, he'll see that train pull into the station.

# Less divided we stand

**S**ince 1970, the United States has undergone a historic shift: America's urban areas — including New York — have become far less segregated by race.

Most welcome, the trend runs counter to the stereotype peddled by those who emphasize the nation's real but vanishing racial barriers.

Researchers Jacob Vigdor and Edward Glaeser used the most common measure of segregation — called the dissimilarity index — to determine the mixing of races since 1970.

In simplest terms, the index considers where blacks live and calculates what percentage would have to move in order for the black population to be evenly dispersed across an area.

All but one of the 658 housing markets tracked by the Census Bureau now register lower segrega-

tion than was the nationwide average 40 years ago, according to the study.

In some cities, the segregation decline was dramatic. In 1970, blacks were so concentrated in Dallas that 87% would have had to move to even out their presence across the city. In 2010, the proportion had dropped to 48%.

New York's progress was less dramatic but still significant: The segregation index here fell from 74% to 65%.

Published by the Manhattan Institute, the study cites a number of auspicious factors to explain the trend. Key among them: fair housing laws and a movement of blacks out of inner cities to suburbs.

Yes, progress has been slow and painful. Yes, the schools, notably in New York, remain a bastion of racial division.

But, yes, America is moving closer to the ideal of together and equal.

# When ideology defeats reason

**O**n Saturday night, at precisely 9:19 and 30 seconds, my iPhone, my iPad, my computer and, for all I know, my toaster were informed that Herman Cain had endorsed Newt Gingrich. The ping-ping of devices suggested that something momentous had happened, but it was just additional evidence that the Republican Party has become a circus: One clown endorsed another.

It's hard to know who is the more ridiculous figure — the dishonest Gingrich, or the ignorant Cain. Gingrich accepted the endorsement and went on with his nihilistic campaign for the White House. This has been an exceedingly silly political season.

But it has also been a sad one. The Republican establishment acts as if this season's goon squad of presidential candidates has come out of nowhere, an act of God — a tsunami that hit the party and receded, leaving nothing but nitwit standing. In column after column, conservative commentators lament the present condition, but not their past acquiescence as their party turned hostile to thought, reason and the two most important words in the English language: *It depends*.

If you ask me what I think of abortion, I'd say, "It depends." It depends on whether you're talking about the ninth month of pregnancy, the first, the health of the mother, the fetus — or, even, the morning-after pill. But in the Republican contest, the answer to the question is always the same: no, no and no again. Thanks for giving the matter such careful thought.

It is the same with taxes. Should they be raised? It depends. It depends on economic and fiscal conditions — and on whose taxes will be raised and by how much. The answer cannot be "No, never." That's not an economic position; it is an ideological one and exhibits a closed mind.

Similarly with global warming, GOP candidates are not certain it is exacerbated by industry, auto emissions and such. They take this position not because they have studied the science, but because



Richard Cohen

they oppose regulations. Some also take a skeptical position regarding evolution — proof right there that there is something wrong with this theory.

This rampant anti-intellectualism is worrisome. The world is a complex place, but to deal with it the GOP presented a parade of hopefuls who proposed nostrums or, in the case of Michele Bachmann, peddled false rumors about vaccinations. When this started I cannot say, but the embrace of Sarah Palin by the GOP establishment has got to be noted. The lady has the gift of demagoguery and the required anti-elitism, but she knows next to nothing about almost anything — and revels in her ignorance.

## GOP embraces anti-intellectuals

Should the United States bomb Iran's nuclear installations? It depends. Should America enable Israel to do it? It depends. How should China be

handled? What about Russia and Turkey, not to mention Pakistan? From the GOP candidates, the answers are simple: Bomb Iran if it goes nuclear, confront China, stare down Russia and — from the unfathomably shallow Rick Perry — kiss off Pakistan. Subtlety is banished. Yahoos stride the stage.

It is entirely appropriate that last week's GOP debates fell between "Pawn Stars" and "American Pickers" in the 10 most-watched cable television shows. The Republican Party has veered so far from reality that Gingrich is lambasting Romney as a "Massachusetts moderate." Romney, who has all but collapsed his rib cage to conform to conservative dogma, must be perplexed.

The Republican establishment that has now risen up to smite the bratty Gingrich has only itself to blame. For too long it has been mute in the face of a belligerent anti-intellectualism. The endorsement of Gingrich by Cain was not a bulletin. It was a feeble blip on a scope. The GOP is brain-dead.

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## BRAMHALL'S WORLD



# Their gift to Charlie Rangel

Even as his fellow pols in Albany swore up and down that their gerrymandering — er, redistricting — efforts are as pure as the driven snow, Assemblyman Denny Farrell was giving the true game away.

The way Farrell tells it, the Assembly's top priority is making Rep. Charles Rangel happy — and keeping him in Congress for one more term.

"You must understand, for the last 40 years, whatever district Charlie Rangel wants, we give it to him," the veteran Democrat said in remarks to a Harlem community meeting on Friday, as reported by The New York Observer.

"I say, 'Charlie, we can't draw anything else in the state till we draw you,'" Farrell declared. "That's always been our position — we do you and then everything." He's the dean. He's the No. 1."

According to The Observer, Farrell regaled the audience with an insider's view of how the ugly gerrymandering sausage gets made.

He explained that Rangel's historically Harlem-based district is now just 26% African-American. That it needs to grow by 200,000 people because New York is losing two congressional seats. And that the district is being moved farther south in Manhattan



Bill Hammond

would practically guarantee the election of a white candidate.

"Now that sounds racist, but so be it," Farrell said, according to The Observer's account. "We would probably have a Dominican run, two blacks run and a white run. The white will win because of the way the numbers are."

Farrell said the best solution is to completely reshape the district so that it picks up mostly black and Latino sections of the Bronx.

But Rangel did not take this news well. "He blew up at me," Farrell recalled.

"He originally said to me, 'Denny, there is no way... I want to be in Manhattan, we've got to be in Manhattan,'" Farrell said.

Eventually, the Assembly brought Rangel around — allowing mapmakers to get to work on other congressional districts.

Farrell's storytelling didn't do his old friend and ally many favors — since it made

Rangel sound like a frail family member being talked into a nursing home.

But he did expose Albany's redistricting process for what it really is: an incumbent-protection racket.

Every time they sit down and decide how to carve up the state's political districts, the legislative bosses' first and fore-

most priority is keeping themselves and their allies in office. The laws and constitutional requirements are mere annoyances to be navigated around. Democratic principle is an afterthought.

You can see that in the Senate and Assembly maps published last week, with their bizarre, twisted shapes and lopsided population disparities. They were comically and ruthlessly gerrymandered to keep Democrats in charge of the Assembly and Republicans in charge of the Senate.

And you can hear that in Farrell's summary of what Rangel's final district will look like: "It'll be mixed, but it will be a dis-

trict that can be won."

The Legislature does business this way because it believes that redistricting is too complicated for average New Yorkers to understand or care about.

So — intentionally or not — Farrell has done the state a service by making Albany's motives so transparent.

**An Albany politician reveals the truth about the twisted motives behind obnoxious partisan gerrymandering**

As for Rangel, he's a decorated Korean War hero who has served almost 42 years in the House. He rose to the chairmanship of the powerful Ways and Means Committee before sadly being censured in an ethics scandal last year. He has won the votes and affection of many of his constituents — as well as challenges

from up-and-coming politicians who are convinced he has served too long.

The widespread speculation is that he wants to repair his legacy by winning at least one more term.

But being coddled back into office by Albany's incumbent-protection machine would be a sad kind of redemption.

whammond@nydailynews.com



**News Columns**  
 Andrea Peyser 10  
 NYPD Blotter 18  
 Weird But True 21

**Gossip**  
 Page Six 14-15  
 Cindy Adams 16

**Post Opinion p. 23-25**  
**Business p. 27-33**  
**Weather p. 32**

**Classroom Extra p. 34**  
**Features & Lifestyle**

Comics 26  
 Su Doku 32  
 Horoscope 34  
 Pulse 35-40  
 Movie Clock 39-40  
 Crosswords 59

**NYP Home p. 41-47**  
**Classifieds p. 48-50**

**Sports p. 50-71**  
 Racing 51-54  
 Mark Cannizzaro 65  
 Mike Vaccaro 66-67  
 George Willis 69  
 Steve Serby 63, 71

**Television p. 72-75**

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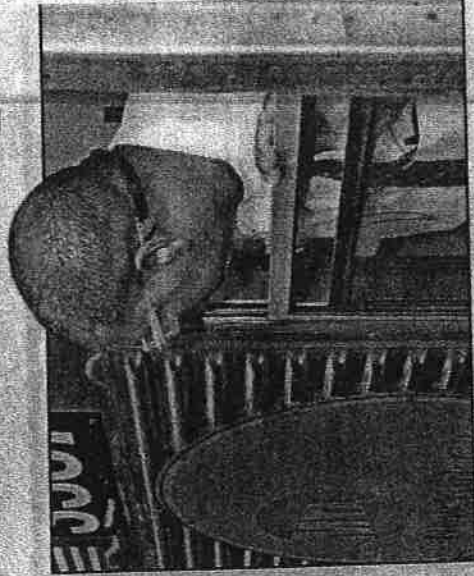
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# Transit union wins time off for tragedies



**CURRENT POLICY**

Subway operators and conductors get three days off when a person is struck by a train and killed.

**NEW POLICY**

Workers will get time off even if the victim does not die.

**EXCLUSIVE**

By JENNIFER FERMINO  
*Transit Reporter*

The MTA has caved to several costly union demands in contract talks — including one concession agreeing to give subway operators three paid days off when they hit someone. The Post has learned.

The major victory for the Transport Workers Union Local 100 amid tense negotiations reverses the current agency policy, which gives subway operators three days off only if the person struck is killed.

Now, workers will get off even if the victim survives. The old policy has always been a bitter source of contention for the union.

"Protecting conductors and operators from these horrible incidents underground was one of the main goals [in talks]," said a union source familiar with the agreement.

The demand worked, despite the agency's insistence that it would seek se-

deal on those changes and are no longer in talks on that part of the contract, sources told The Post.

Last year, 50 people were killed after being struck by trains.

Another 154 people were hit and injured, including 38 who suffered serious injuries, stats show.

"Some people never go back to work [after hitting someone]," said the source. "They try, but they can't do it."

The sides have made progress trying to hammer out a deal on paid maternity leave, sources said.

Currently, most female workers must use their vacation and sick time to take off after pregnancy and then are allotted a \$200-a-week stipend for four weeks.

Despite the progress, the two sides remain far apart on a host of issues, including the MTA's demand for part-time bus operators and a lower starting pay for cleaners.

The MTA wants the TWU to agree to a 5-year contract that has three years of no wage increases — or an equal amount of givebacks — similar to what other state employee unions have signed.

TWU President John Samuelson is meeting with MTA officials today, marking his first return to the bargaining table since he stormed out two weeks ago, incensed over what he called the MTA's "bad-faith bargaining."

MTA Chairman Joseph Lhotak is not expected to be at the meeting.

Lhotak recently said he talks to Samuelson daily.

The MTA and TWU declined comment.

*jennifer.fermino@nypost.com*

## Ideological, Tactical Clashes Explore Benefits, Tensions In Labor-'Occupy' Alliance

By SARAH DORSEY

Labor and Occupy Wall Street leaders agreed Jan. 27 that they had much to gain from collaborating, although their divergent methods sometimes sparked tension.

Transport Workers Union Local 100 President John Samuelsen discussed the issue with union members who were active in Occupy Wall Street at a panel sponsored by the Murphy Institute for Worker Education and Labor Studies called, "Can the labor movement and Occupy Wall Street walk the same road?"

"As long as joblessness exists... as long as wealth disparity exists, there's always going to be room for collaboration between the labor movement and Occupy Wall Street," Mr. Samuelsen said. The movement "dovetailed perfectly" with his goals, he added, especially last year's campaign to preserve the millionaires tax.

### Lighting a 'Spark' for Unions

Local 100 was the first union to endorse the Occupy movement, and is one of the most progressive in the city. Others are less-natural allies; police officers, for example, were often seen as oppressors rather than kin by those at Zuccotti Park. Amy Muldoon, the Communication Workers of America liaison to Occupy Wall Street, admitted collaborating with more-conservative unions wouldn't be "an easy road to hoe."

But all labor groups have benefited from the energy that occupiers have drummed up, the panelists argued.

"Organized labor was clearly stagnating in New York City," Mr. Samuelsen said, thanking the movement for "providing the electrical spark" that energized workers.

Others credited the protesters with strengthening union democracy movements by inspiring and empowering the rank and file. A key feature of the Occupy movement is its horizontal structure, in which decisions are made by consensus and hierarchies are shunned. That contrasts with the entrenched, undemocratic nature of some union leadership, several panelists said.

Ms. Muldoon believes that labor reformers' recent electoral victories, such as those in Communication Workers of America Local 1101, have been beneficiaries of that boost.

### Back to the Grass Roots

"The labor movement wasn't built from the top down" but through "disruptions" and grass-roots organizing, she said. "People are looking for that again."

Mr. Samuelsen called building relationships between leaders and the rank-and-file "incredibly important," and said it was a big stumbling block for a lot of union bureaucracies.

"That kind of horizontal organizing... ultimately grows the union," he said, but it's a challenge to integrate it into the current system without igniting "waves of infighting." He said his administration had trained 500 shop stewards in leadership techniques but they were "running dead on" into that bureaucracy.

Labor has also strengthened the Occupy Wall Street movement, the panelists agreed. Union organizers are adept at seeing the big picture, thinking strategically and planning ahead—skills the often-disorganized protesters need. Tammy Kim, a member of the group's Immigrant



JOHN SAMUELSEN: 'Occupy' supplied needed spark.



CHARLES JENKINS: Labor offers working-class cred.

do was "give [us] a few walkie-talkies and mattresses."

Difficulties have arisen when the two differ on tactics. Unions often seek change through the ballot box, while many Occupy supporters staunchly oppose electoral campaigns, preferring public protests and grass-roots organizing. Ms. Kim said electoral politics could "drive a wedge" between the two groups this year; Ms. Muldoon said that elections "loom very, very large" in terms of how close the bonds will remain.

Even at rallies—mainstays of both organizations—philosophies sometimes clash. Ms. Kim said protesters often fear labor will "steal the show" by letting their leaders drown out other voices. And some worry a union presence will "conservativize" a protest, since workers are less likely to alienate cops and invite arrest.

But that same relative conservatism can work in the protesters' favor, as well. Occupy members allowed that the protesters were widely viewed as rich, white college students with nothing better to do than camp out in a park. Charles Jenkins, a TWU Local 100 member, argued that unions can help legitimize the organization by lending it working-class credibility.

### Perils of Unpredictability

For their part, labor leaders have reason to be uneasy about an unpredictable, leaderless movement jeopardizing the delicate maneuvering of the collective-bargaining process. Moderator Steve Fraser pointed out that longshoremen who went on

## Overextended State Workers Run Up Overtime Record

By MARK TOOB

A decline in the number of state employees performing essential services in hospitals, prisons and similar facilities pushed state-government overtime to record levels last year, according to figures released last week by State Comptroller Thomas P. DiNapoli's office.

"There goes the savings, because they're paying it out in overtime," said Darcy Wells, a spokeswoman for the Public Employees Federation.

### 'Staffing Extremely Low'

The facilities reporting high overtime—largely regular and psychiatric hospitals, correctional centers and units for the developmentally disabled—are staffed 24 hours a day year-round and have high rates of employees out on Workers' Compensation for job-related injuries, she said. "Staffing levels are extremely low," she said, noting that Governor Cuomo had said during his budget address in January that the number of state workers had dropped by 16,000, or 12 percent, since 2008. At many agencies, minimum staffing is set by law or under union contract.

"The dirty little secret is that the Division of Budget would always rather pay overtime than have enough employees to do the job," said Stephen Madarasz, a spokesman for the Civil Service Employees Association. As a result, he said, "we don't have enough people in the facilities." He noted that if facilities paid for by Medicaid do not have adequate staffing, they risk losing their funding. Court facilities, which are under a hiring freeze after a retirement incentive in 2010 stripped them of more than 1,500 employees, also reported high overtime costs.

The issue came up during a Jan. 25

(Continued on Page 11)



THOMAS P. DINAPOLI: Overtime soars as employees dwindle.

## Claim Educators Share Liu, DOE Spent In Student Tra

By DAVID SIMS

The Department of Education's costly database tracking student performance is unpopular with Teachers and not being properly monitored by the DOE, according to a Jan. 23 audit by City Comptroller John C. Liu.

### Got Little for \$83 Million

"This costly tech program was much-touted by the DOE to help Principals and Teachers track progress and thereby improve student learning, even as long-time educators questioned its cost and effectiveness," Mr. Liu said in a statement. "Eighty-

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# LOOKING FOR A GOOD INVESTMENT? BECOME A SUBSCRIBER

# The Chief

Civil Service LEADER



David Sims: 'A call to action'

## Urges ACS: No More Preventive Tragedies

By DAVID SIMS

Advocates for Children's Comprehensive Services are urging a new reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA) to broaden out-of-home care arrangements in tandem with the Child Welfare Services to families for supporting there was much still do to reform it after the death of

## Through Cracks

As we said to ourselves, the time has come when we need to come together to address the needs of our children. The review of 75 child deaths in New York City in 2011, which revealed that the system that we have in place is not working, is a wake-up call. We need to take action now to prevent more preventable deaths. We need to ensure that every child in our state has the opportunity to thrive. We need to ensure that every child in our state has the opportunity to thrive. We need to ensure that every child in our state has the opportunity to thrive.

## Outside Review

As we implement comprehensive reforms involving multi-agency collaboration and oversight by an independent review board, we will continue to work to address the needs of our children. We will continue to work to address the needs of our children. We will continue to work to address the needs of our children.

Email to [voicers@nydailynews.com](mailto:voicers@nydailynews.com), or send fax to (212) 210-1505, or post your letter to **Voice of the People, Daily News**, 4 New York Plaza, New York, NY 10004. Please include full name, address and daytime phone number. The Daily News reserves the right to edit letters.

# VOICE OF THE PEOPLE

## Passenger safety above all

**M**anhattan: Re your Jan. 31 editorial "Working on the railroad": The Daily News has taken a callous and most cynical attitude toward my union's call for train operators to take extra care entering stations in the interest of public safety. In addition to the three fatalities over the Jan. 21-22 weekend, there were 58 passengers killed on the tracks in 2011. That also means 58 train crews scarred for life by the experience. As a train operator, who has been involved in such incidents, I know it is the most gruesome of scenes and is life-altering. As a union officer, I deal weekly with train operators and conductors who are trying to cope with the mental anguish of a fatal 12-9 (the code for a person struck by train). Many train operators involved in such incidents are so traumatized that they are unable to continue in the job. Others bid into yards so they don't have to go back out onto the road. Our contract is important, yes, but public safety trumps all. *Kevin Harrington, vice president TWU Local 100, Rapid Transit Operations*

### Matter of life and death

Rahway, N.J.: Three people killed on one weekend by subway trains. But the media have nothing better to do than use the union's safety memo as a punch line against the transit workers. Is the union right and is the MTA using the media for bad-faith bargaining?

*Stephanie Soto*

### Bank on it

Manhattan: In response to the Jan. 30 editorial "Bank shot," criticizing proposed frontage limits for new upper West Side banks, I must point out the detrimental effects of bank proliferation there. There are more than 60 banks in my district — nearly one per block on some stretches! These banks often monopolize much of a block's ground floor, overwhelming and deadening street life. To address this, the city worked with the community to help ensure that our neighborhood continues to have diverse retail and commercial outlets by

preventing new banks from dominating the ground floor of a block. Any bank can still locate here, but instead of gobbling up precious ground-floor frontage, they can shift their office uses upstairs, downstairs or behind much-needed active retail space.

*Councilwoman Gale Brewer*

### Annoying on purpose

Bronx: I was so happy to see Voicer Joyce Gordon's comment about the screaming JCPenney ad. She is absolutely right. It is very annoying, as is the screaming pig. Commercials are always louder than the show you are watching, and believe me, these two commercials could wake the dead.

*Carolyn Cuffari*

### Scary, too

Staten Island: To Voicer Joyce F. Gordon: I agree about the mute button. However, the agency that created the "screaming" JCPenney ad has no regard for how it affects elderly and sick people who are in nursing homes (such as my mom) and physically unable to press mute. Some become easily frightened by loud sounds, especially the harsh sounds of screaming.

*Maria E. Meringolo*

### Not very nice

Manhattan: For the law-abiding New Yorker who has a chance encounter with one of New York's "Finest," the experience can be a real eye-opener. It happened to me when I asked a highway patrol sergeant a simple question about what was happening on the FDR Drive. His answer: "Don't worry about it," and then he shut the window in my face and waved me off. I could not have been more polite; I can only imagine how I might have been treated if he suspected me of a crime. When I confronted the sergeant minutes later and said that he was rude and nasty, he wiped his eyes and pretended to cry like a baby. Is this the attitude we want from our cops, much less a supervisor? If



*James Kelvorn*

the cops want our respect, they need to earn it. They can start by abiding by what it says on every police car: "courtesy, professionalism and respect."

*David Brooks*

### Hide your pride

Bellerose: Commissioner Ray Kelly's ban on cops from wearing anything nonofficial with the NYPD logo is ridiculous. I know many officers who wear the logo proudly. Is Kelly saying that officers can no longer wear 9/11 shirts or hats? Or must not wear T-shirts that raised money for slain Officer Peter Figoski's daughters? How about those who play on the football and hockey teams? This is a total violation of free speech.

*Janet Maderik*

### Waging debate

Far Rockaway: As our elected officials debate the merits of a minimum-wage hike, the silence from City Council Speaker Christine Quinn is deafening. It seems that it's always a struggle for her to take a stand on an issue one way or the other. Leaders don't govern this way.

*Chris Pettaway*

### Standing by the man

Bayside: I am a fan of Greg Kelly and "Good Day New York." I think Rosanna Scotto and Kelly have amazing chemistry together. They don't just read the news, they make listening to the news very entertaining because of their ability to poke fun at each other and their back-and-forth banter. I am writing in support of Kelly, and I am sure that he will be cleared of

any wrongdoing. I hope he will soon be able to return to the job that he enjoys so much. Hang in there, Greg.

*Nancy Denenberg*

### Showing the flag

New City, N.Y.: As a former police officer, I had the privilege to be assigned to the 1985 Vietnam veterans parade. The vets received rousing applause as they marched up the Canyon of Heroes. This was the proper way to honor the men and women of our armed forces. Before Mayor Bloomberg leaves office, I hope he can provide the same for our troops who served in Iraq and Afghanistan.

*Ken Tomeo*

### In Brooklyn forever

Brooklyn: If Donald Trump wants to be buried on his golf course because he's afraid he'll be forgotten if his final resting place is "some cemetery," he should consider historic Green-Wood Cemetery. I promise to keep his memory alive by including his grave as a stop on our most popular trolley tour, called "Scandals & Scalawags." He'll be in good company alongside Bill (The Butcher) Poole, Albert Anastasia, (Boss) Tweed and other gangsters, con men and schemers.

*Richard J. Moylan, president The Green-Wood Cemetery*

### The best bet

Manhattan: Mayor Bloomberg has placed a Super Bowl bet with Boston's mayor. Their team used to be the Boston Patriots. They moved to a nearby town and

renamed themselves the New England Patriots. The Giants used to play in the Bronx. They moved to another state, yet they still call themselves the New York Giants. Bloomberg is a Bostonian who mistakenly thinks he is a New Yorker. How about if the Giants lose, Bloomberg has to return to Boston? No, I mean if the Giants win, he has to go back. Well, why doesn't he go back no matter who wins!

*Steven Davies*

### Black gold

Brookfield, Conn.: I read that Exxon had a \$9.4 billion profit last quarter. Does anyone believe it is interested in alternative fuels?

*Mike Basso*

### Ticket scam

Wallington, N.J.: To Voicer Ann Marie Madielsky who was unable to get Springsteen concert tickets on Ticketmaster: Don't purchase anything on Ticketmaster. If everyone stopped buying, we could bring Ticketmaster to its knees, instead of it doing that to us.

*Ronnie Deckert*

### The fix is in

Brooklyn: I totally agree with Voicer Ann Marie Madielsky. My screen did the exact same thing with the time I needed to wait, and wait I did, and at the end — nada! The Boss should once again look into the scam being run by Ticketmaster. It's like Ticketmaster is just handing over the tickets to StubHub, because there were tons of tickets immediately available there for a lot more than face value!

*John A. Messina*

## POLL RESULTS

Do you think the Susan G. Komen Foundation was right to bank funding to Planned Parenthood?

41%

Yes. It's their foundation. They can do what they want.

51%

No. They're playing politics. It's about women's health!

8%

I'm not sure.

TODAY'S POLL: Do you think the Giants are a little too cocky heading into their Super Bowl showdown with the Patriots?

Take our poll at [NYDailyNews.com](http://NYDailyNews.com)

**J**ermaine Dennis was haunted by the vision of an expressionless, gray-haired woman in a long, white dress, staring at him silently.

Richard Collins had a recurring nightmare, too: he's driving a subway train and sees someone on the tracks up ahead. He frantically pulls the emergency brake cord — but it doesn't work. The train keeps racing forward.

And Mariano Rosado dreamed of a bleeding man missing part of one arm, climbing up the side of Rosado's house. He wasn't alone.

"Other people would be climbing up the side of the house too," Rosado said. "They all looked like they came out of a cemetery. It was like a zombie movie."

Dennis, Collins and Rosado are subway motormen who had front-row seats to death — watching in horror as someone commit-

**Pete Donohue**

ON THE SUBWAYS

ted suicide by throwing themselves in front of their trains.

Transit workers are unwilling participants in these sad tragedies, which are as frequent as they are brutal. Each year city subway trains strike about 90 people who jumped, fell or were pushed from platforms. It's just one of the reasons why working in the subway is unlike any other job.

"I was in shock," Dennis said last week, recalling the gruesome memory of watching someone die. "I was like, 'What the hell happened?' I couldn't believe it."

It was an early August morning about three years ago when Dennis had a 12-9, transit lingo for a person struck by a train.

Dennis, 39, was driving a northbound A train that day. He approached the Aqueduct station at about 6:30 a.m. The sun was shining. Another summer day was unfolding.

The platform wasn't crowded. One of the few commuters was a woman in her late 50s. She wore a long, flowing dress. Dennis didn't know it at the time, but she had taken off her shoes and placed her pocketbook on the platform.



Motorman Jermaine Dennis (L.) had trouble coping with tragedy on subway. Richard Harbus for New York Daily News



**'I felt for this lady. It took a toll on me'**

**Motormen & jumpers**

"I was going about 30 [mph]," Dennis said. "As soon as I came into the station, she just tipped over. She was moving and then she fell onto the tracks."

The woman died a few hours later. In a haze, Dennis secured the train by manually setting brakes on each car. He was taken to an MTA clinic where he was tested for drugs and booze and

sent home.

"That night, I couldn't sleep," Dennis said. "I took it hard. I kept blaming myself, asking myself what could I have done to prevent it."

"I felt for this lady. This was someone's mother or grandmother, and now they are alone. It took a toll on me."

That first night, Dennis paced

the house as a lightning storm rolled over the Bronx. With each flash of light, the ghostly image of the woman appeared.

"She was in a white gown," he said. "Emotionless. She just stared at me."

Through weekly sessions with a psychiatrist, Dennis realized there wasn't anything he could have done. He was in the wrong

place at the wrong time. It wasn't his fault.

It took a few months, but Dennis came back to work — as did Collins and Rosado after longer periods of time off. They know they could go the rest of their careers without it happening again. They also know it could happen again today.

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

## Fed transport bill would kill MTA funds, raise fares: pol

THE MTA AND a group of Democratic leaders warned that a federal transportation bill would strip the agency of an important revenue stream and lead to skyrocketing fares.

"Mass transit shouldn't be a stepchild," Rep. Jerrold Nadler (D-Manhattan) said Sunday of the GOP-backed legislation.

Congress is expected to vote on the Surface Transportation Authorization bill in the next two weeks. Nadler said, if passed, it would end the guaranteed funding that the Metropolitan Transportation Authority and other mass transit systems currently receive from the gasoline tax. Federal gas tax funds have

been used for both public highways and transit since 1983.

Under the bill, the tax is expected to generate \$25 billion over five years, but mass transit would not get a piece of the money.

It's unclear how much the MTA would lose, but Nadler said the bill would make longer-term projects impossible to fund.

Instead, he said, the MTA would have to rely on the highly political appropriations process.

"They're saying that mass transit isn't as important as highways," he said. "We have 8.5 million people per day coming into the city on mass transit."

Nadler said fares would likely increase under the bill.

"All these systems have to pay for the capital budget," he said. "You gotta maintain the system. If you don't have enough money, you gotta raise fares."

MTA Chief Joe Lhota also wrote to Congress warning that lost funding would "result in degraded service."

Tina Moore



# Hey, the MTA has fortune!

## Union sees unused \$474M as way to finally get raises

BY PETE DONOHUE  
NEW YORK DAILY NEWS

THE MTA can pay transit workers raises — and restore cut service — by tapping an obscure health care fund, Transport Workers Union Local 100 says.

The fund, established in 2006 to cover the future health care benefits of retired transit workers, has grown to nearly \$474 million in six years.

The Metropolitan Transportation Authority plans to deposit another \$59 million into the Other than Pension Benefits (OPEB) fund this year and an additional \$129 million by 2014.

"It clearly demonstrates they have the ability to grant raises," Local 100 president John Samuelson said. "We're not asking for the world. We're asking for cost of living increases."

The MTA also could use some OPEB money to bring back bus and subway services that were cut in 2010 to close a budget gap, he said. The cuts included the elimination of dozens of bus routes.

But the MTA says dipping into the fund would be terribly shortsighted and bad for workers.

Using a series of calculations involving escalating health care

costs, the life expectancy of the work force and benefits granted in past contract, the MTA calculates retiree health care will total about \$13.2 billion.

"Raiding the fund is grossly irresponsible and completely ignores the serious unfunded liability of \$13 billion that the MTA must grapple with," Chairman Joseph Lhota said.

Public agencies have to report how much of their future financial obligations to retirees are unfunded. They are not legally mandated, however, to set aside any money for the purpose.

Nor are they prohibited from using some money that is set aside for other purposes like raises and service.

The contract between the MTA and 34,000 bus and subway workers expired Jan. 15. The MTA has said it can only afford raises if the union agrees to work-rule changes or other measures to cover the cost.

Each 1% raise in wages would increase MTA expenses in its \$12.6 billion operating budget by \$25 million.

The MTA and Local 100 have had a few negotiating sessions since the contract expired but remain far apart on a deal.

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

2/29/2012



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Feb  
29

## MTA moving forward with bids for Midtown HQ

By [Benjamin Kabak](#)



As the MTA has tried to become a leaner organization over the past few years, we've heard repeatedly about its attempts at slimming down its real estate portfolio. The MTA owns or leases a lot more space in this city that most people realize, and a good portion of that space is redundant or underused. So the authority has engaged in a process to identify what it can off-load and what it must keep.

Last April, we heard rumors of a [sale of the MTA headquarters building](#) on Madison Ave. in the 40s. A sale today may not be in order, but the MTA is hoping that, by 2014, it will be turning a profit off of its midtown holdings. Reuters [has more](#):

The cash-poor Metropolitan Transportation Authority of New York in the next few months will begin the process of putting its Madison Avenue headquarters in midtown on the market by issuing a Request for Proposals, an official said on Monday... "We expect to vacate possession of these buildings to a developer in 2014 at the latest," Jeffrey Rosen, director of real estate, said at a finance committee meeting.

...How much the three buildings on Madison Avenue, whose location is highly desirable because it is just two blocks west of Grand Central Terminal, will bring depends on what air rights are transferred to any new office tower expected to be built on the site. Selling the three buildings outright would generate at least \$150 million before taking into account the transfer of air rights that would allow a developer to build a higher office tower, the authority estimated in April 2011, when it first announced the buildings would be sold.

New York City zoning laws would allow a "minimum zoning floor area" of 376,575 square feet, the MTA estimated last year. The maximum would be 542,268 square feet, although there might be a possibility to acquire more air rights.

The new twist here concerns direction. While the MTA once debated selling the building, they know want to lease the space it's on. It may take longer to realize the economic gains from such a set-up, but the authority believes it can make more than \$150 million on such an arrangement. If so, that's shrewd ownership that shows the MTA isn't just looking for a quick economic fix, as I feared when they first put out feelers for interest in the space.

Of course, I may be getting ahead of myself. The MTA doesn't plan on signing over the space in any form until 2014, and a lot, as we know, can happen in two years. As this process begins, though, the authority will consolidate its headquarters in space it leases at 2 Broadway, a hop, skip and a jump away from the TA's once-glorious building at 370 Jay St.

And so the MTA's real estate world inches toward a consolidation. The authority is still discussing a deal for that Jay St. space with New York City and New York University, and the neighborhood is rooting for such a deal. Now, as the East Side Access project brings a large tunnel to the MTA's current front door, the authority is eyeing a move away from Midtown all in the name of economic efficiency. It's been a long time coming, if it gets here at all.

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Categories : [MTA Economics](#)



## 10 Responses to “MTA moving forward with bids for Midtown HQ”

1. *Brian* says:

[February 29, 2012 at 1:49 am](#)

They really need to update that picture with all the old equipment

[Reply](#)

2. *Scott E* says:

[February 29, 2012 at 7:23 am](#)

Just wondering... does the MTA, a state agency, pay property taxes to the city? If not, I'd imagine NYC would support such a sale, so the property can start generating some tax revenue.

[Reply](#)

◦ *AK* says:

[February 29, 2012 at 9:25 am](#)

No it does not. Indeed, the MTA's tax exemption cost the City over \$750 million last year according to the Independent Budget Office. For a list of other exempt entities (including private companies like Madison Square Garden), see: <http://ibo.nyc.ny.us/cgi-park/?p=365>.

All told, while the City property tax is expected to bring in about \$17.6 billion in 2012, 42 percent of all the tax revenue the City expects to collect, exemptions in the code total 13.5 billion for the same fiscal year, an increase of \$1 billion from 2010 alone.

I personally believe that the MTA, as a public non-for-profit service provider should receive the exemption, however many other exemptions are nothing short of abusive and should be eliminated (which doesn't even scratch the surface of what's wrong with the property tax in this City...but that discussion is for another time on another blog).

[Reply](#)

3. *Al D* says:

[February 29, 2012 at 9:25 am](#)

While this sounds good, there are many more parts of the puzzle, and for as large a footprint as the MTA needs in office space, it may not be that much. For example, does MTA own the space or does it lease it? If it's owned, then there are no rent payments, so selling the space may do nothing more than enable it to pay for acquisition (lease) of new space.



If the current space is leased, the question then is how far away can the MTA reasonably re-locate? What are the drivers? Example, can the MTA lease office space in Jamaica (or SI..the irony) and save lots of \$ or is that too far?

Can MNR lease office space in SoBro savings tons of \$ or will they simply move into other space in East Midtown (not much of a savings).

So whilst the idea sounds good, there are many other parts that either are addressed in a plan yet to be disclosed or haven't been thought through.

[Reply](#)

4. [BrooklynBus](#) says:

[February 29, 2012 at 11:05 am](#)

I don't think the MTA knows what it wants to do itself. The original plan was to move headquarters to 2 Broadway to consolidate office space. Then they scrapped that idea after 9-11. Then they were talking about renovating and moving back into 370 Jay. Then they scrapped that idea. Now they are going back to their original plan of using 2 Broadway. Meanwhile they constantly waste money by constantly moving their people from one location to another. I have a friend who was moved to 2 Broadway from another location only to be moved back two years later and now they want to move her back to 2 Broadway a second time and she hasn't even changed departments!

[Reply](#)

◦ [SEAN](#) says:

[February 29, 2012 at 12:51 pm](#)

Not that it matters, what department is she in.

I am friendly with people who work for a furniture retailer who have stores in the NYC area. I know of one store manager who was transferred between three locations within the past year. So I understand what you are getting at.

[Reply](#)

5. [Matthias](#) says:

[February 29, 2012 at 1:33 pm](#)

347 Madison is a beautiful building and a nice complement to the Roosevelt Hotel across 45th—is the MTA selling it to be torn down? What are the other 2 buildings?

[Reply](#)

◦ [Al D](#) says:

[February 29, 2012 at 2:21 pm](#)

They also have 345 & 341, and my guess is that their intent is to sell for development purposes. That's a whole block of prime property, and developers should be salivating when these come to market. Plus any new development would retain direct access to GCT, a huge plus for the Scarsdale (and soon Muttontown!) playahs!

[Reply](#)

6. [Bolwerk](#) says:

[February 29, 2012 at 1:50 pm](#)

If they need a lump sum for some reason, it's also possible they can securitize the future revenue of the building and get a similar-sized lump sum today. If you accept the potentially risky assumption that the distant future revenue of the building will greatly exceed near-term revenue, it may not be a bad move, particularly if in the future building costs will be covered.

Generally, I like the idea of the MTA keeping properties and profiting from them. Of course, our wanker politicians probably don't.

[Reply](#)

## Trackbacks/Pingbacks

1. [Linkage: Whole Foods' Construction Timeline: UK Investors to NYC | 3i Investor](#) says:  
[February 29, 2012 at 9:43 am](#)

# Bonuses dry up on Wall Street



**Cash pullback threatens public, private revenues**

BY ERIK ORTIZ  
erik.ortiz@am-ny.com

Bonuses on Wall Street have dipped again this year following the purging of thousands of financial jobs in 2011, according to State Comptroller Thomas DiNapoli. And that's bad news for both the public and private sectors.

Cash bonuses fell 14% last year to an estimated \$19.7 billion for securities workers, a three-year low, according to the report. That translates to \$121,150 per exec on average.

Wall Street passed out 4,300 pink slips from April to December, DiNapoli said. "This is fallout from the financial crisis," he told MSNBC.

Companies took a hit, too. DiNapoli's report found New York Stock Exchange firms earned \$13.5 billion in 2011, tumbling 51% from 2010.

DiNapoli and others said the 2010 Dodd-Frank Act, meant to prevent another Wall Street



New York Stock Exchange firms earned \$13.5 billion in 2011, a 51% decline from 2010. (GETTY)

meltdown, was a factor.

"Wall Street's not making a lot of money, and the cost of complying with all of the new regulations is going through the roof," Mayor Michael Bloomberg told reporters yesterday.

New York state and the city benefit from Wall Street through tax revenues from businesses and personal income. But Edward Nell, an economics professor at the New School for Social Research, said it's not neces-

sarily bad that the rich pass on some luxury indulgences.

"When you're making \$300,000 a year, whereas maybe a quarter is your bonus, then a cut in the bonus means you don't buy a new Lexus or another yacht," Nell said.

Jonathan Miller, CEO of the real estate appraisal firm Miller Samuel, said a battered Wall Street could jeopardize the city's housing market.

"The bigger concern is higher unemployment levels. To me, that signals whether

people can even afford their rents or homes," Miller said.

After the pullback in big spending when the economy hit the skids in 2008, those in the service industry are hoping Wall Street's woes won't hurt them again.

"There may be fewer bonuses handed out on Wall Street, but thankfully sales at many restaurants are up since the economic downturn," said Andrew Rigie, of the New York State Restaurant Association.

How the district's downturn hurts

**1. Tax revenue:** With leaner Wall Street profits, state revenues from business and personal income tax fell to 14% last year. The city's tax revenues from Wall Street fell to less than 7%, according to the state comptroller.

**2. Consumer spending:** High-end businesses are hurt when Wall Streeters curb spending, economists said. A study last fall found that high-end consumers bought fewer luxury goods than they did during the same period last fall.

**3. Housing:** Losing a job can force a homeowner into foreclosure -- and Wall Street shed 4,300 positions between April and December of last year. (AEP)



## Protest hits MTA over cuts

Transit union members, straphangers and Occupy Wall Street protesters angrily confronted the MTA board yesterday morning, demanding that the agency restore service cuts made in 2010 and hire back laid-off workers.

"Enough is enough," said Maurice Jenkins, vice president

of stations at the Transport Workers Union.

Straphanger John Demie said he wanted the MTA to hire more workers to monitor stations.

"Many of us who ride the system have the perception that your employees care more about safety than you do," he said. Several employees who were given pink slips in 2010, when the MTA eliminated two subway routes and dozens of bus lines, asked the board to rehire the more than 100 workers lost then. The TWU said the MTA has money to restore service and workers but is saving it instead.

At a news conference yesterday, MTA chairman Joseph Lhota said he "respectfully disagrees" with the union. "We are doing everything we can to work with the fragile budget conditions that we have," he added. (MARC BEJA)



Lhota

## 2 struck within hours at same UWS train station

Two straphangers were struck by trains at the same Upper West Side station yesterday just hours apart, with at least one of the two men dead, officials said.

A man "apparently jumped" in front of an uptown No. 1 train entering the 72nd Street station just before 8 a.m. yesterday, an MTA spokesman said. He was pronounced dead at the scene, according to officials.

Service resumed at around 9:15 a.m.

Train service was again halted when another man fell in front of an approaching uptown No. 2 train shortly before noon, officials said. He was rushed to St. Luke's-Roosevelt Hospital, but there was a discrepancy between the FDNY and the NYPD at press time about his condition.

Police said criminality wasn't expected in either case. (MARC BEJA)



## Grand Central's a circus

Performers light up Grand Central Terminal yesterday in a sneak-peek performance of Ringling Bros. and Barnum & Bailey's new nationally touring show, "Dragons." (GETTY)

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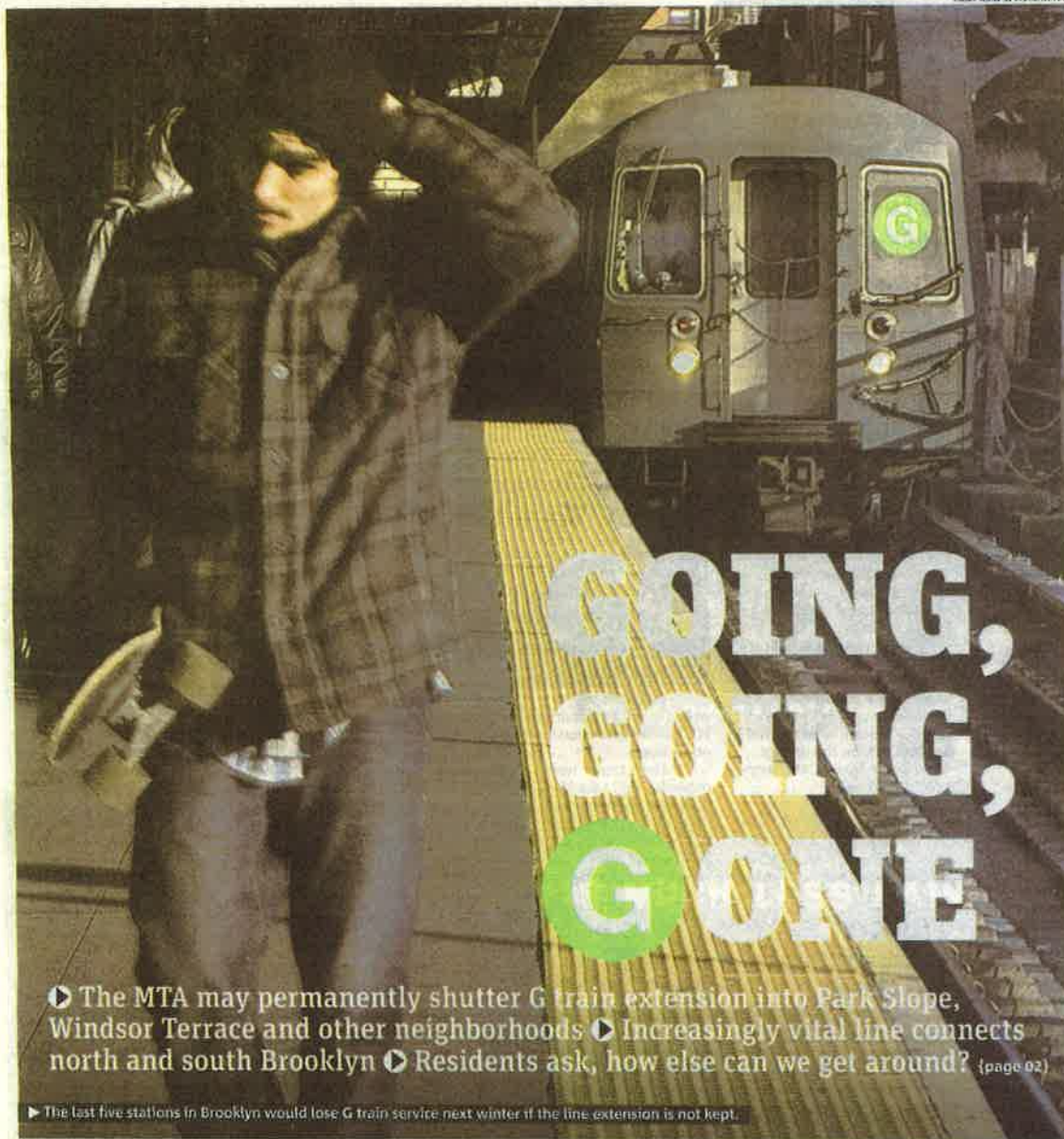
SPACE IS THE PLACE ... FOR FIGHTING! (page 13)

metro



Max 60°  
Min 46°

NEW YORK  
Wednesday, March 7, 2012



GOING,  
GOING,  
GONE

► The MTA may permanently shutter G train extension into Park Slope, Windsor Terrace and other neighborhoods ► Increasingly vital line connects north and south Brooklyn ► Residents ask, how else can we get around? (page 02)

► The last five stations in Brooklyn would lose G train service next winter if the line extension is not kept.

Metropolitik



Republicans not quite ready to comMitt

◊ Santorum makes better showing than expected on Super Tuesday ◊ Can Mitt Romney hang on? (pages 08-09)

Drescher dishes 'Happily'

Former 'Nanny' star says art imitates life, but she didn't sleep with her gay ex (page 14)

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In the news

Pharmacist jailed for fraud

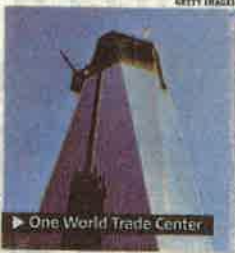
A Manhattan pharmacist who was arrested in 2009 is facing 23 counts of grand larceny. He is accused of stealing \$1.2 million from his employer, a pharmaceutical company, over the course of five years. The pharmacist, who is now 36 years old, was arrested in New York City. He is currently being held in jail. The case is being handled by the Manhattan District Attorney's Office. The pharmacist is accused of stealing medicine from his employer. He is accused of stealing \$1.2 million from his employer. He is accused of stealing \$1.2 million from his employer. He is accused of stealing \$1.2 million from his employer.

In the news



Clementi case

Rutgers student Tyler Clementi checked his roommate's Twitter feed 39 times before killing himself in 2010, according to court testimony yesterday. An investigator told the court Clementi visited the page of Dharun Ravi, on trial for bias intimidation and invasion of privacy. Ravi wrote posts including, "Saw my roommate making out with a dude. Yay." METRO/BAE



One World Trade Center

# One WTC plans for broadcast center

**WORLD TRADE CENTER.** One World Trade Center could give other high-altitude broadcast locales, such as the Empire State Building or the Top of the Rock, a run for their money. The Port Authority announced yesterday that it plans a state-of-the-art broadcast facility atop the tower, which will top out at 1,776 feet, including the 408-square-foot spire.

The center could eventually welcome television and FM radio stations, after One World Trade Center completes construction next year. Before Sept. 11, the North Tower included a broadcast center at its top.

"Broadcasting from the top of One World Trade Center is both an economic and symbolic achievement," said Jody Durst, president of The Durst Organization, which would oversee construction.

ALISON BOWEN

## \$10M

The broadcast center at One World Trade Center could generate more than \$10 million each year, city officials estimate.



## Fake gun found at F, G train station

**BROOKLYN.** A homeless man led police to a gun discarded in a subway trash bag yesterday along the F and G line in Brooklyn. The gun, which was found in the trash at the Fourth Avenue/Ninth Street station in Park Slope, turned out to be fake but the discovery caused alarm among passengers waiting on the platform. METRO/BAE

## Brooklyn DA announces real estate scam bust

**BROOKLYN.** Brooklyn District Attorney Charles Hynes will announce a real estate scam today involving 12 people arrested in seven different cases. The individuals are accused of engaging in real estate fraud, according to the district attorney's office. One defendant is charged with a hate crime, after prosecutors say he secured nearly \$350,000 in proceeds from a reverse mortgage on an 81-year-old victim's home. Another defendant is accused of stealing vacant properties from the estates of dead owners. METRO/BAE

# Brooklyn riders rally to keep G train extension

Local pol leads charge to save G train service MTA won't commit to keeping extended stops in B'klyn Residents worry about longer commute

Save the G! That's the rallying cry heard in Brooklyn these days, as hundreds of straphangers are pressuring the MTA to keep service at the last five southbound G train stops in Brooklyn.

The MTA extended the G more than two years ago, in 2009, to the following stops: Fourth Avenue-Ninth Street, Seventh Avenue, Prospect Park-15th Street, Fort Hamilton Parkway and Church Avenue. But the G may no longer run to those last five stops when the MTA completes its ongoing Culver Viaduct rehabilitation project, expected to end next winter.

"The G train is the Brooklyn local — it links neighborhoods that have been otherwise inaccessible," said Williamsburg District Leader Lincoln Restler, who started a petition to save the service.

So far at least 1,500 people have signed on. Without the G extension, it would take an extra 40 minutes to make it from Greenpoint to Park Slope, Restler pointed out, because riders



The G currently runs from Long Island City, Queens, to Church Avenue in Brooklyn.

would have to commute into Manhattan and transfer to another line.

"I don't know how I'd get to work," said Sara M., 29, who lives in Greenpoint and commutes to Park Slope for work.

South Slope business owner Damien Gagliano, 34, said it would be devastating to the

communities that line the train.

"A lot of people use that train," Gagliano said. "Other than driving, there is no way to get to that side of Brooklyn."

EMILY ANNE EPSTEIN emily.epstein@metro.us

## BK president weighs in

Brooklyn Borough President Marty Markowitz sides with straphangers when it comes to the G train extension.

"The extension of the G train to Church Avenue has given the MTA customers," argued Markowitz. "We need more service, not less."

Markowitz said G train service has been essential to the borough's expanding work force, tourism and residential appeal.

"I strongly urge the MTA to consider the impacts on straphangers," he said. METRO/BAE

## Riders running out of time?

Lincoln Restler realized the deadline for residents to save the extension was inching closer last week, after the MTA finished repairing the Fourth Avenue-Ninth Street station house, which had been closed for

40 years. With the Culver Viaduct Rehabilitation Project scheduled to be completed next year, Restler put out a call to arms.

But despite the outcry, MTA spokesman Charles Seaton said the MTA still hasn't made up its mind.

"No decision has been made," said Seaton. "Closer to the date, we'll do an assessment." METRO/BAE

### Affected stations

### stations

The following stations would no longer be serviced by the G should the MTA end service next winter:

- Fourth Avenue-Ninth Street
- Seventh Avenue
- Prospect Park-15th Street
- Fort Hamilton Parkway
- Church Avenue

# GREATER NEW YORK

## Subterranean TriBeCa

A Young Artist and Her Marine-Themed Installations **URBAN GARDNER A16**



WSJ.com/NY

THE WALL STREET JOURNAL

Wednesday, March 14, 2012

# Clash at Transit Union

Ex-President Toussaint Steps Up Attacks on Current Chief Amid Contract Talks

By TED MANN

As leaders of the New York City transit union engage in ongoing contract talks, they are facing a prominent critic from within their own ranks: former union chief Roger Toussaint, who led a crippling three-day bus and subway strike in 2005.

Mr. Toussaint is going increasingly public with attacks on John Samuelson, the president of Transport Workers Union Local 100. He has taken particular aim at what he calls a failure to rally workers in a show of strength, underscored by a decision to allow the current contract to expire on Jan. 15 without a threat to strike.

"The issue is not if they have the [money]," Mr. Toussaint said in an interview with The Wall Street Journal this week. "It's about getting it from them. And you have to have a real strategy to do that. You can't just make it up as you go along and hope that no one notices."

Mr. Samuelson said that the union's choice of a new tone was by design. The 2005 strike was held in defiance of state law, and the harsh penalties hobbled the local financially for years.

"The great irony of this is that the strike in 2005 was actually detrimental to the union's ongoing ability to organize



Roger Toussaint, 2006

'You have to have a real strategy.... You can't just make it up as you go along and hope that no one notices.'



John Samuelson, 2010

'The great irony of this is that the strike in 2005 was actually detrimental to the union.'

members in a fight-back," Mr. Samuelson said. "There was such a bitter taste left in the mouths of Local 100 members after the settlement of the 2005 strike that the problems still reverberate to this day."

Mr. Toussaint's emergence comes just weeks after he surprised fellow union members by

returning from a position in Washington, D.C., to resume his old job as a track-shop worker at a Metropolitan Transportation Authority facility in Brooklyn.

The move has driven a belief that Mr. Toussaint could either seek to wrest control of the union back from Mr. Samuelson or throw his support behind one

of the factions seeking to do so in elections this fall.

Mr. Toussaint, who led the local from 2000 to 2009, declined to comment on his political plans.

He previously ruled out a power grab, including in an open letter to the union's executive board in January. But he recently has taken steps to raise his profile, including appearing at a recent meeting of the executive board at a YMCA in Brooklyn, and conferring with Nelson Rivera, a union vice president who is considered a potential challenger to Mr. Samuelson.

Mr. Rivera didn't return requests for comment.

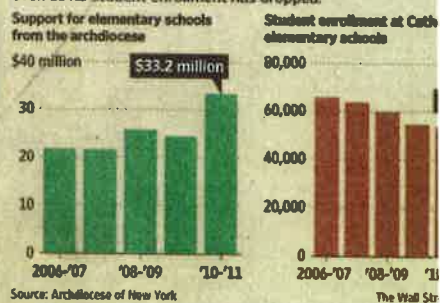
Mr. Toussaint is among the most militant—and the most widely known—of a number of critics dogging Mr. Samuelson and his allies throughout contract talks. Negotiations have proceeded slowly, in part because Mr. Samuelson underwent hip surgery in February and struggled to recover from a subsequent infection. He has returned to a limited public schedule, including a planned celebration of Irish culture Thursday in Brooklyn and a negotiating session last week.

Still, there has been little indication that the MTA is backing off its demands that the union's

Please turn to page A18

### Shifting Fortunes

New York's Catholic school network has seen a rise in its spend even as its student enrollment has dropped.



Source: Archdiocese of New York

The Wall Street Journal

# Archdiocese Alters Course On Schools

By SOFIA HOLLANDER

After closing dozens of schools last year, the Archdiocese of New York now is embarking on the most ambitious phase of a multipronged plan to reshape its Catholic education system.

In September, three boards will be given broad authority to determine policy for all schools in their regions, shifting control of elementary schools away from parishes and the central superintendent's office.

If the experiment works, the archdiocese—which stretches north from the city into Dutchess and Ulster counties and west into Sullivan County—will create a total of 10 regional boards that officials say will save on costs and improve efficiency. When combined with new revenue sources, the plan is intended to shore up the system's faltering finances.

"It's uncharted waters for us," said the Rev. Thomas Madden, who will head the Rockland County board. "We're going to learn as we do it. In a way, it's exhilarating."

New York has not been immune to the struggles of Catholic schools across the country. Last year, the archdiocese closed 27 elementary schools, citing shrinking student bodies: Since 2006, enrollment has plunged by 14,550 students, officials said.

"We didn't close academically failing schools. We closed schools because we haven't fin-

"A move towards the governance has been us in other areas for quite time," said Dr. Karer, president of the National Catholic Educational Ass. "New York is just a little getting into this. I don't criticize them. But I think a very important thing really help the schools."

New York officials the new board structure three pilot regions in 5 land, the northwest in Bronx, and Rockland Brooklyn and Queens to their own archdiocese a part of the overall plan.

Boards will be able most decisions rela

**A plan to move control of elementary schools away from parish regional boards.**

schools, including changes uniform rules and tuition decisions—such as school—will still require

The boards will be composed of volunteers, and will hold a majority on each archdiocese said it was creating new offices in each to implement policies and see school finances. Officials said the offices would be regional offices that will

# Rep. Turner Launching Senate Run

By ANDREW GROSSMAN

WASHINGTON—Sen. Kirsten Gillibrand has her highest-profile challenger yet: Rep. Robert Turner, the Queens businessman whose upset victory in the race to replace Anthony Weiner made him a GOP hero.

Mr. Turner is better known than the three other Republican candidates in the race, but he would still be an underdog against Ms. Gillibrand, who had more than \$8 million on hand at the end of 2011 and has seen her approval ratings rise in recent months. The Democratic senator easily won a special election in 2010 to fill out the rest of Hillary Clinton's term after she became U.S. secretary of state.

# Suspect Surrenders in Manhattan Brothel Case



s reflected in our plan to thousands of public school to these Manhattan neighborhoods over the next three t.”

ie 360-acre Hudson Yards in Midtown West is among largest commercial and residential development projects in ity. There are plans to construct more than 8,000 additional housing units there by

ie Upper West Side between and 77th streets is also ed for strong growth and add more than 3,000 residential units by 2015.

ut not enough elementary middle schools will be built 2015 to accommodate the lies who will be moving into

middle schools between 66th Street and 77th streets exceeded capacity during the 2010-11 school year, the report said.

A planned school in that area called P.S./I.S. 342 in the Riverside Center project will add 488 seats by 2015. But “the new school will likely be overcrowded upon its completion” based on housing projections, the report said.

Enrollment for the 2010-11 school year between 59th and 77th streets was 3,468 and capacity was 3,406. In 2015, enrollment is estimated to be 3,990 and capacity will be 3,896.

And in Midtown West, school enrollment for elementary- and middle-school students will exceed capacity by about 600 seats

space, and the consequences of this inaction are dire.”

The neighborhoods of TriBeCa and Battery Park City tell a different story than the Upper West Side or Midtown West. Elementary and middle schools in those neighborhoods were overcrowded as recently as 2008, according to the report.

But the city has since added several hundred seats to alleviate crowding conditions there and is in the process of adding another school at the former Peck Slip Post Office in 2015.

“The city did respond accordingly” in Lower Manhattan, Ms. Denham said. “I don’t think it’s as urgent downtown looking forward.”



good food and that will be attractive to both a business person and the neighborhood,” she said.

Hudson River Park already has several casual-dining options, but they have enjoyed mixed success. A concession near the West Village at Pier 45, which served snacks and light fare, closed last fall. The trust also is seeking a new casual noshing spot for that space.

Earlier this year, the trust reported a shortfall of about \$10 million in its proposed budget for fiscal year 2012 on its website. Trust officials said they have since secured lease payments from long-term tenants that have erased the shortfall.



Spencer Platt/Getty Images; Mark Wilson/Getty Images (right)

er his upset House victory last fall, Rep. Bob Turner is aiming at the Senate seat held by Kirsten Gillibrand.

## Turner to Make a Senate Run

Continued from page A15

ead of the state GOP’s convention on Friday in Rochester. The state Conservative Party, whose backing is considered crucial for statewide Republican candidates, holds its convention days later.

Glen Caplin, a spokesman for s. Gillibrand, said Mr. Turner’s congressional record is “far too extreme for New York.”

Mr. Turner faces a formidable challenge in running statewide against an incumbent Democrat in New York—particularly during presidential election year. He isn’t well known outside of his district in a relatively conservative corner of Brooklyn and Queens and must introduce himself quickly to voters upstate and on Long Island, two areas where Republicans must do well.

He also faces problems from slow Republicans. Attorney Wendy Long, who declared her

candidacy in February, has been courting local Conservative Party officials around the state, and many would likely back her, party Chairman Michael Long said. That raises the prospect of them both appearing on the November ballot and splitting the anti-Gillibrand vote.

“I think he’s come to the table rather late,” said Mr. Long, who is not related to Ms. Long. “Wendy Long has garnered the support of my party’s leaders up and down New York.”

Ms. Long said in a statement she would continue her run.

“We welcome Bob to the race and look forward to seeing him and the rest of the guys in Rochester,” she said.

Another GOP candidate, Joe Carvin, the mayor of Rye, N.Y., appeared surprised by Mr. Turner’s announcement.

“It’s all happening very

quickly. I don’t have much of a comment at this point,” Mr. Carvin said. “I’m taking it one day at a time right now.”

The other declared candidate, Nassau County Comptroller George Maragos, said in statement that he is focused on the campaign and plans to announce more endorsements soon.

Mr. Turner has some advantages. His September win in a district that had been considered a safe Democratic seat drew the attention of national Republicans and donors, raising the possibility that some of them will back his Senate bid.

He can also tap his personal wealth to help fund his campaign. He put \$168,294 of his own money into his 2010 run, and spent \$65,500 to win the race to replace Mr. Weiner, who resigned in June after a sexting scandal.

## Former Union Head Faults New Tactics

Continued from page A15

35,000 members forgo raises.

That has created an opening for opposition voices such as Mr. Toussaint, who has resumed the fiery rhetoric that was one of the hallmarks of the 2005 strike.

He said Mr. Samuelsen was “left at the altar” because the union signaled early in the process that workers would stay on the job after the contract expired.

“The union’s power lies...in the strength of a mobilized membership—not bluffing, not smoke and mirrors or gimmicks, but mobilization that is observable and demonstrable,” Mr. Toussaint wrote in an email to the Journal.

Mr. Samuelsen said his efforts to mobilize members and stage rallies had outstripped anything Mr. Toussaint organized in the years after the strike. After taking office in 2010, Mr. Samuelsen said, he quickly hired his just-defeated rival and former Toussaint ally, Curtis Tate, and set about trying to revive the flagging spirits of his local.

“Roger couldn’t mobilize 20 members to do anything after the 2005 strike,” he said. “He couldn’t mobilize a bunch of kindergarten kids to get online to get cookies and milk, and yet he finds fit to criticize our mobilization in the last year.”

The slow negotiating pace, and its relatively peaceful tone, is a departure in strategy for Local 100.

“They’re trying something different,” said Joshua Freeman, a professor of history at Queens College and the CUNY Graduate Center, and author of a history

of the TWU in New York. “Whether it pays off really remains to be seen.”

The deliberate approach may be a gamble, Mr. Freeman said, that the climate for public sector unions can only improve from the low ebb of last year, when state governments sought to rein in sharply on spending.

“The most recent state worker government contracts were really sort of terrible,” Mr. Freeman said, referring to deals struck by CSEA and the Public Employees Federation with the administration of Gov. Andrew Cuomo, including givebacks and a three-year freeze in base pay.

**‘There was such a bitter taste’ after the strike was settled, Mr. Samuelsen said.**

“They’re not directly a template for the TWU contract, but they’re definitely part of the backdrop to it,” Mr. Freeman said, adding that TWU officials may hope that an improving economic picture may help soften the MTA’s opposition to granting raises.

Mr. Toussaint said the union instead risks ending up in arbitration, where the MTA could successfully argue it can’t afford raises.

Mr. Samuelsen said criticism wasn’t affecting his determination to strike a better deal for his workers than MTA is seeking.

“It doesn’t change the equation,” he said.

lanie Grayce West

## Medical Center Backer Boosts Options for Ill Pets

What sounds like an Upper East Side gym and spa—complete with Reiki massage, treadmills, hydrotherapy, exercise areas and a quiet room for acupuncture—is actually a rehabilitation and fitness center for pets at the Animal Medical Center.

The center is the invention of New York author and businesswoman, Tina Santi Flaherty. It was a project that was long in the making before opening in 2008.

Mrs. Flaherty came to the idea years ago because she had a Labrador retriever, Liam,

exercise was by swimming, a low-impact therapy that’s easy on the joints.

Mrs. Flaherty thought that a facility with hydrotherapy and other services, like the treatments people receive at a physical-therapy clinic, could work at the Animal Medical Center.

“I’m like a dog with a bone, literally. I just would not let it go and I kept bringing it up,” recalls Mrs. Flaherty, a board member of the Animal Medical Center who has given more than \$2 million to the organization over the years.

Now the center treats

Cats and dogs come to the center, among other reasons, to rehabilitate after surgery or injury, to lose a few excess pounds or to receive pain-management treatments to alleviate aches caused by arthritis and other joint problems.

Mrs. Flaherty’s two dogs are patients, too. Jackie, a 7-year-old Labrador retriever, has been going to the center for years for regular rehabilitation treatments. Scarlett, a Cavalier King Charles Spaniel, also 7, goes to the center chiefly because she doesn’t like to be apart from Jackie. She goes for an intensive workout,

the underwater treadmill.

“I thought, what the heck, I’ll send her to rehab even though she doesn’t need it,” explains Mrs. Flaherty with a laugh. “Cavaliers tend to get a little chubby. We thought it would keep her bikini line in order.”

Mrs. Flaherty is very much the dedicated animal lover, but it’s a passion that came later in life and only after many years in New York. She grew up on a farm and had doubts about having a dog without the big yard. She got her first dog in 1992, which was 10 years after she initially started

the board to raise money for the Animal Medical Center.

She likes big dogs, the better to dance and play with, she says. Mrs. Flaherty is quick to say that Jackie and Scarlett aren’t spoiled, they are just loved. She included their names on an exhibit, “In the Company of Animals: Art, Literature, and Music,” that she sponsored and that is currently on view at New York’s Morgan Library & Museum.

“There’s something about this city that makes you want to bond with something. Something living and breathing and it happened for me in New



The Chief-Leader/Michael Priang

**DIVIDING THE HOUSE:** Transport Workers Union Local 100 President John Samuelsen, flanked by attorneys Larry Cary and Liz Vladeck, emerged from Eastern District Court in Brooklyn March 8 after fending off a lawsuit over the purchase of a new union hall a few blocks away. The plaintiff, John Landers, said the purchase should have been put to a direct membership vote; Mr. Samuelsen said this was impractical and Mr. Landers was trying to "blindside" him during a contract fight.

## Brought by Dissident Faction Judge Tosses Suit Against TWU Buying Headquarters

By SARAH DORSEY

A Judge March 8 allowed the purchase of a new \$24-million union hall in Brooklyn Heights for Transport Workers Union Local 100, dismissing a suit brought by political opponents of its leadership.

The union's executive board approved the purchase, but John Landers, a Conductor, charged that President John Samuelsen should have allowed a membership vote on the issue. If he'd won, the union would have forfeited a \$225,000 deposit and likely would have lost the opportunity to buy the building, since the paperwork was due the following day. Mr. Landers said the impetus for the lawsuit came from Tommy Creegan, third-rail chairman and an executive board member who plans to challenge Mr. Samuelsen in this fall's election.

### 38,000 Site Visits Impractical

Local 100 lawyer Larry Cary argued that the TWU International's constitution doesn't require a membership vote on property transactions and that one would have been impractical, since the union considered several properties, each requiring site visits by the executive board and members of the international, and the consideration of many details.

"There's no way we can take 38,000 people out to a property and ask them what they prefer," he testified.

Judge Dora Irizarry agreed, finding that the union had followed the rules, that Mr. Landers was unlikely to win the case if it went forward, and that he'd waited too long to file his suit. The executive board approved the purchase in October.

She also implied the purchase was sound, noting that the union would save, conservatively, \$1 million a year by buying instead of renting, that it would earn income from renting out extra rooms, and that the building was within walking distance to an agency where most of the members work.

### Charge Samuelsen's Undemocratic

Mr. Creegan, speaking outside the courtroom during a recess, sharply

disagreed, echoing Mr. Landers' attorney, who argued that Mr. Samuelsen was denying the membership's "democratic right to have a voice on a fantastically expensive decision."

"Every single person in that courtroom is paid for with union dues," said Mr. Creegan. "They forgot where they came from."

Mr. Landers claimed that he delayed in filing the suit because he'd hoped to exhaust internal remedies first, but the union never brought his complaint before the executive board.

"This is all about politics," Mr. Samuelsen replied. "They're focusing on stumbling the union going into a contract fight. It was a blindside move."

He said the offices, which consist of three floors at 195 Montague St., will earn Local 100 about \$6,000 a month in rental income; the union currently leases office space in midtown Manhattan for \$100,000 a month.

### Defends Buying Process

The executive board has approved four buildings since he took office in January 2010, Mr. Samuelsen added, none of which the union ended up buying.

"If you follow their rationale, we'd have to hold mass-membership meetings every time. The 38,000 members elect an executive board to make these decisions for them."

He insisted that the office purchase process had been extremely democratic, and that consultations with the executive board and the international had been "incredibly thorough." He added that he'd overturned a rule by his predecessor, Roger Toussaint, that would have allowed him to bypass the executive board and buy the space simply by consulting with the union's fund trustees.

Mr. Samuelsen returned to contract negotiations with the Metropolitan Transportation Authority March 9 after a month away on medical leave. The parties were said to have discussed discipline and grievance issues.

## Last-Minute Filing Stings UFT Blasts Mayor on Plan To Shut 33 Shaky Schools

By DAVID SIMS

United Federation of Teachers President Michael Mulgrew last week charged that Mayor Bloomberg was behind the push to close 33 struggling schools and excess half their staff, as the Department of Education moved forward with its "turnaround" push right before a legal deadline.

For 18 of the 33 schools it means to close, the DOE published the "educational impact statements" online on March 5 at 11:20 p.m., less than an hour before the deadline for school closings. It had published the other 15 statements a week earlier.

### UFT Likely to File Suit

It has not yet submitted its turnaround applications to the State Education Department, but those applications are necessary only to secure extra funding from Federal school-improvement grants. The city believes it can pursue the "turnaround" policy either way, although the UFT is likely to dispute the move in court.

The shifts to turnaround and school closings were announced in Mayor Bloomberg's State of the City speech in January. Prior to that, the DOE and UFT had been negotiating on an evaluation system to secure the extra Federal funding, but the talks stalled.

Although the major issues in those talks have now been resolved, the city is going forward with its move to close schools, and Mr. Mulgrew said he expected it to follow through on the threat.

"I believe that the plan was always about closing schools. From my conversations with the Mayor, he's not concerned with whether he gets an evaluation agreement or not," he said in a phone interview.

### 'Using Kids to Polish Image'

"His plan, with what little time he has left, is to close schools, and to... build a national persona of someone being bold. The problem now is, he will use the children in the school communities in New York City to build his national persona," he continued.

He said the Mayor had told him that "he would never be able to fire a Teacher under this evaluation system," and decided to pursue turnaround as a result. Mr. Mulgrew charged that the DOE was planning to close between 75 and 100 schools next year.

"When they came in [for evaluation negotiations] the other day, we had a very simple question: are you planning to close 75 to 100 schools next year? They still haven't answered that," he said. "If the DOE does not have the ability to do that, because all they're interested in is placating the Mayor's political agenda, then we're not going to get to an agreement."

The UFT is highlighting the case of W.H. Maxwell Career and Technical Education High School in Brooklyn, which received an A on its progress report from the DOE, an improvement from an F grade only three years prior, yet is still on the turnaround list.

### DOE Calls Own Grade Misleading

The DOE has argued that while the school had made significant progress,



MICHAEL MULGREW: Mayor trumping up 'bold persona.'

its student-achievement, attendance and graduation rates are still low compared to citywide averages.

"They have no integrity. If your job is you want all schools to be great schools, well here's one that's great, but you want to close it," Mr. Mulgrew said. "They just put out educational impact statements to close A- and B-grade schools. If we're at this point, then it doesn't matter."

## UFT Looking to Put Klein on Stand In School-Closing Suit

By DAVID SIMS

Former Schools Chancellor Joel I. Klein may have to take the stand to defend the closing of 19 schools in 2011 after the United Federation of Teachers issued subpoenas to him and 11 other Department of Education officials for its long-running lawsuit.

The suit was filed in March 2011 and attempted to block the phase-out of 19 schools, which had been greenlit the month before by a Panel for Educational Policy vote.

While the UFT succeeded in blocking the closing of schools the year before, proving that DOE had failed to properly account for the community impact the closings would have, the 2011 lawsuit did not have the same impact.

### UFT: Set Up for Failure

Manhattan Supreme Court Justice Paul Feinman denied the UFT's request for a temporary restraining order against the closings last July, but allowed the underlying case to proceed. The union said it would continue

(Continued on Page 14)



## Mulgrew, DOE 'Teache

By DAVI

Negotiations over a system inches with the first meeting between the United Teachers and Department, but UFT President Mulgrew said the DOE's playing "turnaround" closing 33 struggling schools maintained a major role.

"Today's meeting is an understanding of getting things done, in a statement. "How difficult to work with if they continue to recklessly close schools and school co

Walcott F.

Schools Chancellor responded that Mr. even attended the

"Two weeks ago Mulgrew, I requested down with us at the date to hammer out a citywide teacher and we agreed to day," he said in a s

"I attended the r fortunately, Mr. Mulgrew's stance," he continued. "I am not sure why an agreement reached very quickly Mulgrew will stop public and start the agreement we error Cuomo and supported."

Despite the Gov of major progress tion negotiations and UFT on Feb. 1 not been finalized "turnaround" seem

The talks are not system—just for an at 33 schools classified the Federal Government those schools would tra funding and mentor Teachers "restart" and "trans intended to turn th

### Mayor's Idea to

When talks started 2011 over an appeals ers rated ineffectively Mayor Bloomberg, i the City address, an to get the Federal d schools, then imr them after replaci through the "turna

Even though the appeals process ha DOE is still plan around, which pro to entreat the sta

## TWU: Agency Debt a Drain Fare Hikes Just Cover Benefits

M  
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• Accelerate  
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# STRIKE OUT

## Bus workers face 7.5% cut in pay



JOE MARINO/DAILY NEWS

### WAGE WAR

Union leaders say school bus companies plan to impose cuts for 8,600 bus drivers and matrons that include:

- 7.5% reduction in hourly pay starting April 15.
- No more pay for the Christmas and Easter school breaks.
- Top pay for bus drivers will drop from \$50,000 to \$40,000.
- Pay for bus matrons will roughly go from \$28,000 to \$20,000.
- Workers must pay more for health insurance.

**S**CHOOL BUS operators plan to drastically slash the pay and benefits of their 8,600 drivers and matrons beginning next week, the Daily News has learned. The companies will announce Friday a 7.5% cut in hourly wages effective April 15. They also plan to eliminate pay for week-long breaks during Christmas and Easter, which means their employees will receive no check for next week school break.

As if that wasn't bad enough, the companies are also requiring workers to pay more money for their health insurance.

The owners' actions come only weeks after Local 1181 of the bus drivers union ended a bitter month-long strike that left 100,000 school kids, many of them special education students, without transportation.

The walkout failed, however, to dissuade Mayor Bloomberg from eliminating job security provisions that had been in city contracts with the companies for decades.

Bloomberg's decision "gave a green light" for bus owners "to



EXCLUSIVE

destroy everything we have worked to achieve for decades," union president Mike Cordiello said Wednesday.

Cordiello vowed to seek a court injunction to stop the owners from declaring an impasse in contract talks and imposing new conditions.

The cuts are so drastic, Cordiello warned, his members may even vote to go back out on strike.

Jeffrey Pollack, an attorney for the bus companies, refused to discuss the specifics of cuts except to say: "It's generally a downward contract for the employees."

"We don't lightly go in and ask for reductions,"

Mike Cordiello warns union may go back on strike over wage slash.

Pollack said "We're not sitting there drinking champagne."

The traditional bus operators "have to compete with new companies coming into the field," Pollack said.

In other words, the old companies must reduce wages if they want to survive against newcomers who will start with lower paid workers.

"That's what we warned about all along," said Larry Hanley, president of Local 1181's national parent union. "Bloomberg set the stage for a bunch of fat cat bus owners who all own yachts to gut the livelihood of ordinary workers in a race to the bottom."

The mayor, on the other hand, has insisted that a court ruling no longer allows him to keep employee protections. Besides, eliminating those archaic protections will save millions in school transportation costs, he predicted.

Now we can see how — by knocking bus matrons down to \$20,000 a year.

## Lessons in nutrition

IN A PUSH to get city kids to eat healthier, the Education Department announced Wednesday a partnership with school districts across the country to serve the same nutritious lunches each day.

New York City will team up with Los Angeles, Chicago and other public schools to nourish millions of kids with fare like brown rice and steamed vegetables.

The initiative is run through the Urban School Food Alliance, which will allow the districts to coordinate bulk purchases to keep costs low. **Corinne Lestch**

## Dead SEAL's ma rips Reid

THE MOTHER of a fallen Navy SEAL blasted Senate Majority Leader Harry Reid Wednesday for linking the deaths of seven Marines killed in a training mission Monday to cuts caused by sequestration.

Debbie Lee — whose son, Marc, died in combat in Iraq in 2006 — accused Reid of using the Marines killed at the Hawthorne Army Depot in Nevada as a "political football."

"Attempting to link sequestration to the tragic accident is a travesty, and Sen Reid should be ashamed of himself," Lee said. **Bill Hutchinson**

## Styrofoam groan

THE CITY'S ban on Styrofoam cups will cost the city and consumers nearly \$100 million per year, estimates a report released Wednesday by the American Chemistry Council.

The group's report says the cheapest alternative to Styrofoam costs 94% over what the products cost now, "effectively doubling the cost to businesses."

The city countered that it spends \$2 million each year to haul the plastic foam to landfills. **Tina Moore**

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# Occupy gives free subway rides for 99%

Police and transit sources said thick chains with padlocks were discovered on the gates at the following stations:

Manhattan:

- 3 135th St.
- 6 116th St.

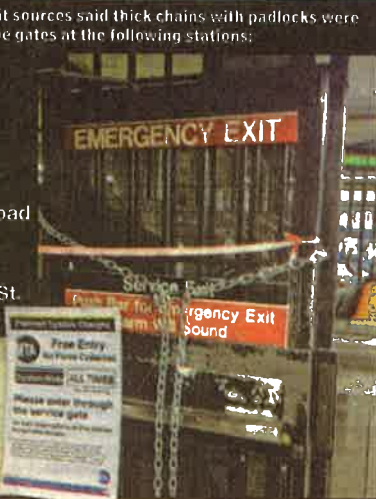
Brooklyn:

- L Halsey St.
- D Ninth Ave.
- C Beverly Road
- F Carroll St.

Queens:

- R Steinway St.
- R 65th St.

Fake MTA flyers were posted at six subway stations by Occupy Wall Street members.



## Lock gates open at 8 stations

BY PETE DONOHUE  
NEW YORK DAILY NEWS

OCCUPY WALL STREET protesters gave straphangers a free ride.

Sources said bands of law breakers chained open emergency exit gates in eight subway stations beginning about 5 a.m. Wednesday. And flyers posted in the subway stations also called for a "general strike" on May 1.

"No housework. No shopping. No banking. No school. No work," one flyer declared, using the symbols of the numbered lines to make a list.

The posters were professionally made and were designed in the style of MTA notices to riders.

A "communiqué" on Twitter from the "Rank and File Initiative" claimed activists chained open gates at more than 20 stations.

"This morning before rush hour, teams of activists, many from Occupy Wall Street, in conjunction with rank and file workers from the Transport Workers Union Local 100 and the Amalgamated Transit Union, opened up more than 20 stations across the city for free entry," the statement said.

"No property was damaged," it continued. "Teams have chained open service gates and taped up turnstiles in a coordinated response to escalating service cuts, fare hikes, racist policing, assaults on transit workers' working conditions and livelihoods — and the profiteering of the super-rich by way of a system they've rigged in their favor."

Police and transit sources said thick chains with padlocks were discovered on the gates at two stations in Manhattan, four stations in Brooklyn and two stations in Queens — potentially allowing thousands of commuters free rides. Police are investigating but have not made any arrests. They are also probing whether transit workers were involved.

The first chained exit was discovered about 5 a.m. In some stations, the gates were chained within view of token booth clerks — who reported it to the Rail Control Center, which in turn notified police. Most chains were cut and removed by 8:30 a.m., sources said, but each gate was open for at least an hour.

After the first discovery, transit staff and cops did a sweep through the subway system looking for others.

Transport Workers Union Local 100 is in contract negotiations with the Metropolitan Transportation Authority, which maintains its \$12.6 billion budget has no extra dough for even cost-of-living increases.

Local 100 has come out in support of the OWS message that the working and middle classes have suffered because of the financial industry's excesses and fraud.

TWU Local 100 President John Samuelson said his organization was not involved.

"We knew nothing about it," he said. **With Rocco Parascandola**  
pdonohue@nydailynews.com

# GUILTY

- Three counts of criminal sex act in first degree
- Three counts of predatory sex assault for using gun

# BUT NOT

BY MELISSA GRACE, BARBARA ROSS, JENNIFER H. CUNNINGHAM and CORKY SIEMASZKO  
NEW YORK DAILY NEWS

SHE INSISTED she was raped

A witness testified she was raped. A doctor told the court it appeared she was raped

Police found the suspect's semen on her panties.

And even the cop accused of brutalizing the Bronx schoolteacher admitted assaulting her.

Despite that, an eight-man, four-woman jury that included several big-time Manhattan lawyers would not convict disgraced former Officer Michael Pena of rape Wednesday.

Their refusal forced Manhattan Supreme Court Justice Richard Carruthers to settle for a partial verdict that could still send Pena to prison for life.

It also left the victim and others wondering what it takes to convict somebody of rape in this town.

Black-clad and surrounded by her parents and friends, the woman burst into tears and doubled over as if in pain when Carruthers declared a mistrial.

Her parents tried to comfort her. But she was inconsolable.

Pena did not look at them and sat silently beside his lawyer, Ephraim Savitt.

"He had deep regret for what he did to her... he violated her," Savitt said. "It didn't rise to the level of rape, but he violated her. There was never a denial about that."

In a statement, Manhattan District Attorney Cy Vance Jr. commended the victim "for her bravery."

"In this brutal attack against an innocent young woman, the defendant showed no mercy," he said. "At sentencing, we will recommend that he receive none."

Pena, who was convicted by the same jury Tuesday on six counts of predatory sexual assault and first-degree criminal

sexual act for sodomizing her, will be sentenced on May 7. He has been fired by the NYPD.

Savitt has not said if he will appeal Pena's convictions.

No explanation for the failure to reach a rape verdict was forthcoming from the jurors, including the one who threw the trial into chaos when it was revealed he played tennis with Vance.

"I am not going to reveal how I voted or how anybody else voted," said Lloyd Constantine, one of five lawyers on the panel. "There is no law that says a jury has to reach a verdict."

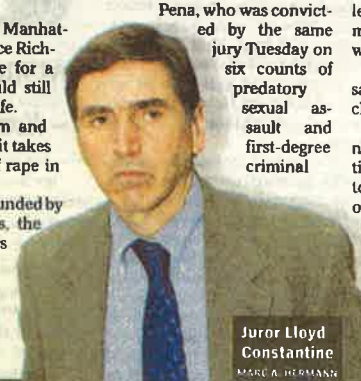
The other jurors said even less and appeared to be unanimous in their relief that the trial was over.

"It's a very disturbing case," said a female juror who declined to give her name.

Juror Scott Warren, the attorney whose report that Constantine was dismissing the prosecutors' case led to the revelations of the Constantine-Vance relationship, praised his fellow jurors.

"It was a very hardworking, intelligent, diligent group, but I don't want to say anything beyond that," he said.

Disagreements over



Juror Lloyd Constantine  
MARK A. HERRMANN

# OWS vs. MTA, Round 2

► MTA defends NYPD's move to kick riders off city bus to transport arrested protesters to jail ► OWS chains subway doors at 20 stations

Riders, be ready: The NYPD can commandeer your bus at any time to take prisoners to jail.

Yesterday, MTA Chairman Joseph Lhota backed the NYPD's controversial confiscation of a public bus to transport Occupy Wall Street protesters who were arrested at Zuccotti Park on March 17, the sixth-month anniversary of the movement.

"When you have situations like this and the police determine that they need to get from point A to point B, we will help them," Lhota said.

Protesters said police officers stopped an M5 bus, which runs the length of Manhattan from South Ferry to the George Washington Bridge, around midnight by Zuccotti Park. They said the NYPD made paying passengers get off and in their place boarded dozens of arrestees. Police rerouted the vehicle to the Midtown South police precinct.

It is unclear if those riders who were kicked off were re-

imbursed for their fare.

Drivers who object to working with police can opt out of driving prisoners, Lhota said, because the police department has officers trained to drive buses. Lhota said the MTA often works with other city agencies to transport people in emergencies, like 9/11 and during Tropical Storm Irene.

"This relationship between the transit authority and the NYPD goes back to as long as the transit authority has been around," said Lhota.

But Occupy Wall Street protesters stormed yesterday's board meeting to voice their anger. "Public resources have been commandeered by a private army," said Shawn Carrie, 22, an OWS protester who was arrested on March 17, referencing when Mayor Michael Bloomberg infamously declared on Nov. 29, "I have my own army in the NYPD."

EMILY ANNE EPSTEIN  
emily.epstein@metro.us



► Arrested Occupy Wall Street protesters were led onto the MTA's M5 bus earlier this month.

# 1

### In the news

## Cops search for shooter

Police are searching for a man they saw in connection with a nonfatal shooting in Harlem outside the New Way Food Market on Seventh Avenue. On March 19, police said that a man approached another man, shooting at him and striking him multiple times. The suspect is described as being 20 to 25 years old, 5-foot-8 to 5-foot-10 with a dark complexion, thin build and black hair. **METRO/AB**

### In the news



## A Tebow fan

Cardinal Timothy Dolan is excited about Tim Tebow. The city's highest-ranking Catholic said on his radio show he is excited that Tebow is the newest Jet. "I'm kind of happy about [Tebow coming to New York]," he said. "He's a class act. I've followed him with great interest and I highly respect him for his unabashedly Christian values." **METRO/AS**

## No such thing as a free ride?

NEW YORK Thousands of riders got a free subway ride yesterday morning thanks to Occupy Wall Street.

Well before rush hour, protesters sneaked into subway

## Fare game?

Occupy said the "fare strike" against the MTA was in response to "escalating service cuts, fare hikes, racist policing, assaults on transit workers' working conditions and livelihoods."

stations and chained open more than 20 entrances across the city.

Padlocks were reportedly discovered at 135th Street on the 3; 116th Street on the 6; Halsey Street on the L; Ninth Avenue on the D; Beverly Road on the Q; and Carroll Street on the F stop in Brook-

lyn; as well as Steinway Street and 65th Street on the R in Queens, among other stations.

The gates were open at about 5 a.m. and the MTA cut most of them down by 8:30 a.m.

Protesters said they worked in conjunction with "rank-and-file" workers from

the Transport Workers Union Local 100 and the Amalgamated Transit Union.

A union spokesman denied the TWU was part of the attack.

Fliers posted in the subway also called for a "general strike" on the subways on May 1. **METRO/AB**

## Coop's Israel boycotters vow to keep fighting

PARK SLOPE Those who proposed the Park Slope Food Coop vote to ban imported Israeli foods said they will not back down, despite the fact that the suggestion lost in a 1,005-to-653 vote.

"The results of the vote show that there remains much work to do in our efforts to educate co-op members," said ban supporters in

653 people said they wanted to have the vote, while 1,005 people voted against.

an e-mail.

At the food co-op, items that would be affected under the ban include paprika, vegan marshmallows, olive pesto and produce. **METRO/CS**



► Israeli items still served.

## 'Poopetrator' on the loose in Brooklyn

BROOKLYN Police are searching for the person responsible for smearing feces on a number of doors and keyholes in the Prospect Heights and Crown Heights neighborhoods. Residents began making the disturbing discoveries in the past month, although one neighbor said it happened to her building as far back as a year ago. **METRO/CG**

### Quoted

"No idea why this is happening. [I] just wonder why anyone would want to handle the poop in the first place."

LYNN, A VICTIM OF THE CRIME

# NYers dream big as jackpot soars

**Eager to snap up \$1 tickets in hopes of winning \$500M**

BY TIM HERRERA AND SHEILA ANNE FEEHEY  
tim.herrera@am-ny.com

New York has gone crazy for Mega Millions, with the drawing for the largest jackpot ever just a day away.

The \$1-per-ticket lottery has reached a world-record pot of \$500 million, sending city dwellers into a frenzy, scooping up tickets and day-dreaming about a life of luxury — #IfI-WonTheMegaMillions was even trending on Twitter last night.

The drawing is set for tomorrow, and some New Yorkers are already planning what they would do with such a monumental fortune.

"I would pay off my debts and help my family, my loved ones," said Nicy Chavez, 48, of Clinton Hill. "I would love to have money, not to splurge, but to see what it's really like to have money."

Christopher Williams, of Jamaica, Queens, said he'd

try to help out the economy.

"I would expand my company so I could give some people jobs. That's what the country needs right now," he said, adding that he would also "give money to my church."

Donte Brown, 32, of the Lower East Side, has bought a handful of tickets in different states over the past few days. He admitted that even though one's chances of winning are slim, it's easy to get swept up in the craze.

47

people nationwide matched five of the six numbers.

"It's the thrill of the money, and everybody has lotto fever right now," he said, adding that if he won, he would remember those close to him. "Everyone says they'll give back to the community, but they forget. I won't."

The current sum has been piling up since the last jackpot winner on Jan. 24 raked in \$72 million. Since then, no one has hit a six-for-six number match.

On Tuesday, 47 people nationwide matched five of the six numbers, raking in \$250,000 apiece before taxes.

The current pot of \$500 million shatters the previous record of \$390 million.

(WITH MICHEL HENRIETTES)



Lenny, 54, of Harlem, who declined to give his last name, buys Mega Millions lottery tickets yesterday at a midtown bodega.

(TIFFANY L. CLARKE)

## Cop escapes rape counts

The at-times chaotic Manhattan trial of an NYPD officer accused of using his service revolver to subdue and then rape a young teacher ended in a mistrial yesterday.

But Michael Pena was convicted on six charges, most of which involved predatory sexual assault, and faces 25 years to life in prison.

Pena's lawyer, Ephraim Savitt, said he would appeal the convictions on the grounds

25

that the criminal sex act statutes that Pena, 27, was convicted of violating are "unconstitutionally vague." Savitt argued that the law's wording is not clear "as to what constitutes the felony of oral and anal sex."

Manhattan DA Cyrus Vance issued a statement saying he wanted to "commend the victim for her bravery and thank the jury for its service. In this brutal attack against an innocent young woman, the defendant showed no mercy. At sentencing, we will recommend that he receive none."

Sentencing is scheduled for May 7, but Savitt said he will file a motion to dismiss the verdict by April 18. If his motion is denied, "we plan to appeal that denial," he said.

Despite DNA evidence and testimony, the ex-NYPD officer contends he did not penetrate her.

(SHEILA ANNE FEEHEY)

## Sign of the times: Occupy Wall Street pranks MTA

Dozens of disguised Occupy Wall Street protesters chained open service entrances to subway stations across the city early yesterday morning and posted bogus signs — looking strikingly similar to the MTA's normal service fliers — that told straphangers to enjoy a "free" ride during the morning rush hour.

"Free entry / No fares collected," the signs read.

"Enter this station for free through the service entrance."

The sign suggested the prank would be repeated "until the resolution of contract [negotiations] in favor of TWU Local 100," which has been without a contract since January.

Protesters claimed they propped open 21 stations in



Manhattan, Brooklyn and Queens for free entry during the morning rush hour. An organizer told amNewYork that members of the Transport Workers Union

and the Amalgamated Transit Union helped plan the demonstration, but did not physically participate.

The TWU, which has sup-

ported previous OWS protests, denied having any knowledge or involvement with the demonstration. A spokesman for the ATU told amNewYork he believed union members were involved.

An NYPD spokesman said police were investigating the incidents, but said no arrests were made as of last night. He provided no additional information. (SHEILA ANNE FEEHEY)



**Bolton's**  
If you've seen it before,  
you've seen it for more

Opens on 86th Street (157 E. 86th St. between Lex and 3rd)

GRAND OPENING SPECIAL  
Buy 1, Get the 2nd\* at

25% Off

\*2ND item must be of equal or lesser value. Valid thru 4/11/12  
Offer available at this location only.

Enter to win a \$300 Wardrobe Sweepstake

(Continued on Page 7)



**ALEXANDER HAGAN:** 'Wrong' to gouge vets.

## TWU Retains 25/55 Pension Right But With Higher Payment

By SARAH DORSEY

Members of Transport Workers Union Local 100 have retained their 55-year retirement age and 25 years of required service for new employees, while most other New York City Employees' Retirement System members were forced to accept much-less-favorable terms under Governor Cuomo's Tier 6 plan.

They will, however, have to pay extra for the privilege: between 3 and 6 percent of their salaries, depending on income, plus an additional contribution of slightly more than 2.5 percent. Local 100 members currently pay just 2 percent, plus an additional 2.35 percent for the right to a full pension at 55 provided they have 25 years' service.

Much-decried by public-sector

(Continued on Page 7)



**JOHN SAMUELSEN:** 'A significant victory.'

Liberalism Society, Mr. Wiedmann, who had been severely burned in a Brooklyn house fire last December, walked slowly out into the sunlight, drawing the thundering applause of some 200 firefighters in full dress uniform. Fire Commissioner Salvatore Casano, his doctors and members of the Uniformed Fire Officers Association and Uniformed Firefighters Association, in-

earlier, at a press conference inside the hospital surrounded by his family and FDNY brass, Firefighter Wiedmann, whose hands and arms are bandaged but whose face was left untouched, spoke quietly and modestly, thanking his doctors and his family and fellow firefighters for the enormous

(Continued on Page 6)

## A Tuskegee Airman Looks Back This '237' Retiree Served Both King and Country

By DAVID SIMS

Few civil servants can claim to have as fascinating a backstory as Dabney Montgomery, a Housing Authority retiree who served as a Tuskegee Airman in World War II and as Martin Luther King Jr.'s bodyguard on the historic march from Selma to Montgomery.

In addition to his groundbreaking service in the war and his participation in the civil-rights movement, Mr. Montgomery served the city for 33 years, first as a Social Service Investigator in the Department of Social Services, then as a Housing Assistant at the HA, retiring in 1988.

### A Visit to White House

While his life took him around the world, he said some of his fondest memories were working with Section 8 tenants. "Anything that they needed, you were there. That's what a Housing Assistant is. I enjoyed that very much," he said in an interview at his house in Harlem.

He was one of the 18 surviving

Tuskegee Airmen invited to the White House to meet with President Obama for a screening of the recent film "Red Tails," which dramatizes the story of the first African-American aviators in the U.S. armed forces.

An active member of Teamsters Local 237's retiree division, Mr. Montgomery was first reported on by Nancy B. True in the division's monthly News & Views newsletter. He was born in Selma, Alabama in 1923.

He worked in the supply group for the Tuskegee Airmen from 1943 to 1945, starting at the age of 20, and helped supply pilots with food and clothing at their base in Italy.

The airmen (the 332nd Fighter Group and 477th Bomber Group of the U.S. Army Air Corps) were a segregated unit that became well-known for its high levels of success in escorting bombers on missions in Europe. That success is credited towards the desegregation of the military in 1948.

Mr. Montgomery recalled the tough

(Continued on Page 9)



The Chief-Leader/Michel Friang

**WORLD TRAVELER:** Dabney Montgomery, who worked for the city for 33 years primarily as a Housing Assistant in the Housing Authority, recalled his rich life story at his home in Harlem. After serving in the supply unit for the Tuskegee Airmen in World War Two, he traveled Africa and Europe before returning to his hometown of Selma, Alabama to take part in Martin Luther King Jr.'s march to Montgomery in 1965, serving as Dr. King's bodyguard.

officers to protest. Some officers were caused by exposure to the debris. NIOSH agreed to reconsider. The deadline for a decision has been extended to April 2.

In February, the Police Department refused a request by Mount Sinai for information on officers who had developed cancer, citing issues of medical privacy and departmental confidentiality. After a strong push by police unions, state lawmakers and Public Advocate Bill de Blasio, the city released the age, gender, race, type of cancer and year of diagnosis—but not name or other identifying information—for each affected officer.

Mr. de Blasio and PBA president Patrick J. Lynch said the city's response wasn't good enough.

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## 'Would Damage Students' PSC Sues to Block One-Size-Only Curriculum

By DAVID SIMS

The Professional Staff Congress March 20 filed a lawsuit against the City University of New York's new general-curriculum plan, "Pathways," which President Barbara Bowen said "is destroying the careful work of our faculty at the same time that it's offering our students less."

The university developed the curriculum, officially titled the Pathways to Degree Completion Initiative, in an effort to smooth the transition for students who switch between CUNY institutions and are frustrated when the courses don't match the new school's requirements.

### 'Austerity Education'

Ms. Bowen said that the PSC supported the initiative, but called the resulting curriculum "austerity education" that failed to include what she and many faculty members believe are crucial cornerstones of a university education.

CUNY Senior Vice Chancellor Frederick Schaffer said in a statement that the university would move to dismiss the lawsuit. "The Board of Trustees has full authority to make academic policy for the University," he said.

"The faculty leadership who announced today's lawsuit and who now claim to be concerned about the quality of a CUNY degree are the same ones who publicly opposed CUNY reforms in 1999 to eliminate remedial education at the baccalaureate level—which raised CUNY's standards and resulted in record-breaking student enrollments and unprecedented student honors and awards," he continued.

Ms. Bowen disputed Mr. Schaffer's statement, saying CUNY was trying to marginalize the union. "This is not a small group of malcontents," she said in a phone interview. "This is the two big elected bodies in competition—the union and the faculty senate—



BARBARA Bowen

willing to court."

Some 3,6 a petition calling for alternative. T lege passed against the

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CUNY i Pathways i consulting of its instit "As a resu

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# ary Vets' Toll Doubled Under Tier 6

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is immediately applied upon returning from . they would be spared rge. In cases in which, mon, they sought the later when closer to y would have to con- ant of what they were prior to filing the ap- than basing the pay- at the time they were

## Like Top Earners

es the traditional ba- mployee contribution systems for all mem- least \$45,000 a year. aximum contribution plies only to workers 10 or more, with those en those figures pay- if their base salaries 65,000, 4.5 percent if as than \$75,000, and f base pay is below

he Governor's ration- been for setting the ate as if all veterans ore than \$100,000, fel- nd Assembly Govern- s Committee Chair- bbate said, "That's a He speculated that be- was sure to attract in- it most likely was a rther than by design, haste with which the d together for a vote r midnight March 15 ided at about 7 a.m.

ire Officers Associa- Alexander Hagan said t while he was still alysis of the bill from its, if true it would be as, that they would leav- ing for our country in is wrong."

## ead, Worse It Gets'

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man for Terrance C. heads Mayor Bloom- Veterans Affairs, did a request for comment ack hike.

re union leaders were : something it turned aged by the bill: while bers will continue to re- y pension equal to just lary if they began serv- .2009, new members of y Medical Service re- or a disability benefi- cent of their final aver- it is non-taxable.

ancy has existed since id Paterson in June



**'I WANT YOU TO PAY MORE':** Governor Cuomo's staff did a mock-up of him as Uncle Sam earlier this year to promote his legislative program, but military veterans might think Uncle Scrooge was more appropriate after his Tier 6 plan doubled the charge for their buyback of pension credit for any interruption of government service to serve their country.

2009 vetoed an extension of Tier 2 benefit rights for new cops and firefighters that had been routinely approved by his predecessors beginning in the early 1980s. As a result, new cops and firefighters lost several key pension benefits: they are now required to work 22 years to qualify for a full pension, rather than the traditional 20; have lost the presumption that a variety of disabling conditions affecting the heart and lungs as well as AIDS, hepatitis and tuberculosis were job-related and entitle them to disability pensions; and the tax-free three-quarters disability benefit.

## Those Outside City Out in 20

The final Tier 6 bill kept the service requirement for new city cops and firefighters at 22 years, but imposed the longer standard on new sanitation workers and correction officers as well. Cops and firefighters in other parts of the state retained the right to a 20-year pension.

Mr. Hagan said the reduced disability benefit is particularly troublesome for reasons that go beyond unhappiness that new firefighters will be at a disadvantage compared not only to more-senior colleagues but to EMS workers who are also part of the Fire Department. While that disparity has existed for more than two years, no Firefighters have actually come on the job during that period because of an ongoing court case in which a Federal Judge held up hiring after finding that the last three entrance exams for the position were biased against minority candidates.

"Because of the nature of the work firefighters and police officers perform every day, this inferior disability piece has the potential to create a sense of worry we never had before,"

the UFOA leader said. "We have always thrown ourselves at the danger knowing if we were injured or killed, our families would be taken care of. I'm not sure that's still there."

Robert Ungar, the Albany lobbyist for both the EMS unions and the Uniformed Firefighters Association, declined to comment on the disparity that exists in the disability benefit for the two occupations and why it wasn't addressed as part of the Tier 6 bill. He noted, however, that EMS workers have been paying 9.25 percent of salary toward their pensions until now, with 6.25 percent of that funding both the 75-percent disability benefit and the right to a full pension after 25 years' service. He said they will have to pay an average of 1 percent more to preserve those rights under Tier 6.

"We're very grateful to maintain the benefit," Mr. Ungar said.

# TWU Retains 25/55 Pension

(Continued from Page 1)

unions, one of Tier 6's most-drastic changes is the requirement that future municipal civilian employees must work until age 63 to receive a full pension. Many of them, like TWU members, can now retire at 55 or 57. Age 63 will be relevant for new TWU members only if they leave service without 25 years on the job, in which case they could not get the full benefit earlier.

Members will be subjected to a couple of the painful changes other public employees are facing, however. Their final payout will be based on the average of the last five years' salary rather than three, and there will be

# Cuomo: Investigate CSEA

(Continued from Page 4)

Latino legislators even though UFT President Michael Mulgrew was among those being honored there.

## Would Offend Union Members

Mr. Mulgrew told the New York Times that after the "sleazy, middle-of-the-night back-room deal" on Tier 6, his members "wouldn't want to seem me a week later standing there with a person who voted for that, accepting the award from them."

Mr. Cuomo and Mayor Bloomberg, the other prime champion of Tier 6, between them contributed \$72,000 to the Somos el Futuro conference to make up for the funds that were withdrawn by boycotting unions.

The Legislature passed a version of Tier 6—modified but still highly unpopular with public-employee unions—in the early hours of March 15. Mr. Cuomo told State Senate Republicans, who are desperate to hold on to their majority, that he would approve redistricting lines they drew in a partisan fashion. He had earlier pledged, repeatedly, to veto lines drawn to protect incumbents and party majorities. Once the Senate accepted his offer, Democratic lawmakers said, their majority in the Assembly was helpless to defeat or force major changes in his proposal.

## Cuomo: Should Be Investigated

Mr. Cuomo responded to CSEA's message in a radio interview, saying the union had a right to support or not support any candidate but that it might be breaking the law if it ties its contributions to a single issue.

"If you are linking political contributions to a specific vote, you may get a call from the Attorney General, a District Attorney or JCOPE [the new state ethics board]," he said. "...As you know, there should be no campaign contributions for specific votes."

That may be news to Mayor Bloomberg, who said Feb. 29 that he would



**MAYOR BLOOMBERG: May be rooting against probe.**

make contributions to state legislators who voted for Tier 6. And last year, he gave more than \$10,000 to each of four lawmakers who lost support or contributions from conservatives for voting in favor of the same sex-marriage bill.

The Governor's call for a prob nonetheless drew support from the city's tabloids, which had strongly supported a harsher version of Tier than the one that was enacted.

## Papers in Glass Houses...

A New York Post editorial said "Since the pils in Donohue's pocket disappointed him, he's halting the flow of union campaign cash. Such arrangements constitute crimes. And while Donohue's specific remarks probably fall short of an indictable offense for lack of specifics, it certainly violates the spirit of ethics laws in the state."

The owner of the Post, News Corporation, has had some top executive resign and other employees arrested over allegations of illegal wiretapping and bribery of British police commanders.

The Daily News editorialized that the unions and lawmakers had long had an arrangement under which unions gave lawmakers campaign contributions in return for pension protections. When Tier 6 came up, the News said, "the unions pulled out at the stops, demanded obedience from their financial helpmates and force Cuomo to retreat to the tune of 30 billion taxpayer dollars. Even at that the labor leaders were furious and, in their rage, they laid the game bare. In some contexts, connecting money and particular governmental actions is well, criminal."

The Joint Commission on Public Ethics said it could not comment on the issue. But David Grandeau, former executive director of the New York State Lobby Commission, said that Mr. Cuomo may have a point, but that point is not restricted to the CSEA and the Tier 6 vote.

# TC ZADROGA BILL

# WHY US?

# 'C LEGAL EXPERIENCE COUNTS!!

NYC Police Pension



# POLICE

**Lhota wants ethics fixes**

BY IVAN PEREIRA  
ivan.pereira@am-ny.com

Days after a political bribery scandal rocked the city, GOP mayoral candidate Joe Lhota offered solutions to curb corruption, and accused the Democratic front-runner, City Council Speaker Christine



Lhota

Quinn, of not doing enough to stop council members from abusing their power.

Speaking outside City Hall yesterday, Lhota said his proposals would make it difficult for elected officials to abuse their power and place harsher punishments if they break the law. "It is time to end this tsunami of sleaze and hold our public officials to a higher standard," he said in a statement.

**AirTrain gains popularity**

Ridership on the AirTrain that takes passengers to Kennedy Airport has grown nearly 30% since 2007, according to the Port Authority.

The light rail line carried 5.7 million passengers in 2012, up from 4.3 million six years ago.

Patrick Foye, the authority's executive director, said JFK customers and employees have found the rail line a convenient way to get to the airport while avoiding traffic congestion on the highways.

"It's heavily used by airport employees for getting to work and moving around the airport," Foye said.

That includes Cynthia Smith, 26, of Long Island, a Transportation Security Administration employee who rides the Long Island Rail Road to Jamaica Station in Queens, where she switches to the AirTrain. "It's convenient," she said while waiting for a train at Jamaica Station. "You don't have to drive."

The AirTrain costs \$5 for a round trip from Jamaica.

Smith said the AirTrain is



The light rail line takes passengers from Kennedy Airport to Jamaica for \$5 round trip.

also economical, saving her on gasoline and \$33 a day in parking fees if she were to drive to work.

The only downside of the AirTrain is when it's not running because of maintenance, Smith said. "There are a lot of issues with delays and maintenance on the track," she said. "You never know when it's going to hap-

pen. Sometimes, employees are late because of it."

Foye said a heavily-traveled light rail system is going to need to be taken offline for maintenance, and super-storm Sandy caused service disruptions. However, when service is down shuttle buses are provide to replace train

**5.7M**  
passengers  
in 2012

service, he said. While AirTrain usage is going up, statistics kept by the Port Authority show that the number of airport users who pay for parking at all of the authority's airports has fallen about 20% between 2007 and 2012. Parking is \$33 for 24 hours.

(PHOTO BY)

**Teen arrested for Bx. blaze**

Fire marshals arrested a Bronx teen yesterday for allegedly starting a three-alarm fire that destroyed the roof and top floors of her building.

Princess Martinez, 19, was charged by cops with arson for setting fire to a mattress in her apartment at 2254 Cedar Ave. Saturday morning. FDNY said the fire spread and engulfed the left side of building, injuring four tenants who were treated for smoke inhalation.

(PHOTO BY)

**Woman killed at Canal St. station**

A woman was hit and killed by a No. 1 train in Manhattan yesterday, the fifth subway-related injury or death since Thursday. The victim, in her 30s, was found on the southbound Canal St. station tracks around 1:30 p.m. It's unclear how she wound up on the tracks.

(PHOTO BY)



**Greek for a day**

Mayor Michael Bloomberg marches in the Greek Independence Parade on 5th Avenue yesterday. This year's parade celebrated Greece's 192nd anniversary of independence.

**Schumer confident gun control bill can pass**

Sen. Charles Schumer said that the Senate is close to passing legislation that would impose mandatory background checks on emotionally disturbed people trying to buy guns.

"We have a real good fighting chance," he said at a news conference with NYPD commissioner Ray Kelly. "This is our first chance to prevent felons, those who are mentally ill and those who are spousal abusers from getting guns."

Schumer said the threat of GOP filibuster has reduced since Sen. John McCain said blocking a



Gun violence victims called for stricter laws yesterday.

floor vote on background checks would make no sense. Schumer called McCain's words "straightforward and courageous."

New York has some of the toughest gun laws in

the U.S., but most used in crime come from out of state, Kelly said. "Universal background checks can help stem the tide," he said. "It is literally a matter of life and death."

(PHOTO BY)

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# Celebs grab last coveted Hamptons permits

**It's a 'dune' deal**

**The rich and famous have helped snapped up all of East Hampton's limited number of beach-parking permits.**

*RESIDENTS:	**NONRESIDENTS:
<b>Itzhak Perlman</b> (violinist)	<b>Jimmy Buffett</b> (singer)
<b>Russell Simmons</b> (hip-hop mogul)	<b>Jeff Gordon</b> (NASCAR star)
<b>Woody Johnson</b> (Jets owner)	<b>Ed Kranepool</b> (ex-Met)
<b>Rich Wilpon</b> (financier)	<b>WBI Champion</b> (drummer)
<b>James Chanos</b> (hedge-funder)	<b>Rabbi David Gelfand</b> (Temple Israel in NYC)
<b>Nick Pileggi</b> (wrote "GoodFellas")	<b>Gwyneth Paltrow</b> (actress)

\* Get free passes \*\* Pay \$325



By SEUM ALGAR

## Life's a beach for star parkers

The Hamptons' most star-studded summer guest list is already full.

Boasting celebrities ranging from race-car driver Jeff Gordon to actress Gwyneth Paltrow to singer Jimmy Buffett, East Hampton Village's sold-out beach-parking permit list reads more like a celebrity magazine than a municipal document.

After selling out the allotted 2,900 non-resident permits in record time this year, East Hampton officials are still getting bombarded by boldfaced beach-lovers who were too late on the draw to land one of the coveted \$325 stickers.

Village records show that the very last permit to be granted went to Coldplay drummer Will Champion in late March. After that, the door shut for good.

The recipient of the ensuing rage has been Village Administrator Larry Cantwell, who said he has fielded hundreds of calls from flustered summer visitors demanding exceptions.

"I've gotten calls from every-

one you can think of," Cantwell said. "Congressmen, federal judges, celebrities. They tell me I'm ruining their summer. They tell me they'll pay whatever we want for them."

But the popular administrator — an East Hampton native and proud local — cannot be bought. It's that type of Eliot Ness-like untouchability that has allowed him to keep his appointed post through 30 years and several administrations.

"It's not about money," Cantwell said. "We just need to keep con-

trol at our beaches. I'm not trying to ruin anybody's time out here."

Part of the frenzy is fed both by East Hampton's famed stretches of seafont as well as the long list of glitzy and powerful people who flock to them. There have even been sporadic incidents of permit forging over the years, Cantwell said.

While the nonresident list is capped at 2,900, lucky residents of the village can re-up for free.

Itzhak Perlman, Russell Simmons, Mets honcho Richard Wilpon and Jets chief Woody John-

son have put in for their permits this summer.

Cantwell did lament that one of East Hampton's most famed stretches — Georgica Beach — will not be lifeguarded this summer because of erosion suffered over the winter.

"I think a lot of people — even the ones who got the permits — are going to be disappointed by that this summer," he said.

"But we will have Main Beach and Wyborg Beach. They will get a lot of the overflow."

salgar@nypost.com

## MTA's '\$waps' have backfired: report

The cash-strapped MTA is trapped in "toxic" long-term debt agreements that have cost it more annually than the agency has saved by slashing subway lines and reducing service two years ago, according to a report.

By the time all of the deals — known as swap agreements — expire two decades from now, the MTA will have likely forked over a

staggering \$1.3 billion in bank payments, according to the joint report by United New York, the Center for Working Families and Strong Economy for All Coalition.

The MTA paid out \$117.6 million because of the risky deals last year.

That sum is nearly \$25 million more than the agency saved when it eliminated two subway lines, re-

duced service on more than a dozen others and slashed bus routes in 2010.

The agency inked its 16 swap agreements as a way to protect itself from rising interest rates on its variable rate bonds, according to the report.

"I think people thought it was a good idea at the time," said Camille Rivera, executive director of

United New York. "Then the economy went bust."

The MTA disputed the report's findings, saying that the swaps have saved it money over the long term.

"You can't look at current market. The idea behind engaging in these swaps is to provide stable funding through the life of the contract," said spokesman Kevin Ortiz. *Jennifer Fermino*

## Syria deal collapses

BEIRUT — A UN-brokered plan to stop the bloodshed in Syria effectively fell apart yesterday after President Bashar al-Assad's government raised new, last-minute demands that were swiftly rejected by the country's largest rebel group.

The peace plan, devised by UN-Arab League envoy Kofi Annan, was supposed to go into effect on Tuesday, with a withdrawal of Syrian forces from population centers, followed within 48 hours by a cease-fire by both sides in the uprising against four decades of repressive rule by the Assad family.

But yesterday, Syria's Foreign Ministry said that ahead of any troop pullback, the government needs written guarantees from opposition fighters that they will lay down their weapons.

The commander of the rebel Free Syrian Army, Riad al-Asaad, said that while his group is ready to abide by a truce, it does not recognize the regime "and for that reason we will not give guarantees."

Since the Syrian uprising erupted in March 2011, more than 9,000 people have been killed, the UN says. *AP*

## Following in Titanic's wake

LONDON — A cruise ship carrying relatives of some of the more than 1,500 people who died aboard the Titanic nearly 100 years ago set sail from England yesterday to retrace the ship's voyage.

The Titanic Memorial Cruise, carrying the 2,224 passengers, as the Titanic did, cast off from Southampton, where the doomed vessel left on its maiden voyage.

Waving passengers crowded the decks as the MS Balmoral prepared to set sail, many dressed in period costumes as first-class passengers and crew members.

The voyagers paid \$4,445 to \$9,520 per ticket for the 12-night cruise. *AP*

## Chernobyl victim

BIRMINGHAM, England — Cancer-stricken English Premier League soccer star Stiliyan Petrov, 32, is a victim of nuclear radiation from the Chernobyl disaster, Mihail Iliev, a doctor for his national team, claims.

The Aston Villa captain was 6 when a toxic plume from the exploding Ukrainian energy plant fell over Bulgaria in 1986. *NewsCore*



The Chief-Leader/Michel Friant  
 olmen's Benvolent Association Presi-  
 the Finest of the Finest Award to Offi-  
 shot in the head at point-blank range  
 Jan. 31. The bullet came so close to vic-  
 tory pronounced it a miracle that he  
 tary Daniel Tirelli.

## ed Suspects inest' Saluted ls From PBA

who helped rescue a one-month-old  
 baby boy having difficulty breathing.  
 They caught up with the mother in a  
 livery cab. Officer Dennis, a trained  
 emergency medical technician, got in  
 the back seat with mother and baby  
 and began cardiopulmonary resuscita-  
 tion while Officer Sorensen gave  
 them an escort to the emergency  
 room. By the time they got there, the  
 baby was breathing on his own.

Here are the rest of the Finest of  
 the Finest:

### Subdued Human Crime Wave

Officer Terrance Howell of Trans-  
 sit District 2, who came face-to-face  
 with a man suspected of three fatal  
 stabbings, two carjackings and a hit-  
 and-run homicide, all in the course of  
 28 hours. The suspect had just stabbed  
 a passenger and was holding his knife  
 at a 90-degree angle above the pas-  
 senger's head. Officer Howell grabbed  
 the knife with one hand and managed  
 to cuff the suspect without firing his  
 weapon.

Officers Yoel Goldstein and An-  
 thony Lombardo of the 30th Pre-  
 cinct, for trying to subdue and eventu-  
 ally shooting to death an emotion-  
 ally-disturbed person waving a knife  
 at them. "He had said he was ready to  
 kill a cop but, apparently, what he re-  
 ally wanted—and got—was to commit  
 suicide by cop," said Patrick Hendry,  
 the PBA's Queens South trustee.

Officer Ralph Stallone of the  
 Staten Island Emergency Service Unit

(Continued on Page 12)

participants to develop duplicate tech-  
 nologies, including dispatch systems.  
 It proposed that a separate agency be  
 created to manage the 911 system,  
 and noted that "numerous" formal  
 recommendations to do so have been  
 made since 2004. It also charged that  
 the city failed to develop a "unified  
 strategic vision" that would allow  
 FDNY and NYPD emergency-call op-  
 erations to work together smoothly.

Under the Unified Call Taking  
 (UCT) system, a civilian Police De-  
 partment operator compiles the de-  
 tails of fire calls and then sends a  
 transcript to the fire dispatcher. The  
 unions charge this endangers fire-  
 fighters and the public, because

lective bargaining on this issue.  
 Other aspects of the UCT also came  
 under fire. The review charged that  
 NYPD and FDNY call-takers "con-  
 sume valuable time asking duplica-  
 tive questions and taking identical  
 actions for the same 911 caller." And  
 while the report said improvements  
 have been made, the UCT technology  
 is still poor enough that some fire units  
 are sent to the wrong addresses or are  
 given incorrect directions, a complaint  
 the fire unions have repeatedly made.

The Bloomberg administration has  
 failed to come up with a uniform way  
 of calculating response times, the review

(Continued on Page 4)

that swept former Vice President  
 Jonathan Smith and every member of  
 his slate into office by a wide margin  
 April 23, claiming campaign violations  
 and balloting irregularities.

### Many Violations Alleged

In a May 3 letter filled with gram-  
 matical errors, the committee failed to  
 give details about the "many" cam-  
 paign violations it alleged, but said it  
 had unanimously declared a re-vote  
 because, among other things, many  
 members hadn't received their ballots.

When asked about the challenge,

(Continued on Page 8)

## Leads 'Occupy' Labor Ranks For TWU, May Day March Serves As a Contract Rally

By SARAH DORSEY

Transport Workers Union Local 100  
 led the throng May 1 as tens of thou-  
 sands of labor and Occupy Wall Street  
 supporters streamed out of Union  
 Square toward the Financial District  
 to protest income inequality and a  
 host of related issues.

The event's organizers, some of  
 whom called for a city-wide general  
 strike that didn't materialize, chose  
 May Day because of its historical and  
 international significance as an occa-  
 sion to celebrate—and protest for—  
 workers' rights.

### 'Status Quo Unacceptable'

Local 100, which was the first local  
 union to endorse the Occupy move-

ment last fall, had perhaps the largest  
 labor contingent present, with a few  
 hundred members. But several other  
 unions, many representing public-sec-  
 tor workers, joined them, including  
 the newly-elected leaders of the  
 American Postal Workers Union's  
 New York Metro branch, who haven't  
 even taken office yet.

The march, which stretched for  
 blocks down Broadway, also drew  
 strong support from the United Fed-  
 eration of Teachers and large contin-  
 gents of District Council 37 locals, in-  
 cluding members of 372, 375 and 768.

Local 100 President John Samuel-  
 sen, who led the post-march speeches  
 outside the New York City Transit

(Continued on Page 8)



The Chief-Leader/Samantha Lewis  
 WHOSE RAISE? OUR RAISE! Hundreds of members of Transport  
 Workers Union Local 100 used the Occupy Wall Street mass rally May 1  
 to make their case for a fair contract, nearly four months after their old  
 wage pact with the Metropolitan Transportation Authority expired.



CLARICE TORRENCE: De-  
 nies role in vote challenge.

## INSIDE

Monserrate Guilty Plea;  
 Bruno is Re-Indicted  
 PAGE 3

Life for Cop-Killer?  
 PAGE 2

School Bus Driver Back  
 After DOE's Bum Steer  
 PAGE 4

Exams for Jobs  
 PAGE 13





# standing With MTA ty Workers Disown on Job Conditions

**DORSEY**  
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ransportation Au-  
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dress separately.



**STEVE DOWNS: Wanted fixed assignments.**

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son is killed.) Conductors who witnessed a serious incident would have been granted the same leave.  
Employees would have been allowed to pick vacation days later, when they better knew their schedules for the following year. And the MTA would have been allowed to create a new sub-division of workers, many of whom have high seniority. The agency said that because senior employees would be competing among each other for vacations during the coveted summer months, this would end up distributing time off more evenly throughout the year, allowing management to pay less overtime in the summer.

## City Planner List Out

(Continued from Page 5)

236 Alan Ma	72.941
237 Sandra M. Reyes-Guerra	72.941
238 Zev Prescott	72.941
239 Lacy J. Shelby	72.941
240 Daniel R. Compitello	72.941
241 Timothy M. McManus	72.941
242 Vikram D. Tadin	72.941
243 Paul Costa	72.941
244 Mary I. Solig	72.941
245 Holly H. Orr	72.941
246 Quino Allen	72.941
247 Rohit Thukral	72.941
248 Thalia Z. Leng	72.941
249 Rachel E. Berkson	71.764
250 Kusalee Vachananda	71.764
251 Andrea S. Katz	71.764
252 David G. Sabatino	71.764
253 Salvatore J. Giannola	71.764
254 Sarah A. Balph	71.764
255 Lin Hua Zeng	71.764
256 Muarman Parmar	71.764
257 Paul M. Kazas	71.764
258 Kylie Murphy	71.764
259 Zephrony Parmenter	71.764
260 Leonard D. Seif	71.764
261 Inbar Kishoni	71.764
262 Vanessa Z. Morin-Melis	71.764
263 Walid Harrouch	70.588
264 Maolin Mehta	70.588
265 Raymond O. Okoroji	70.588
266 Carol A. Clark	70.588
267 Daniel G. Wagner	70.588
268 Nichole M. Altamir Wong	70.588
269 Cesar A. Yoc	70.588
270 Farah Maljaban	70.588
271 Erin K. Morey	70.588
272 Jesse O. Mintz Roth	70.588
273 Andrea Racinas	70.588
274 Naama Y. Lisnar	70.588

# For TWU, March a Contract Rally

(Continued from Page 1)

headquarters at 2 Broadway, called for favorable terms in the contract he is negotiating for 34,000 Metropolitan Transportation Authority employees, whose old pact expired Jan. 15.  
Terming it "unacceptable" that some transit workers had to "make a decision between paying rent and paying for health care," Mr. Samuelson said he wanted to send a message that his members wouldn't accept the status quo.

## MTA 'Flushing Away Money'

He denounced the MTA's April 25 vote to relinquish to the city its \$1-a-year lease on its building at 370 Jay St. in Brooklyn, arguing that renting the 2 Broadway high-rise instead was tantamount to "flushing \$63 million down the toilet that could restore every ounce of service [cut in 2010] for New York's working families."

He called on Bus Operators to resist any requests to transport arrested protesters that day, and referred to Mayor Bloomberg as "Pharaoh," echoing a remark at an April 30 press conference on the living-wage bill. City Council Speaker Christine Quinn walked out of that event when an audience member referred to the Mayor, who opposes the bill, as "Pharaoh Bloomberg."

Jonathan Smith, the new local APWU president, said before the march that he and his officers "are here keeping our pledge today [to be more visible at rallies]. We realize Occupy Wall Street... stood with post-office workers at Postal Service rallies; now we're standing with them."

After Mr. Samuelson spoke, Mr. Smith led the crowd in chants of "They say cut back, we say fight back," prompting Marlon Robinson, a Chassis Maintainer and 23-year Local 100 veteran, to shake his hand when he stepped back into the crowd and say, "Welcome to the fight, my brother."

## Health Care a Priority

He added that he supported the protests because he felt workers were losing ground and needed to be more engaged.

"The Romans said that to keep people happy, you have to give them bread and circuses, and they're taking away our bread," he said.

Other Local 100 members, some of whom held signs that read, "Millionaires must pay their share," and "It's MTA, not ATM," hoped to use the protests to build support for a better contract.

A Light Maintainer in Brooklyn who'd been on the job for five years said he came out because he wants better medical and dental coverage in the next contract.

"I have a wife and five kids. Medical is my number-one priority right now," he said. "One of my daughters has braces [and] the plan didn't cover much of it."

Tom Cucinelli, a 30-year Local 100 veteran and Chassis Maintainer in Manhattan, said he thought the Occupy movement was relevant because "it's all under one umbrella. There's so many people whose needs aren't being met now."

He said he didn't expect the world



**CONVINCED THEY'RE LOSING GROUND:** Transit workers who turned out for the march cited inadequate medical coverage and diminished purchasing power as two reasons union members have to become more engaged, with one saying, 'There's so many people whose needs aren't being met now.'

from the new contract, but wanted at least a cost-of-living pay raise. "You can't be asking for crazy money in these times—we're just asking to be treated fairly," he added.

## 'People Before Profit'

Duane Wise, who's been a Track Worker for more than 20 years, said he came out because he thought Occupy Wall Street's message jibed with the union's.

"People before profit," he said. "[It's] not that there shouldn't be profit at all, but people [should come] first."

Wayne Henry, an 18-year Signal

Maintainer in Queens, said he still had hopes for the movement, although he thinks "it's gonna take a lot more" protests for "corporations and government to pay attention."

After his speech, Mr. Samuelson said he intended to use the protests as a "springboard" to gather momentum for the contract negotiations. He wouldn't reveal new details about the talks, other than to say that health-care issues have been on the table and that the MTA acknowledged that the improved dental plan the union proposed was "sensible." Local 100 leaders have complained that the current plan is woefully inadequate.

# Unions: Leave Our Pensions Alone

(Continued from Page 1)

Security benefits for those who are eligible to retire but have not yet reached age 65. Pension costs would go up immediately for new hires, but the change would be phased in over five years for current employees.

Committee members touted the proposal as a deficit-trimmer, saying that the bill, which also raises pension contributions for members of Congress, will save \$83 billion.

## Proposal 'Unconscionable'

"We're making sure the Federal Government works better," said Conor Sweeney, Communications Director for Rep. Paul Ryan, chair of the House Budget Committee.

But Federal-employee unions are raging against the bill.

National Federation of Federal Employees President William R. Dougan, noting that most of his members earn between \$25,000 and \$75,000 annually, said, "These retirement cuts are absolutely unconscionable... [Already] burdened with two years of frozen pay, increased pension contributions for new hires, and crushing cuts to agency budgets, Federal employees are reaching the end of their rope."

The cuts are part of a complex deal to trim the Federal deficit set in motion by Congress last summer. Twelve lawmakers known as the Supercommittee were charged with making targeted spending-cut proposals to avoid automatic across-the-board cutbacks of \$1.2 trillion in January 2013 that would hit Medicare and the Defense Department hard.

The committee failed to agree on recommendations, so that trigger is set to be pulled next year. Mr. Sweeney said the House budget-reconciliation bill is an effort to reprioritize the cuts to make them more palatable.

"We don't believe America's military families, the troops, or society's most vulnerable should pay the price for the Federal Government's failure to take action," he said, referring to the health-care and defense-spending reductions.

But Colleen M. Kelly, head of the National Treasury Employees Union, said her members are already sacrificing \$75 billion in pay freezes and higher pension contributions over the next 10 years, and it's time others shared the burden.

"This legislation would take \$82 billion more from middle-class Federal workers without asking for a single dime from our nation's wealthiest individuals and corporations," she said in a statement.

# Legal Services

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• WORKERS COMPENSATION  
• SOCIAL SECURITY DISABILITY

**WORKERS' COMPENSATION**  
**SOCIAL SECURITY DISABILITY**

# Judge OKs lawsuit over 'stop and frisk'

4 men cleared to fight NYPD on hot-button policy

BY IVAN PEREIRA  
ivan.pereira@am-ny.com

A federal judge has green-lighted a lawsuit against the NYPD over its "stop and frisk" program.

U.S. District Judge Shira Scheindlin granted class-action status yesterday to a 2008 lawsuit that was filed by David Floyd, Latii Clark, Deon Dennis and David Ourlich, four men accusing the NYPD of stopping them because they are black.

"[The NYPD's] cavalier attitude towards the prospect of a 'widespread practice of suspicionless stops' displays a deeply troubling apathy towards New Yorkers' most



The NYPD's controversial "stop and frisk" program has sparked protests from opponents across the city. (AP/WIDEWORLD)

fundamental constitutional rights," the judge wrote in her decision.

In the first three months of this year, 203,500 New Yorkers were stopped and frisked, according to statistics compiled by the

NYCLU. More than 80% of those searched had broken no laws, and only 9% were white, the NYCLU said.

Police Commissioner Ray Kelly declined to comment about the decision at an unrelated news conference yesterday, but Mayor Michael Bloomberg maintained that the NYPD's practices are legal and have made the city safer over the last decade.

"Nobody's going to ask Ray Kelly to apologize. He's not going to — and neither am I — for saving 5,600 lives," Bloomberg said during a news conference yesterday.

A police spokesman didn't return calls for comment by press time last night. The city has 14 days to appeal the judge's decision.

Manhattan Borough President Scott Stringer, however, praised the judge's decision.

"The current practice of stop and frisk has unfairly and harmfully targeted vast numbers of black and Latino men, and it cries out for immediate reform," he said in a statement.



Workers allegedly faked signal inspections. (MIA FLECK)

## Blame bosses for signal flap: Union

BY MARC BELLA  
marc.bella@am-ny.com

flawed, corrupt way signal management operated," Samuelsen said.

The union representing MTA workers who are expected to be arrested later this week for allegedly faking subway signal inspections is livid with prosecutors for not going after agency officials and bosses.

The Daily News reported yesterday that eight workers and two low-level supervisors were expected to surrender this week on charges they tampered with official records and for misconduct. A source confirmed to amNewYork that the arrests were expected tomorrow.

Transport Workers Union President John Samuelsen said yesterday he was "outraged" with the Manhattan DA for only pursuing charges against workers.

"We demand to know why the District Attorney has absolved senior managers and why our signal maintainers are being targeted for the

The charges stem from a 2010 investigation by the MTA's Inspector General into allegations that signal maintainers made it look like they inspected signals they hadn't checked.

The Manhattan DA and MTA Inspector General's offices declined to comment on the case.

John Chiarello, the TWU chairman for signals, said workers would have had nothing to gain by claiming to inspect extra signals.

"If I did one signal or 100 signals, my pay is the same," he said.

MTA spokesman Adam Lisberg dismissed the allegations made by the TWU.

"The alleged misconduct, if true, is totally unacceptable and does not reflect the work of the vast majority of our MTA employees," Lisberg said, adding that "the system is safe, and remains safe."

## Sonia on NYU keynote: 'Awesome'

BY IGOR KOSSOV  
Special to amNewYork

A jubilant crowd of students in purple gowns and their families and friends packed Yankee Stadium yesterday to celebrate their graduation from New York University and hear the commencement speaker, Supreme Court Justice Sonia Sotomayor.

"This is awesome," she said, speaking from the covered podium behind the pitcher's mound, to loud cheers from the audience. "Pride captures the essence of my feelings."

Sotomayor, a Bronx native and Yankees fan, said that because she grew up blocks away from the old Yankee Stadium and once taught at NYU School of Law, the graduation had extra significance.

In her brief speech, Sotomayor extolled the energy and scale of her New York City hometown and told the students, "this city will challenge you to do big things. I



Supreme Court Justice Sonia Sotomayor joins NYU President John Sexton and CNBC anchor Maria Bartiromo, left, during the university's commencement at Yankee Stadium yesterday. (AP/WIDEWORLD)

hope you always carry its energy inside you."

She also told graduates to cultivate relationships because "it's only in giving to others that you can find meaning and satisfaction in what you do."

Sotomayor was one of

four distinguished individuals to receive honorary doctorates from the school yesterday.

Others were New York Times columnist David Brooks, Roman Catholic priest Patrick Desbois and biomedical scientist Charles

Weissmann.

The school released its 180th class into the world in yesterday's ceremony.

It was the fifth commencement NYU has held at Yankee Stadium.

Igor Kossov is a Newsday freelancer.

## Manhattan DA indicts alleged rapist

Alleged predator Ivan Ramos, 22, accused of raping a vulnerable woman in a West Village stairwell after falsely telling her he was a Neighborhood Watch member and escorting her to a bank to obtain cash, was indicted by the Manhattan district attorney yesterday on multiple charges.

Ramos, who lives in Brooklyn, was charged with multiple counts of first-degree rape, criminal sexual assault, second-degree assault and criminal possession of stolen property.

When he was arrested,

Ramos still had the victim's ATM card in his possession, according to published reports.

At 6 a.m. on April 15, Ramos took the 29-year-old woman, who had lost her cellphone and money, to an ATM and told her to give him her card on the pretext of helping her to withdraw cash for a taxi, prosecutors said. When she refused and asked to be taken to a police precinct, Ramos instead led her to a deserted exterior stairwell on Perry Street and brutally attacked her, according to the DA.

(AP/WIDEWORLD)

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 Albany Press Office: 518.474.8418  
[press.office@exec.ny.gov](mailto:press.office@exec.ny.gov)



**Andrew M. Cuomo** - Governor

## Governor Cuomo Announces Transit Watch Program to Protect MTA Employees

[Printer-friendly version](#)

*New Program Will Protect Personnel by Offering Cash Rewards to Help Prosecute Anyone Who Assaults an MTA Employee*

Albany, NY (May 21, 2012)

Governor Andrew A. Cuomo today announced the launch of Transit Watch, a new program to protect Metropolitan Transportation Authority personnel by offering cash rewards to help prosecute anyone who assaults an MTA employee.

Transit Watch is designed to stem assaults on subway, bus and commuter train personnel by giving riders who witness assaults an incentive of up to \$2,000 to help police track down the offenders.

"Thousands of men and women work on the front lines of the MTA system every day to make sure millions of people can get to work safely," Governor Cuomo said. "We need to ensure they stay safe as well. Transit Watch puts criminals on notice that if they assault a bus, subway or train employee, everyone who sees it happen is going to help put them in jail."

The MTA has had 48 employees assaulted on the job this year, compared to 40 in the same period last year. Assaulting an MTA employee is a Class D felony punishable by up to seven years in prison.

"Assaults on transit workers are on the rise, and the MTA is committed to making them stop," said MTA Chairman and CEO Joseph J. Lhota. "An attack on any one of our workers is an attack on all of us, and we share the goal of protecting our employees as they put their lives on the line every day."

Transit Watch was generated by discussion at a conference sponsored this month by the MTA and Transport Workers Union Local 100 to find solutions to transit worker assaults.

"This is a big win for transit workers, who face physical assaults, verbal abuse and threats every day on the job, and who have long felt that transit assaults are given a low priority," said TWU Local 100 President John Samuelson. "We very much appreciate Governor Cuomo's immediate action to turn a good idea into reality virtually overnight."

Transit Watch is funded by the MTA. Witnesses with information about assaults on MTA New York City Transit personnel can call the NYPD's Crimestoppers program at 800-577-TIPS (800-577-8477), which assigns callers an anonymous ID number so they do not have to give their names. Rewards of up to \$2,000 are paid for information leading to the arrest and indictment of the perpetrator.

"We want people to come forward and 'say something' if they witness a crime against an MTA employee," said New York City Police Commissioner Raymond W. Kelly. "This reward program helps us achieve that goal, and it supports our heightened uniformed presence on city buses and subways as a way to protect those responsible for moving millions of commuters each day."

Witnesses with information about assaults on employees of Long Island Rail Road and Metro-North Railroad can report them to the MTA Police Department at 212-878-1001.

The MTA will spread the word about Transit Watch with posters and other notices on buses, subways and commuter rail cars, as well as through its existing media outlets and social media channels.

In 2008, bus operator Edwin Thomas was stabbed to death in Brooklyn by an irate passenger who refused to pay his fare and demanded that Thomas give him a free transfer. The ex-con who stabbed him was sentenced to 20 years in prison.

The NYPD Transit Bureau has begun using the CompStat program to track crimes against bus operators by bus route, in order to identify the routes that are most prone to trouble. Since bus routes usually run through several precincts, those crimes are not typically aggregated in precinct-level data.

MTA New York City Transit has installed security cameras on nearly 400 buses to identify assailants who assault bus operators. More than 1,500 more are scheduled to be deployed in the next two years, at a cost of \$22,000 per bus. The agency has also installed 571 partitions in

buses to protect bus operators at a cost of up to \$3,000 per bus. All new MTA buses being ordered will have partitions as well.

###

# Dolan lawsuit over birth control

## Takes gov't to court, saying health care rule violates church's rights

BY IVAN PEREIRA  
ivan.pereira@amny.com

Cardinal Timothy Dolan is taking the president on in court to reverse the mandate for birth control options in the health care programs of the New York Archdiocese.

In a lawsuit filed yesterday in Brooklyn federal court against the U.S. Department of Health and other government agencies, the region's top church official said the government is violating the Catholic Church's First Amendment rights by forcing the body to go

against its beliefs that contraception is immoral.

"Time is running out, and our precious ministries and fundamental rights hang in the balance, so we have to resort to the courts now," Dolan said in a statement.

Several other dioceses and Catholic organizations throughout the nation, including the University of Notre Dame, filed similar federal lawsuits against the government yesterday.

The White House declined to comment about the suits. In January, the Health Department adopted a mandate requiring employers to pay for contraception options in their health plans.

Following an uproar from Dolan and other Catholic leaders, President Barack Obama changed the mandate so that religious groups can opt out of the birth control option.

In the 62-page suit, the Archdiocese contends that despite the changes, the government still compromised the church's values.

Religious-based groups such as hospitals and charities aren't eligible for the exemption, and religious institutions must go through a long process to be approved for the opt-out, according to the suit.

"We have tried negotiation with the [Obama] Administration and legislation with the Congress — and will keep at it — and there's still no fix,"

Dolan said.

When asked about the archdiocese's lawsuit, Mayor Michael Bloomberg kept coy but said everybody is best served when religion and government are separate.

"We have some requirements that we think are necessary," he said at a news conference.

Representatives for Planned Parenthood New York blasted the archdiocese for turning the health issue into a religious issue.

Roger Rathman, a spokesman for the organization, noted that 53% of Catholic voters support the president's mandate and many New York women face economic hardship in order to meet their health needs.



Cardinal Timothy Dolan is suing over President Barack Obama's birth control mandate.

## Rewards for reporting attacks on MTA workers

The MTA will start paying straphangers to report thugs who beat up its employees.

Gov. Andrew M. Cuomo said a new program would reward anonymous tipsters with up to \$2,000 for helping cops catch people who injure MTA workers. The MTA is paying for the program, called Transit Watch.

Cuomo said it "puts criminals on notice that if they assault a bus, subway or train employee, everyone who sees it happen is going to help put them in jail."

Assaults on MTA workers increased from 72 in 2010 to 94 in 2011, according to MTA statistics. At least 48 employees have been assaulted so far this year, up from 40 during the same period last year.

The Transport Workers Union and the MTA met earlier this month to try to come up with ways to combat the problem. MTA Chairman Joseph Lhota said the witness rewards program is a response to those discussions, calling it a "warming shot" to would-be offenders.

"We want to highlight that this is going on and to try to prevent it," Lhota said yesterday, adding that "an attack

on any one of our workers is an attack on all of us."

President John Samuelsen said he thinks rewards will help cut down on assaults on workers.

"It's going to take a combination of various approaches to begin to seriously address the problem," he said yesterday. "This is a very positive step forward."

(MARC BEA)

**PERSISTENT PROBLEM**

**48**  
Assaults on MTA workers so far this year

**94**  
Assaults on MTA workers in 2011

**\$2,000**  
Reward for tipsters helping cops catch people who injure workers



Completion of the East Side Access project linking the Long Island Rail Road to Grand Central has been delayed to 2019.

(MARC BEA)

## MTA: East-side LIRR access still 7 yrs. away

The MTA's delay-plagued East Side Access project, which was supposed to bring commuter rail service to Grand Central Station by 2016, won't be finished until 2019 and is expected to be nearly \$1 billion over budget, the agency said yesterday.

Still, MTA Chairman Joseph Lhota said the while agency had "constantly blown" previous estimates, he is "confident" the current budget and timeline is accurate.

"The era of underestimating public works projects is over," Lhota said, adding that the agency was "80% certain" it could do the work under the new benchmarks.

Transit officials said there was only a "20% chance" the agency could have ever finished the job on time and within its already increased budget of \$7.3 billion, blaming overly opti-

mistic previous MTA administrations. The original completion date was 2013, with a \$6.3 billion price tag.

Bill Henderson of the MTA's Permanent Citize Action Committee gave the agency's new assessment a qualified endorsement.

"We're talking 80% probability; we're not talking 100," he said. "Stuff can happen."

**80%**  
Chance newest estimate is correct, per the MTA

(MARC BEA)

## MTA 'Fastrack' plan spreading to B'klyn, Qns.

Weeknight subway shutdowns are coming to the outer boroughs.

MTA officials said yesterday that they would bring the "Fastrack" maintenance program, which cancels large chunks of service along various train lines overnight for four straight days, to upper Manhattan, Brooklyn and Queens in 2013.

The MTA started performing the weeknight work in downtown Manhattan this year.

The planned maintenance disruptions will occur along the N/Q/R lines from Long Island City to downtown Brooklyn, a service in Washington Heights, No. 4/5/6 service on the Upper East Side and D service in the Bronx.

The MTA says the overnight shutdowns are safer, cheaper and quicker than if employees tried to do work during intervals between train arrivals.

The cash-strapped agency said it has saved more than \$5 million so far this year because of the program.

(MARC BEA)

amny.com MAY 22, 2012

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Issue  
Buyouts,  
Teachers

## U.S. Defense Dept. Is In Need of Teachers

### 11% Raise Over 3 Years ATU Bus Locals Match Old TWU Terms in Arbitration

By SARAH DORSEY

An arbitration panel voted 2 to 1 May 15 to retroactively award two Amalgamated Transit Union locals three-year contracts providing 11-percent pay raises, matching the increases arbitrators in 2009 gave Transport Workers Union Local 100 members for the same period, which concluded early this year.

The award to ATU Locals 1056 and 726, which together represent about 3,000 Bus Operators and Mechanics in Queens and Staten Island, comes at a time when the Metropolitan Transportation Authority says it can't afford raises for this year and the near future because a sluggish economy has sent tax revenues plummeting.

#### 'Leaves Public Stranded'

"We respectfully disagree with the arbitrator's award," an agency spokesman said. "As indicated in our dissent, the MTA believes the decision does not take into account the interest of the riding public, and it leaves them by the side of the road."

But I. Daneek Miller, president of Local 1056, said the arbitrators' decision showed the agency was capable of paying.

"To get here, it's been more than 3 1/2 years [of negotiating and arbitration]; two union administrations and two MTA administrations. That's how big of a deal this is," he said.

Mr. Miller noted that his members do the same work as those in Local 100 but were getting paid less, wearing on their morale. And like other MTA workers, in the last couple of years they've had to work under a rising tide of passenger assaults, including threats, harassment and being spit on.

"Under the most-adverse situations, we keep doing what we do and



DANEK MILLER: Long road to 'a big deal.'

we do it well," he said, adding that his members' patience and discipline, including refraining from participating in any wildcat job actions, helped make the award possible.

#### MTA Sought Givebacks

Talks between Local 1056 and the MTA broke down after the agency refused a third year of raises unless the union agreed to givebacks, including allowing part-time shifts and accepting overtime only after 40 hours had been worked per week, rather than after eight hours each day. Local 726, which received similar offers, joined the negotiations in 2011.

Local 100, which represents 34,000 MTA employees, has for decades tended to set a bargaining pattern for smaller unions. The agency sued to

(Continued on Page 14)

### Positions at West Point Paying Up to \$128G; No Application Fee

### Openings in Other States, Too; Need a Degree In Teaching

The U.S. Department of Defense Education Activity, a civilian agency that operates schools in the United States and abroad, is looking for Teachers to staff schools it runs at West Point and in other areas around the country. Applications are being accepted through April 23 of next year. There is no fee for applying.

The salary range is \$40,526 to \$127,812 depending on qualifications

(Continued on Page 13)

## Parks Worker Dies Working on a 9/11 Memorial in Queens

By DAVID SIMS

Jeffrey Barbieri, a Cement Mason in the Parks Department, died May 18 of a pulmonary embolism while working on the 9/11 memorial in the Rockaways after 3 1/2 years on the job.

Parks Commissioner Adrian Benepe said that Mr. Barbieri "was working to preserve elements of the 9/11 Memorial in Tribute Park in Rockaway" when he collapsed and was taken to St. John's Hospital.

#### 'Organs Will Save Other Lives'

"Jeff was an organ donor and in accordance with his wishes, his vital organs will help save other lives," Mr. Benepe said. "We thank Jeff for this selfless act and his service to the city and offer our sympathy and condolences to his family, friends and colleagues in the Parks Department." Mayor Bloomberg called the loss

(Continued on Page 2)



MICHAEL MULGREW: Focus on why Teachers are fleeing.

dent from being taught for two consecutive years by a classroom teacher found to be incompetent," he said.

"After any Teacher receives two consecutive unsatisfactory ratings for incompetence, we would remove that Teacher from the classroom and seek their dismissal from our public schools," he continued. "In my view, if you are one of the few hundred Teachers who gets poorly rated two years in a row, you don't deserve to teach in our schools and in front of our students."

Mr. Mulgrew said that the DOE was well within its rights to pursue such

(Continued on Page 14)

## NY Chief: Son's gs on Memorial

he should have a line-of-duty death recognition," Mr. DiBernardo Sr. said. His son and five other firefighters were forced to jump from a fourth-floor window that day to escape a fire described as a "freight train" of a blaze; two died, and their names are inscribed on the wall.

Mr. DiBernardo's father said the Lieutenant's name belongs with those of his comrades. "The only difference is they didn't

## 20,000 Warded Off Tier 6

# Arbitration Looms On School-Closing Battle

(Continued from Page 9)

statement continued. "In the meantime, the terms of the stipulation—that the Department of Education will make no personnel decisions in these schools—remain in effect."

The DOE, represented by Law Department attorney Charles Orsland, argued that if the turnaround process was halted for too long, the 24 schools currently interviewing new Teachers would lose their chance to hire the best candidates.

## Closing in Name Only?

UFT attorney Alan Klinger said that were turnaround allowed to proceed but overturned through arbitration after the next school year begins, the damage done by replacing staff at the schools would be difficult to rectify.

He also reiterated the unions' argument that the turnaround process amounted to a school-closing in name only, so that disliked Teachers could be cleared out without having to abide by rules established in collective bargaining.

"The city has been quite unhappy with the limitations of the contract," Mr. Klinger said. "The only way they can get free of the restrictions is if it's actually with a school that is closing and changing shape."

But with the 24 turnaround schools, "they're basically closing on a Friday and opening on a Monday, same building, same students," he argued. "It doesn't give them *carte blanche* to try and re-staff the schools."

Justice Lobis sought assurances from both sides that the matter could be resolved quickly without the court's involvement. "There's something to be said for getting it in front of an arbitrator quickly so the merits can be examined," she said.

## A Reason for Urgency

"It is our intention to move this along," Mr. Orsland replied. "This is the recruiting season, and we're not the only school district in town... we're going to lose a lot of applicants."

He said that an arbitration would likely be finished by the end of this school year, or at the very latest at the start of the next one. But Mr. Klinger said that once the closed schools have hired new staff, the problem would simply be compounded.

"Now that those jobs have been filled, those Teachers would need a remedy too," he said. "And we represent them... all the unions are asking is that the hiring decisions be delayed."

Justice Lobis said that as long as both sides were intent on resolving the matter quickly, she need not get involved. "If you're both saying you need the arbitrator as soon as possible, an injunction would not be necessary," she said. "If what you're saying is really sincere, then you'll get it to the arbitrator as quickly as possible."

# DOE to Offer ATR Buyouts

(Continued from Page 1)

dismissals. "The school system has always had the ability to bring up on disciplinary charges any tenured Teacher at any time. These charges are then heard by an independent arbitrator who weighs all the evidence and issues a finding," he said. "You would have to ask the Chancellor why, if this is such a good idea, it has taken the administration 10 years to implement it."

Mr. Walcott accused the UFT of being unhelpful in DOE's drive to improve teaching, saying, "The union and others would rather stay silent than cheer the progress our students have made since 2002."

But Mr. Mulgrew said the DOE was focusing too much on the removal of bad Teachers. "While no one wants to protect Teachers who are not doing the job, the more important issue is the thousands of good Teachers who leave the system every year," he said. "That's the real problem our schools



DENNIS WALCOTT: Root out the incompetents.

face, and I have yet to hear the Chancellor or the Mayor come up with a strategy to deal with it."

Mr. Walcott's ATR buyout proposal was more warmly received, although the UFT pointed out that cost-saving reforms had already been enacted for the controversial excess pool.

## 'Bad-Behaved and Unmotivated'

Mr. Walcott said those in the ATR (about 800 Teachers currently) cost the city \$100 million per year in salaries. "More than a quarter of these Teachers have been disciplined for bad behavior. Almost half of them have not even submitted a job application or attended a recruitment fair in the past year. That's unacceptable," he said.

"If you're a Teacher who can't find a permanent job in our schools after a year, we will offer you a generous incentive to resign and pursue another career," he continued. "Every dollar we save, we can use to benefit our students, instead of wasting it on Teachers who probably chose the wrong profession."

This proposal marks a shift in policy for the DOE, which had previously tried to place a time limit on Teachers in the ATR. Former Schools Chancellor Joel I. Klein had suggested that Teachers could be fired if they failed to find a position within a year.

Mr. Mulgrew pointed out that in last year's budget agreement, the UFT had agreed to redeploy ATRs as substitute Teachers around the city for \$40 million in savings.

"In our last contract, the administration and the union agreed to negotiate a voluntary severance payment from Teachers who are excessed from their schools," he continued. "We have made several attempts to negotiate such a program, without success. If the administration now has a proposal for a buyout for ATR Teachers—and presumably a plan to fill in the budget gap that reducing the pool will create—we are prepared to listen."

# Calls for Independent Review: Beep: Don't Rate Based on Flawed

By DAVID SIMS

Citing a plethora of errors found on this year's state English and math exams, Manhattan Borough President Scott Stringer May 15 petitioned the New York State Education Department to conduct an independent review of its tests before using the data to assess students and Teachers.

Mr. Stringer said 30 errors had been found on the tests for grades 3 to 8 in math and English Language Arts and criticized the state for granting test-publisher Pearson PLC a five-year, \$32-million contract despite complaints about its work in other states.

## 'Shouldn't Use Flawed Data'

"We have to do everything in our power to ensure the validity of these tests," Mr. Stringer said at a press conference in his office. "An independent review must be completed so we don't use flawed data to punish students and possibly Teachers."

The most-prominent controversy surrounding the tests was a passage called "The Hare and the Pineapple" on the eighth-grade English exam, an adaptation of a Daniel Pinkwater story that was criticized for its ambiguous nature and confusing comprehension questions.

NYSED agreed not to count the "Hare and the Pineapple" questions in its scoring of the exams, and also nixed questions on the fourth-grade math exam that had either multiple correct answers or no correct answer. Twenty other questions were excluded from math exams being given in Spanish, Korean, Creole, Russian, Chinese and Braille due to inaccuracies in the translation.

State Attorney General Eric Schneiderman is now investigating Pearson, which is in the first year of its five-year contract, to see if its employees tried to improperly influence state officials to award the deal.

## Regents Chancellor Not Sold

But Mr. Stringer said that the integrity of any Teacher or student assessment data based on state test results needed to be assured with an independent probe. "We don't want anybody to miss out on an opportunity because they didn't get a question right because there wasn't a right answer," he said. "We have to make sure these big tests come with big accuracy."

Representatives of various Community Education Councils and the United Federation of Teachers appeared with Mr. Stringer at the press conference.



SCOTT STRINGER

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## Teache

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Talks on essentially ing matter resolved in Cuomo said funding if a

But despi DOE and U with a brief Mulgrew d known sum sisted that reaching a c closing scho

# ATU Locals' Contract

(Continued from Page 1)

nullify the 2009 decision, known as the Zuccotti award, which granted the local a 3-percent wage increase in the third year of its contract, claiming inability to pay.

The union won that battle, but in December 2011, a separate panel broke with the pattern by denying a third year of wage increases to TWU Local 252, which represents 700 Long Island bus employees whose jobs had recently been privatized.

Pat Bowden, president of Local 252, said at the time that she believed her case was unusual, since the purchase of the bus system by a private company left her little bargaining leverage.

## Says Management Stalling

All 27 locals representing MTA employees are currently working under expired contracts since Local 100 agreed to bargain past its Jan. 15 deadline.

Mr. Miller blamed the agency. "They have failed to negotiate a contract in five years with anyone," he said. "We don't agree that that's a way to do business."

At a March 16 City Council hearing, the MTA presented evidence that its revenues have fallen far short of projections, especially income from home-mortgage, urban real-estate and payroll taxes. Officials announced they planned to raise fares and tolls 7.5 percent in January 2013 and again two years later, which they predicted would raise \$900 million. MTA Director of Government Affairs Hilary Ring testified that he expected worker pension and health-care costs to rise by \$810 million over the same period.

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## MTA Chairman Joseph Lhota tells state senators that transit authority must raise fares because of pension and health care costs

Lhota to transportation committee: Benefit expenditures are 'spiraling out of control'

BY PETE DONOHUE / NEW YORK DAILY NEWS

Tuesday, June 5, 2012, 7:28 PM

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D/MD HANDSCHUH/NEW YORK DAILY NEWS

MTA Chairman Joseph Lhota says if not for increases in pension and health care costs, the transit authority would not need to raise fares in 2013.

Bus and subway fares are going up next year because of MTA workers' pension and health care costs, the agency's chairman, Joseph Lhota, said Tuesday.

The Metropolitan Transportation Authority has successfully cut many expenses, resulting in \$700 million in annual savings, Lhota told state senators in Albany.

But pension and health care expenditures continue to "spiral out of control," he testified before the Senate transportation committee.

"In fact, but for mandated increases in pension and health care costs, we would not need the 2013 fare increase," Lhota said.

The state Legislature sets pension plans. Lhota told the senators "we will need your help" to close future budget gaps by changing transit workers' benefit packages.

The MTA plans on raising fare revenue by 7.5% next year.

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# MTA 'FUSS' LANE

## Transit chief wants city to share bus-ticket bucks

**T**HE MTA is poised to boost bus-lane enforcement on First and Second Aves. — a step that's long overdue — but only if the city agrees to share the income with the transit agency.

Metropolitan Transportation Authority Chairman Joseph Lhota refused to sign off on the purchase of the bus-lane enforcement cameras for the M15 Select route after staffers told him all the ticket revenue would go to city coffers, sources said last night.

In other words, the MTA would make an investment and the city would get all the returns. Lhota has an MBA from the Harvard Business School but anyone with the IQ of a beagle would see there's something very wrong with that.

One source said the illogic of entering into such an arrangement was indeed questioned by the prior transit administration.

The MTA either caved in or the issue wasn't resolved before former Chairman Jay Walder



**Pete Donohue**

split for the big bucks and bright lights of Hong Kong. (For any non-transit geeks reading this, Walder filled only two years of his six-year term before bolting for a much more lucrative private sector job.) Lhota was appointed in January.

The plan is for the surveillance cameras to go on board the M15 buses. The MTA has 55 of them on the route. The cameras would record the license plates of cars and trucks invading bus-only lanes. Vehicle owners would be ticketed and have to pay \$115 per violation.

The state Legislature passed a bill authorizing the MTA to use on-board bus cams in June 2009. The MTA and city Transporta-

tion Department launched Select Bus Service on First and Second Aves. the following year.

By most accounts, SBS has been an success. Trips have been quickened significantly because of strategies like off-board payment. Riders pay at curbside machines and board en masse rather than paying one by one by one. The authority solicited competitive bids last year and more than a dozen companies expressed an interest, according to MTA documents.

The MTA bureaucracy has always been afraid of getting into a public fight with the Bloomberg administration. A spokesman last week tread gently when asked about the camera delay.

"We're still finalizing a time frame," he said. "This turned out to be a bit more complicated than anticipated, but we are moving forward."

There's some truth in there.

The MTA isn't looking to take all the ticket revenue. It wants some portion of the revenues to



Motorist clogs express bus lane along Second Ave. James Monroe Adams IV

defray the expense of the equipment, source said.

In the meantime, bus-lane violators on First and Second Aves. do run the risk of getting ticketed by police patrolling the avenues. The NYPD issued about 27,000 tickets for various bus-lane violations on the 17-mile route between October and early

June, police said. The DOT also installed about a dozen stationary cameras along the route.

That's not shabby enforcement but on-board bus cams would really raise the risk of getting caught and persuade many more asphalt poachers to stay in their own lane.

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# L rush hour expansion allows room to breathe

DANIELA BERNAL/MTA



► Riders said increased L train service meant fewer people clogging the platform while waiting for the train yesterday morning.

The platforms at the Bedford Avenue L train stop were noticeably less packed than usual at 8 a.m. yesterday morning, the first weekday of the MTA's expanded L train service.

"There's usually way more people," Brooklyn local Jarek Markocai observed. "Between 8 and 9 in the morning is always the worst."

To the delight of riders, the MTA has added 16 more round trips on the L line each weekday, plus 11 more on Saturdays and seven more on Sundays. The biggest change could be noticed in train wait times: L trains now will run just under every three minutes during the morning rush hour, up from having to wait an average of three and a half minutes for the next train.

## Satisfied riders

Several morning commuters agreed that the 16 new trains have already made a big difference.

**"I wish they'd do it to the A line, too!"**

REHONDA ALEHORSO,  
COMMUTER

About half the trains that arrived between 7:45 and 9:30 a.m. yesterday were still jam-packed. But on the other half, a seat could be found, a rarity on a Monday morning. But the biggest change by far, riders said, were the significantly less crowded platforms.

In fact, at 8:50 a.m. the waiting platform seemed actually barren in comparison to the usual crowd.

"The people waiting are usually three people deep," remarked Helder Santo, who said he had to spend a frustrating 15 minutes waiting for an L train last week.

The MTA added the trains in response to the surge in L ridership over the past decade. Ridership on the line has grown by 141 percent since 1998, according to the MTA.

"As new residents and visitors flock to North Brooklyn, this is a big step," said state Sen. Daniel Squadron, who petitioned the MTA to add more trains.

DANIELA BERNAL  
letters@metro.us

## Robbery along the L

WILLIAMSBURG. Police are asking for the public's help in identifying two teenage boys who they said stole a woman's cell phone and cash while she was waiting at the Lorimer Street L station on Sunday evening.

The alleged robbery happened at 5 p.m., said police. Officials described the sus-



pects as two black teens, both wearing white shirts and black pants. Pictures released show one wearing a blue hat and the other wearing a red hat and black glasses. ● METRO/DB

## Fatal LIRR accident

CENTRAL ISLIP, N.Y. A man is dead after an LIRR train crashed into his car, which was stopped on the tracks just west of the Central Islip station early yesterday morning. The train slammed into the car at the gate crossing, causing it to burst into flames on impact. The driver was killed immediately, according to reports. No train passengers were injured. ● METRO/DB

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# TWU demands a raise

ARI PAUL

Contract talks between Transport Workers Union (TWU) Local 100 and Metropolitan Transportation Authority (MTA) were back in the headlines in recent weeks. Members of the TWU and other public-sector unions in New York City should be paying close attention, as the results of transit bargaining could have a significant impact on their own negotiations. The State Legislature's Black, Puerto Rican, Hispanic and Asian Legislative Caucus sent a letter to Governor Andrew Cuomo on April 25, urging pressure on the MTA to grant at least some raises. "Many of us believe that there is money in their current budget...to grant a modest cost-of-living wage increase to TWU Local 100's 40,000 members," the letter stated.

## MISMANAGEMENT

At this year's May Day march (see p. 8), union president John Samuelson told thousands of union members and Occupy Wall Street supporters that the MTA was mismanaging its budget, failing to prioritize service and the basic needs of employees. "Samuelson denounced the MTA's April 25 vote to relinquish its 11-a-year lease on its building at 11 Jay St. in Brooklyn," reported the daily-service weekly *The Chief*. Samuelson told the crowd that the author-

## Pushing back against givebacks

ity's decision to instead rent office space in Manhattan, at 2 Broadway, meant "flushing \$63 million down the toilet that could restore every ounce of service [cut in 2010] for New York's working families."

The debt-saddled MTA is demanding draconian measures, including a wage freeze, a giveback of five vacation days, more part-time bus operators, and upping the employee health-care contribution, in addition to increasing health insurance co-pays. Management also wants workers to get overtime only for working

more than 40 hours in a single week, rather than after eight hours worked in a day.

In the May Day march, a large contingent of Local 100 members carried signs saying "We are the 99%, we're worth more than 0%," and "We deserve more than three zeroes." Earlier this year, the TWU reportedly countered the wage-freeze demand with a proposal for 1% annual raises in the first three years, and 2% annual wage hikes in the last two years of the agreement.

The MTA could meet that, but it has said that any raises must be funded through givebacks in work rules and other benefits. The April 25 legislators' letter suggested an alternative: tapping part of a special fund for future retiree

## Outcome will affect other public employees.

health-care costs, which has grown rapidly since it was created six years ago. As a public agency, the MTA is not required to pre-fund these benefits; some experts say the current level of the fund is more than generous, while others disagree.

The MTA's demands are based in part on the concessionary wage

pacts the two largest State unions – the Civil Service Employees Association (CSEA) and the Public Employees Federation (PEF) – settled with the Cuomo administration last year in order to avert layoffs. Whether the TWU wins a wage increase, and how it is paid for, will either help or hurt other New York public-worker unions, whose contracts are under negotiation.

Joshua Freeman, a historian at the Graduate Center and author of a TWU history, *In Transit*, observed earlier this year that some sort of pay increase for transit workers was likely. Freeman noted that while the union didn't have a lot of leverage over a cash-strapped agency, neither did the MTA have a lot of leverage over the union. The CSEA and PEF agreements, he explained, came in response to Cuomo's threats of severe layoffs. "I don't think the MTA can lay off a large number of its workers and still operate the system," Freeman said.

Few predict the union will strike, as it did for three days in Dec. 2005. Though the TWU has won clout in negotiations by being one of the few public-sector unions willing to strike in the last generation, it also paid a price for doing so. The union suffered financial penalties under the Taylor Law which forbids public workers in New York from striking, and was barred for more than a year from collecting dues directly from members' paychecks. In the current fiscal and political environment, Local 100 leaders opted not to walk out when their last contract expired in January.



Members of Transport Workers Union Local 100 marching with other unions & Occupy Wall Street activists on May Day.

## SEEKING THE PRESIDENCY

# Shirley Chisholm, CUNY and U.S. history

BARBARA WINSLOW

One of Brooklyn College's most famous alumni, Shirley Chisholm, is again in the news – 2012 marks the 40th anniversary of her historic campaign for the Democratic Party nomination for president. The first African American woman elected to Congress, Chisholm was fearless. Her idiosyncrasies were not what was expected of a member of Congress, much less a candidate for president. But for Chisholm, political courage was not an obstacle to practical achievement: it was how she got things done.

## BARBADOS TO BROOKLYN

Chisholm was born in Brooklyn in 1924, daughter of Caribbean immigrants. She spent her formative years in Barbados living with her maternal aunt and grandmother. Chisholm's roots in politics developed during early childhood. She was a young girl in Barbados at the beginning of the Barbados workers' and anti-colonial independence movements. Her father was an ardent Garibaldian and supporter of trade union rights. Her adored grandmother, aunt and mother lived in the homes of wealthy white families; Chisholm never forget their stories, and an elected official always fought for legislation on domestic workers' rights. Returning to Brooklyn in 1944, she graduated

from the Harriet Tubman Society which fought for integration of the troops during the end of World War II, for courses in African American history and for greater women's participation in student government.

Chisholm got her master's degree in early childhood education, then joined in local politics. During her time in the Brooklyn Democratic Clubs she challenged the all-white and all-male power structure, transforming the 17th District Club into one which brought in more people of color into local politics. (It was no accident that her 1970 memoir bore the title *Unbought and Unbossed*.)

In 1964, she became the first African American woman from Brooklyn elected to the New York State Assembly. She believed her greatest achievement in Albany was passing the Search for Education, Elevation and Knowledge program, SEEK. Now named after Percy Sutton, prominent civil rights attorney and Chisholm's colleague in Albany, SEEK paved the way for open admissions at CUNY, giving opportunities to low-income students to enroll in higher education and provide academic support to ensure their success.

## VITAL ROLE OF SEEK

The program became vital to making CUNY more representative of New York City, bringing in African American, Latino, working-class and immigrant students and

Chisholm and Sutton with pushing it through.

The SEEK legislation was not Chisholm's only accomplishment in Albany. She also worked for the legalization of abortion, access to childcare, maternity rights for teachers and legislation for domestic workers' rights. When elected to Congress in 1968, from Brooklyn's 12th District, she was more outspoken in her opposition to the Vietnam War and her support for women's rights. She was one of the founders of the Congressional Black Caucus, The National Women's Political Caucus, as well as the National Abortion Rights Action League, serving as its honorary chair.

She used her presidential campaign as a platform for her issues, particularly childcare and ending the Vietnam War. She voiced support for lesbian and gay rights as well as Puerto Rico's right to independence. Instead of stepping to the side for a more "winnable" (white and male) candidate, Chisholm pushed across the country to engage voters in thinking about the kinds of change that their country needed. She came to the Miami convention with 151 delegate votes, more than any other woman in history. Af-

Activism ([chisholmproject.com](http://chisholmproject.com)) was established with the mission of bringing Chisholm's life and legacy to the general public through collecting archival materials, holding educational public forums, and making materials publicly available on a website that also provides K-12 curricula.

In interviews for the Shirley Chisholm Project, her impact has been clear. Professor Anita Hill, last November at the Shirley Chisholm Day celebration at Brooklyn College, remembered how thrilling it was for her, a young black adolescent girl, to see Chisholm running for president. "Those things matter," Hill said. "Having that face, that strong voice, that someone who looked like me who sounded like me."

Donna Brazile, political strategist and a lifelong friend, stressed to interviewees that if Chisholm were alive today, she would be fighting to defend the gains that she worked so hard to win. At a time when access to higher education, access to birth control, and the social safety net are all under attack, Chisholm's voice and passion are as relevant today as they were 40 years ago – when she threw her hat in the ring.



# am NEW YORK

## SAY IT AIN'T SO, LILO!

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Page 5



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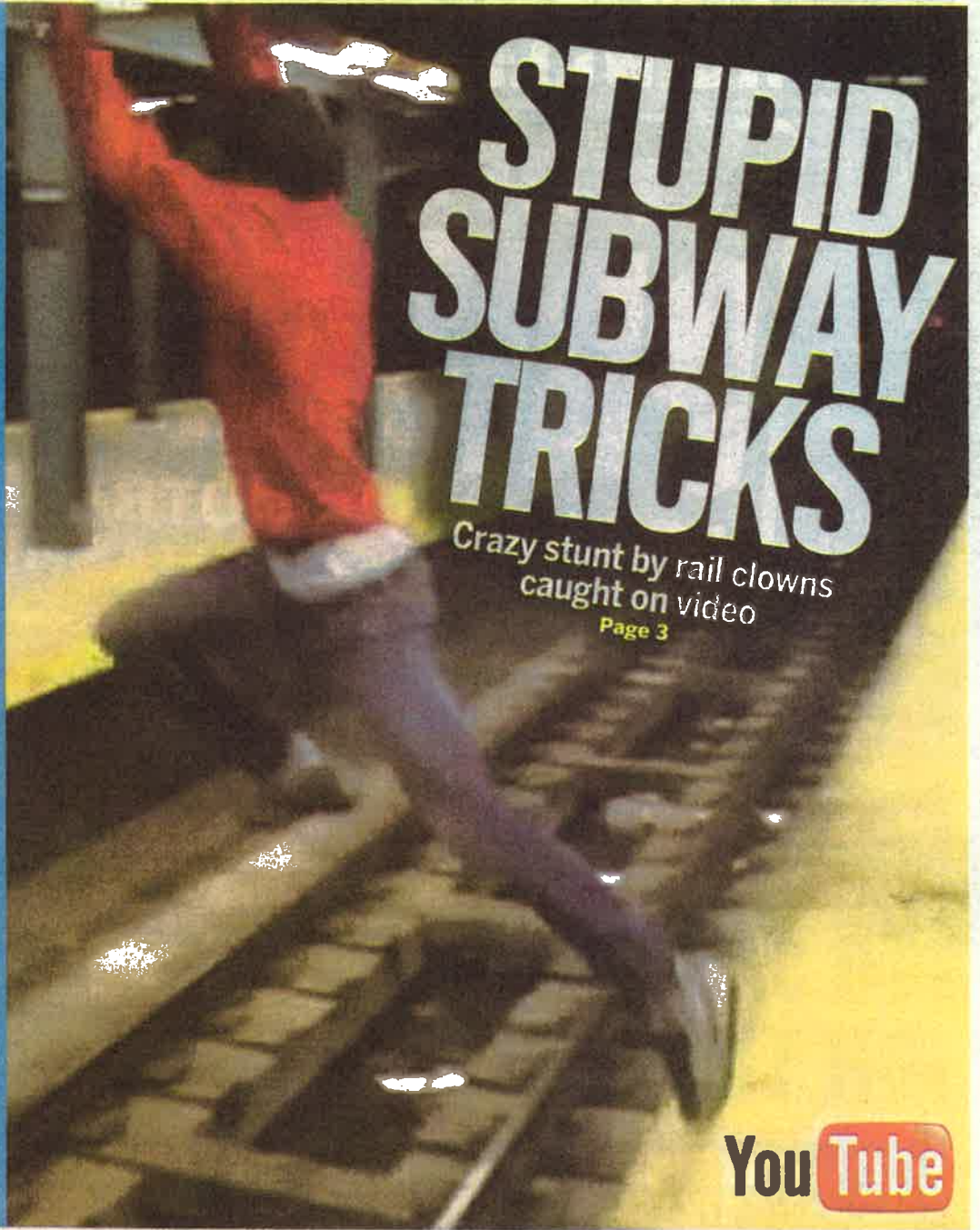
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Crazy stunt by rail clowns  
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David Diehl (DAVID FORRESTER)

### Giant sacked with DWI rap

Giants lineman David Diehl, who was arrested on Sunday night after he smashed his BMW into several parked cars in Queens, was charged yesterday morning with two counts of driving under the influence of alcohol.

According to the criminal complaint, Diehl had a blood alcohol level of .182, more than twice the legal limit. If convicted, he could face up to a year in jail or a fine of \$1,000.

A Queens judge released Diehl, 31, who entered no plea to the two charges of impaired driving, and adjourned the case.

(AMNY/NEWSDAY)

# Rail-ly nutty subway stunt

BY IVAN PEREIRA  
ivan.pereira@am-ny.com

A pair of Jason Bourne wannabes who jumped over a subway platform in Brooklyn left New Yorkers and officials far from entertained.

A video was uploaded to YouTube on Sunday showing a pair of unidentified men jumping over the nearly 11-foot gap between two platforms at the 9th Avenue D-train stop in Brooklyn.

Although the 40-second clip had more than 7,000 hits by press time, straphangers said they were furious someone would promote such a dangerous stunt.

"We hear so many horrible stories about people falling onto the tracks by accident, so why intentionally put yourself in a position where that could happen to you?" Tyler Wain, 36, of the Bronx asked.

Gene Russianoff, of the Straphangers Campaign, said he has seen hundreds of stories of people playing around in subway stations, but this one was by far the worst.

Although both men jumped when there were no



A YouTube video shows two men jumping the 11-foot gap between subway platforms.

trains approaching, there still were big risks, including a 600-volt shock from the tracks, Russianoff said.

Russianoff added that stunts like this harm riders and transit workers when their acrobatics go wrong.

Transport Workers Union spokesman Jim Gannon, who called the YouTube jumpers "jackasses," agreed.

"It's also a terrible thing for train crews to live with if

one of the teens falls under the wheels and gets cut to pieces," he said.

The NYPD said it is not investigating the jumpers, but warned that jumping platforms can lead to a citation and, if done repeatedly, a misdemeanor charge.

The MTA, which also criticized the daredevils, said trains have struck 29 people so far this year. The agency said it cannot determine how

many of those injuries were related to people playing around on the track.

Kevin Ortiz, the agency's spokesman, said the MTA has been pushing an advertising campaign warning of the dangers of subway stations.

"However, the campaign does not address this type of idiocy," he said, adding that the agency hopes other thrill seekers don't aim to copy this stunt.

(WITH TIM HERGENROT)



Charles Barron (JERRY)

### Jewish pols knock Barron

A group of Jewish elected officials denounced Councilman Charles Barron's run for Congress, calling him an "enemy of Israel," because of his criticism of the Jewish state.

"We have learned to live together in this city despite our different backgrounds, and his vile, vicious assailing of Israel is simply not acceptable," former Mayor Ed Koch said in a statement.

Koch was joined by Brooklyn Council members Brad Lachner and David Greenfield at the Museum of Jewish Heritage yesterday. Barron, who is running against state Assemblyman Hakeem Jeffries in the June 26 Democratic Primary for the 8th Congressional district covering parts of Brooklyn and Manhattan, called the news conference a cheap attack.

"I'm not going to let them distract me" from the concerns of people in my district, said Barron (D-East New York).

In previous interviews, Barron called Israel a "terrorist state" and called the government Nazis for their treatment of the Palestinians.

A spokeswoman for Jeffries declined to comment.

(IVAN PEREIRA)

## Bloomberg touts rise in city graduation rates

BY IVAN PEREIRA  
ivan.pereira@am-ny.com

The city's teens are graduating high school in larger numbers, the mayor announced yesterday, but the teacher's union says not all the news is good.

The four-year graduation rate for the city's public school students last year was 65%, marking a 19% surge since 2005, Mayor Michael Bloomberg said.

"Through our strategies to improve education, we've

steadily improved graduation rates and student achievement for the 10th consecutive year," the mayor said in a statement.

Bloomberg and Schools Chancellor Denis Walcott attributed the improvement in matriculation rates to the replacement of failing schools with newer, smaller institutions.

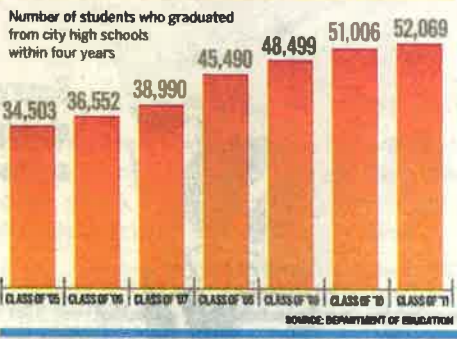
Overall, the graduation rate at the schools that were transformed increased from 35.7% in 2002 to 68% in 2011, the mayor said.

The United Federation of Teachers, which has fought the school closures, said Bloomberg is not giving New Yorkers the full picture.

Michael Mulgrew, the union's president, said Bloomberg didn't mention that the four-year graduation rate among special education students was 27% or that only 39% of non-native English speakers get their diploma on time.

The mayor's office declined to respond to Mulgrew.

### More students making the grade



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## NY MTA Losing \$100 Million Annually To Fare Evasion

By Kate Hinds | 06/25/2012 – 5:39 pm

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NY MTA chairman Joe Lhota, at Monday's committee meetings (photo by Kate Hinds)

Fare evasion costs New York City \$100 million a year. And it's worse on buses than subways.

Putting an exact number on the city's problem is difficult, officials said at Monday's New York Metropolitan Transportation Authority committee meeting. Thomas Prendergast, the president of New York City Transit, said "I believe the number is between \$50 and \$75 million (annually)."

But later that morning, an MTA official said internal estimates put that number closer to \$100 million a year — with fare evasion on buses alone accounting for over \$50 million a year.

MTA head Joe Lhota said he met last month with NYPD commissioner Ray Kelly. The result: police are stepping up enforcement and spot checks on buses — and the effort involves both uniform and undercover officers.

"This new effort has just started," said Lhota, "and I think we'll see the fruit of this relatively soon."

So far this year (as of 6/24), police have made 1,228 "theft of service" arrests on city buses. That's up 72% compared to the same period last year.

Thomas Prendergast said he found some of the fare evasion numbers surprising. "We have the higher end of the rates in Staten Island," he said, "where there's a lot of school service and a lot of the fare evasion may be students."

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So far this year there have been 60 arrests for fare evasion in that borough.

Prendergast said he wanted to produce a thorough report on the problem, "rather than just making anecdotal comments."

One board member asked Prendergast why fare evasion occurs more often on buses. "At the front end of my career," said Prendergast, "I drove a bus for 30 days and qualified as a bus operator in Chicago. And let me tell you, it's one of the most difficult jobs."

He then painted a stark picture of a situation drivers could find themselves in. "If you want to work midnight to eight, by yourself on a bus, and challenge somebody for a fare — we require people to challenge once for a fare — versus sitting in a booth and calling someone if someone doesn't pay a fare — it's a very, very complicated issue."

And not a financially insignificant one. "Every dollar we can save from fare evasion is a dollar we can spend for other things," he said.

To give that \$100 million figure some context: in 2010, the **MTA cut 38 bus lines** — and reduced service on 76 more — to save \$93 million a year.

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Posted by Kate Hinds on at 5:39 pm, filed under Buses, Featured, Local Government, Money, Safety, Subway, Uncategorized and tagged Bus, fare, fare beater, fare evasion, kelly, lhota, prendergast, Subway. Bookmark the permalink. Follow any comments here with the RSS feed for this post. Post a comment or leave a trackback: Trackback URL

4 Comments

 **Al** 06/26/2012 at 11:50 am  
Wt F.  
Rider doesn't pay fare, park bus, right there, don't leave the curb, give paying riders transfers for next bus on route.  
Problem solves itself in a week.

 **Matthias** 06/26/2012 at 12:19 pm  
Three words: Proof of payment

 **BGGB** 06/26/2012 at 1:34 pm  
Actually there's a much better way to put this issue in context:  
At the highest estimate, fare beaters are costing the MTA 1.1% of it's annual collected revenue of \$3.6 BILLION.  
"In their 2012 adopted budget, the MTA projects over \$3.6 billion in fares from New York City Transit services alone. Even if The Advance's estimate of \$40 million is correct, we are looking at a bleed rate of around 1.11%. Just about any business would kill for such a low rate..."  
I'm not saying this money doesn't matter, but we should put it in proper context.  
<http://secondavenuesagas.com/2012/05/31/paying-too-much-attention-to-fare-beatng-dollars/>

 **throcko** 06/27/2012 at 8:56 am  
If Prendergast is correct that it's mainly students, then lost revenue is much lower since students would pay only half fare.

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All city parking rules are in effect Tuesday. Alternate side parking rules and parking meter rules are suspended Wednesday.

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BY PETE DONOHUE  
 NEW YORK DAILY NEWS

THERE ARE MORE than 38,000 subway and bus workers who move New York, and their days in the shadows are coming to an end.

Today the Daily News is proud to announce the launch of the "Hometown Heroes in Transit" awards.

Teaming up with the Metropolitan Transportation Authority and Transport Workers Union Local 100, The News will honor bus and subway workers who demonstrate the noblest of qualities: courage, compassion, dedication, selflessness and ingenuity. Their stories too often have gone untold.

Starting today, The News will accept nominations by email, letter and fax.

Winning candidates will receive cash prizes and be honored Nov. 1 for their exceptional deeds and service — such as saving the life of a rider who fell to the tracks or quickly reuniting a mother and lost child; helping a sick neighbor pay the bills by organizing a neighborhood fund-raiser or winning the hearts of commuters through professionalism, wit and sincerity; driving many miles over many years without a single infraction or accident, or coming up with a novel idea that greatly enhances worker safety or the rider experience.

"This great city wouldn't be nearly so great without the transit workers who move more than 8 million riders a day," Daily News Editor-in-Chief Colin Myler said. "We're delighted to launch this tribute to the extraordinary men and women providing such a vital service."

MTA Chairman Joseph Lhota said: "Everyone at the MTA knows that the people who keep our subways and buses running are unsung heroes of New York City, so we're glad to work with the Daily News and the TWU to recognize the very best among them."

"Our ever-growing ridership levels are a testament to the dedication of our workers, who always strive to improve service no matter how difficult their job. I'm looking forward to seeing the stories of MTA employees who have gone above and beyond the call of duty to exemplify the best of New York — and who are truly Hometown Heroes in Transit."

Local 100 President John Sam-



# 'BOUT TIME! Recognizing city's best

uelsen said: "We are thrilled that the Daily News is standing with us to recognize the incredibly important work done by Transport Workers Union members in the NYC Transit system."

"The Transport Workers Union moves millions of New Yorkers everyday. We are proud of the work we do, and the extremely hard work of our members all too often goes unrecognized. We are pleased that NYC Transit workers are being honored for our diligence, and for our sacrifices."

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

**Nominate a transit worker for a Hometown Hero Award**  
 Address nominations to "Hometown Heroes" and send by email, letter or fax. Include a brief description of why a transit worker deserves an award along with relevant names, dates, locations and contact information for the sender.

- Email: [hometownheroes@nydailynews.com](mailto:hometownheroes@nydailynews.com)
- Letter: P.O. Box 5040, Bowling Green, NY 10274
- Fax: 212-210-1505

**DERRICK HENRY**

Bus driver, 43, is all in favor of the recognition:

**It might motivate people to be more pleasant. I think it's a good idea.**

**SAM SOTO**

Motorman, 61, also welcomed news of the Awards:

**It's a good idea. Other agencies get a lot of praise. We never get praise.**

PHOTOS BY CHELSEA STAHL

## Ban signs, not cigs, suit asks

ALBANY — A smokers' rights group has asked an Albany judge to snuff out signs that purportedly ban smoking in state parks in the city.

Citizens Lobbying Against Smoker Harassment (CLASH), a city-based outfit, filed suit Monday to have the signs removed because there is currently no legal prohibition against smoking in state parks.

The signs went up as the state was rolling out a ban on puffing in all state parks in the city, and in designated areas in state parks elsewhere. But in May, state parks officials put the restrictions on hold after CLASH complained the policy was enacted without proper approval from the Legislature. That argument will now be made in court.

CLASH founder Audrey Silk said the signs were an attempt to "fool park visitors into thinking that an unofficial policy has the force of law." Parks officials insisted legislative approval wasn't needed, but conceded a more elaborate review would take place before the restrictions could be enacted. **Glenn Blain**

## Leafy keen at City Hall

MAYOR Bloomberg fancies himself an expert on nutritional choice, so what's the fave veggie of the big-soda-banning billionaire?

"Steak, I always say," he joked when asked Monday as he announced that all city farmers markets will now take food-stamp-backed "Health Bucks."

"No, I mean, I like carrots and lettuce. Iceberg lettuce I'm a big fan of. Cucumber and radishes. I like chewy things. Things you can really sink your teeth into. I snack on them all the time."

Many think iceberg lettuce isn't really healthy, but that's not exactly true, said certified dietician nutritionist Nancy Copperman, director of public health initiatives at North Shore LIJ Health Systems.

"There are other dark-green leafy vegetables that may have more nutrients, but iceberg lettuce is not a total zero," she said, noting it has some potassium, beta carotene, and lutein. But she said romaine lettuce and spinach would be better for the mayor. **Erin Durkin**



**DNA on chain  
matches 2004  
horror clues**

# OWS MURDER LINK

New evidence found at the site of an Occupy Wall Street protest could finally help solve one of the city's most notorious murders — the slaying of Juilliard student Sarah Fox (right) in an upper Manhattan park eight years ago.

DNA from Fox's CD player found in Inwood Hill Park matches genetic material discovered on a chain (above) that protesters used at a Brooklyn subway station to keep the gates open so people could get in for free.

**STORY: PAGES 4-5**



# TO '04 GAL SLAY



right). Now DNA from a March Occupy protest (above) has been linked to the murder.

## subway\_protest

ter was murdered and now has a family of her own, was careful to say that relatives do not want to jeopardize the case by talking publicly.

"We're not interested in media attention, we're just interested in the case being solved," Washlick said.

"It's been eight years — I can't say in our experience the attention has helped."

Cops recovered the chain, which OWS activists used to keep gates open on March 28 so people could enter without paying.

Matching the DNA on the chain to a suspect won't be easy, sources said, because the genetic sample could be from an OWS

activist or anyone who passed through the gates for a free ride.

Days after the OWS protest, the NYPD posted videos and photos of the scene at the Beverly Road station and other locations, asking for help in identifying the vandals.

The OWS activists wore masks, hoods and gloves, and abandoned the chains at the subway stations. Nobody was arrested in the incident.

Fox was just finishing her second year at Juilliard and living in an apartment on Isham street with her boyfriend and another male roommate when she vanished.

She routinely jogged in Inwood

Hill Park, with her CD player.

Scores of Juilliard classmates distributed fliers with pictures of the spiky-haired, petite actress.

Friends and family came by the busloads from her hometown of Gibbstown, NJ, to search for her.

One of those groups found Fox's body about 120 feet down a steep hillside in the park.

Local artist and self-proclaimed psychic Dimitry Sheinman had long been a top suspect in Fox's murder.

Shortly after the body was found, Sheinman gave cops details about the crime that hadn't been disclosed to the public.

He knew her rib had been broken, and that a stick had been

placed between her legs.

Sheinman had a history of confrontations with runners and others in the park, and did jail time at Rikers for assault.

He recently claimed that he had spoken to Sarah from beyond the grave and that the name of her killer, a music teacher, had come to him "in a vision."

Sheinman's wild claims "saddened and hurt" Fox's family, her sister said.

"Dimitry Sheinman's statements that he has communicated with Sarah — well, he does not speak for Sarah," Washlick said.

"The only person that spoke for Sarah was Sarah. But that liberty was stolen from her."

News of the DNA discovery comes just weeks after Fox's family marked what has become a bittersweet tradition.

Each year since the murder, Sarah's family awards scholarships to students at the Southern New Jersey Academy of the Performing Arts at the Gloucester County Institute of Technology — where Sara was a member of the school's first graduating class.

"There were donations made in the beginning, and since then my mom has kept up with the funds," Washlick said.

"She awards the scholarships to one or two kids who share the same characteristics as Sarah."

jeane.macintosh@nypost.com

# Break for rant teacher

**EXCLUSIVE**

By SUSAN EDELMAN

A Brooklyn teacher fired for posting "repulsive" Facebook comments suggesting her misbehaving students should drown now faces only a two-year suspension without pay.



**RUBINO**

That's the "lesser penalty" decided on by Department of Education arbitrator Randi Lowitt. The Post has learned.

Lowitt first ruled in June 2011 that Christine Rubino, a veteran teacher at PS 203 in Flatbush, should be fired for ranting on Facebook, "I'm thinking the beach sounds like a wonderful idea for my 5th graders. I HATE THEIR GUTS! They are all the devils spawn!"

The comment came a day after a 12-year-old Harlem girl, Nicole Suriel, drowned on a school trip to a Long Island beach.

After Rubino appealed the decision, Manhattan Supreme Court Justice Barbara Jaffe overturned the termination as too harsh.

While "offensive" and "repulsive," Jaffe concluded,

Rubino's remarks were made outside the school building, after hours, and were only circulated among adult Facebook friends.

Jaffe found no evidence that Rubino meant the kids any actual harm or that her outburst "affected her ability to teach" — and sent the matter back to Lowitt.

Lowitt rejected the teacher's request for back pay and to return to her classroom in the fall. And she insisted on the suspension,

citing her finding that Rubino tried to save herself by getting a friend to claim authorship of the comments. The friend later admitted lying to probers, but Rubino denied putting her up to it.

Lowitt ruled in her second opinion that Rubino was guilty not only of conduct unbecoming a teacher but "lying and obfuscation."

"The [suspension] penalty is based on the lie, the continued lie, and the inability to acknowledge the lie," Lowitt wrote.

Rubino plans to appeal, saying she has "suffered enough." A two-year suspension without pay comes to a loss of \$150,000.

susan.edelman@nypost.com

## Bloomberg getting a fresh 'ed'ache

A judge yesterday dealt another blow to Mayor Bloomberg's plan to fix 24 failing public schools by closing them, replacing half their staffs and reopening them with new staffs.

Manhattan Supreme Court Judge Joan Lobis denied the city's request for a temporary injunction.

"I'm not going to jump in

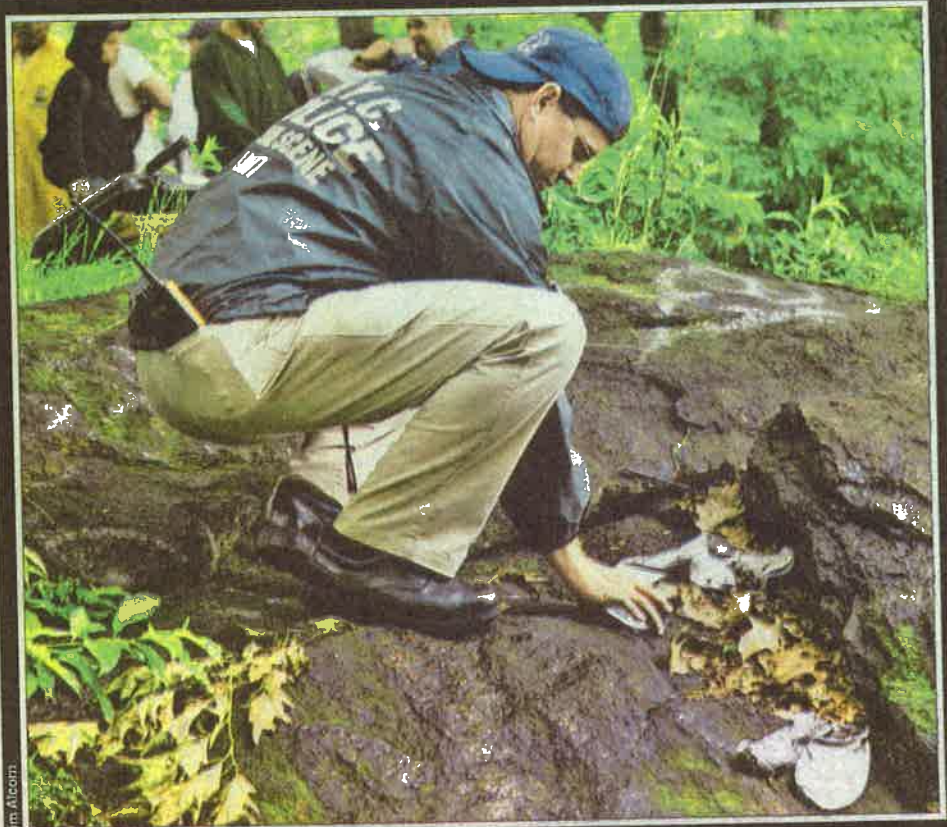
at this point," Lobis said.

City attorney Maxwell Leighton said the arbitrator's ruling, if it stands, will hurt the mayor's plan to reform failing schools.

"We would find ourselves in a position where we would not be able to give the schools the help they so desperately need," he said.

Josh Saul

# OWS LINK



**CLUES:** An NYPD detective in 2004 searches for evidence in the slaying of Juilliard student Sarah Fox (seen at far

## DNA match from B'klyn

By LARRY CELONA, JAMIE SCHRAM, BETH DeFALCO and JEANE MacINTOSH

The unsolved murder of a Juilliard student eight years ago took an incredible turn yesterday as investigators matched DNA from the crime scene to a sample collected from an Occupy Wall Street protest in Brooklyn, sources said.

Police matched genetic material lifted from a pink CD player found at the scene of the 2004 Inwood Hill Park murder of aspiring actress Sarah Fox to DNA on a heavy chain left behind by OWS vandals at the Beverly Road subway station in East Flatbush in March, according to law-enforcement sources.

The match was made late Monday night, one source said.

Fox, a New Jersey native, was just 21 when she disappeared after going for a run on May 19, 2004.

Her naked, strangled and decomposed body was found six days later in a heavily wooded area of the park, which runs alongside the Hudson River.

The CD player — which Fox had attached at her hip when she went out for her jog — was found during a grid search for evidence after Fox's body was discovered.

The DNA on the chain was found during a routine test of crime-scene evidence, according to a source.

"It's an important piece of evidence, but it's a long way from solv-

ing the case," another source said.

News of the DNA find was met with guarded optimism by Fox's family.

"We have always been confident the prosecutor's office will investigate all new evidence and will inform us when there's sufficient evidence to lead to an arrest," Fox's sister, Samantha Washlick, told The Post.

"It seems to me this could be so many people," referring to the number of persons the OWS sample could have come from.

"Until we hear something from the prosecutor's office, we don't put much significance in something that hasn't been substantiated by prosecutors."

Washlick, who was 25 when her sis-

# Sewage Employees

**Walk-In Exams Held Five Days a Week; Hourly Wage \$35**

**Need High School or Assoc. Diploma as Well As Work Experience**

The city is giving a walk-in civil-service test five times a week this month for the position of Sewage Treatment Worker. The filing fee is \$85. No pre-registration is necessary. The minimum salary is \$34.97 per hour for a 40-hour week.

**Test Schedule**

The test is given at the city's two computerized-testing centers, at 2 Lafayette St., 17th floor in Manhattan and at 210 Joralemon St., 4th floor, in Brooklyn. It is scheduled for Tuesdays

(Continued on Page 15)

**TWU Bus Operator Advocate Pressing For Safety Shields**

**By FLORA FAIR**

Several serious bus malfunctions in May that highlighted ongoing maintenance problems and the brutal beating of a Bus Operator last month thrust driver safety to the top of Transport Workers Union Local 100's priority list.

**'Aggressively Seek Remedy'**

The union's Manhattan and Bronx Surface Transit Operating Authority Division II chair, Frank Austin, was recently tapped to head its Bus Operator Action Committee, with a mandate from Local 100 President John Samuelson to "aggressively pursue a

(Continued on Page 3)



**FRANK AUSTIN:** Speeding timeframe for shields.

## Fire Unions: Tried Wrong People 'Deutsche' Final Score: 2 Dead, None Accountable

**By FLORA FAIR**

With all four defendants found not guilty of manslaughter charges in the Deutsche Bank building fire that killed two firefighters in 2007, the fire unions last week demanded that prosecutors go after government officials whose negligence they say helped spur the blaze.

The Manhattan District Attorney's Office considers the case closed. The unions, however, argue that the true culprits have yet to be indicted.

The criminal case ended last week when the last two defendants—an abatement supervisor and his employer, the John Galt Corporation—were acquitted of manslaughter charges by State Supreme Court Justice Rena Uviller. A jury had earlier found two other supervisors not guilty of manslaughter, criminally negligent homicide and reckless endangerment. The only conviction was for a reckless-endangerment misdemeanor against John Gall.

**Case Hinged on Standpipe**

The charges stemmed from a massive blaze that broke out Aug. 18, 2007 in the condemned Deutsche Bank tower, engulfing it in thick smoke that overcame firefighters Robert Beddia and Joseph Graffagnino as they tried to retreat. Both men perished in the fire. Prosecutors had argued that the men in charge of abatement and deconstruction at the site knew the significance of the building's standpipe, yet chose to partially dismantle it in an effort to save time. This led to a partial collapse of the pipe, and firefighters were unable as a result to get water on the deadly fire.

In a July 7 letter to Manhattan DA Cyrus R. Vance, Uniformed Fire Officers Association President Alexander



**ALEXANDER HAGAN:** Points finger at LMDC.

Hagan asked that evidence in the case be revisited—specifically, an August 2007 warning to the Lower Manhattan Development Corporation from its construction consultant URS, which called the building "an accident waiting to happen" and said that Bovis should not be trusted to ensure the building's safety.

The Uniformed Firefighters Association struck a similar tone, with President Steve Cassidy saying, "The verdict confirms our long-held belief that the wrong people were on trial."

**A Dead Issue?**

At this point, only the unions are talking. The Fire Department had no comment on the case; the DA's Office said that it considered the case closed and would no longer be commenting

(Continued on Page 10)

## Money Bolsters Treatment Zadroga Funding a Shot In Arm for Post-9/11 Victims

**By FLORA FAIR**

For Ken George, like so many 9/11 responders, the road from the pile of rubble at Ground Zero to the treatment centers of the World Trade Center Health Program has been long and brutal.

Mr. George was a Highway Department worker when he was called into search-and-rescue efforts at Ground Zero on the evening of Sept. 11. At first, he helped carry body parts to a makeshift morgue, and then assisted in cleaning up debris at the site. He said the air, filled with ash, looked like an early snow.

**'Green Smoke Took Air Away'**

"When I was on the pile on Sept. 11... they moved some debris and this green smoke came out of the ground and it took all the air away," he said, recalling that he and other emergency responders nearby were exposed to it. "Everybody got the same cough, everybody wound up with the same diseases."

Mr. George logged about 780 hours at Ground Zero. In November 2001, his doctor told him that he had asthma and bronchitis. "I had a physical every



**ANTHONY FLAMMIA:** Thought he was 'just slowing down.'

has been invaluable. In fact, without it, he'd be paying \$250 for just one of his prescriptions. "These people really care," he said. "They fight to get my medicines here on time."

He also said his treatment for PTSD

**INSIDE**

**Widow of Cop Who Killed Himself Appeals Ruling**

**PAGE 2**

**Custodians: DOE Cheating**

**PAGE 3**



**KENNETH BRYNIEN:** Cuomo 'holding members hostage.'

members have received layoff notices on the same day PEF's contract team is meeting with the state in an attempt to reach an agreement. PEF will not be bullied into making unnecessary concessions."

Ms. Wells said PEF has not received information on the layoffs from the state. But details of the layoffs are being leaked to the Albany Times Union. The newspaper has posted lists of thousands of targeted job titles on its website. The lists have contributed to increasing anxiety among members,

(Continued on Page 7)

## Conn. Layoffs Labor Neighbors Saying Really Rough



**CHRIS CHRISTIE:** Building a name beating up unions.



**CHARLES WOWKANEK:** 'Paying for Wall St. misdeeds.'

promises Mr. Christie had made during his campaign in 2009 to preserve their pensions.

Mr. Christie has been openly hostile

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## Bus Operators Who Balked Over Safety Issues Back on Job

By FLORA FAIR

Three Queens Bus Operators removed from work after refusing to drive buses they said were unsafe have been reinstated following a mediation between Transport Workers Union Local 100 and the Metropolitan Transportation Authority.

Four Bus Operators, all members of Local 100, refused to drive buses at the College Point Depot May 26 following a surprise inspection by union officials that turned up safety violations on 90 buses at the depot in Queens.

Arbitrator Howard Edelman ordered that three of the drivers be allowed to return to work June 24. The fourth driver, a probationary employee, was initially fired but had already returned to work after a negotiated settlement the week before.

### Will List 'Disabling' Defects

The arbitration agreement also includes the development of a comprehensive list of all safety defects that would deem a bus unfit for service. Both the union and the MTA must agree on the list, which would go beyond the 19-A state regulations for bus safety.

The surprise inspection followed several safety problems in May, including a bus wheel that flew off and nearly hit a woman and her baby. Around the same time, two buses caught fire—one while it was in service. Though no one was injured, the incidents sparked concern.

The union said bus maintenance has worsened, and that its members' refusals were in accordance with state law. Local 100 President John Samuelsen and other union officials argued the drivers' case during the arbitration. He said the MTA agreed that there are a substantial number of reasons to hold a bus out of passenger service, adding that the local will continue to perform unannounced safety inspections.

## Bus Safety Shields

(Continued from Page 1)

remedy" to problems with Bus Operator safety.

Mr. Austin replaced Secretary-Treasurer Earl Phillips, who was balancing the chairmanship with his duties as Local 100's chief financial officer. His first act as chair is to ensure that all MTA buses are equipped with safety shields, which union officials believe would have protected driver Marlene Bien-Aime from being repeatedly punched and then pulled from her bus when a 17-year-old girl attacked her last month.

Mr. Samuelsen, who chose Mr. Austin as BOAC chair, said drivers are attacked several times a week. "My responsibility right now is to make sure Bus Operators are not hit or spit on," Mr. Austin said, calling the new partitions "a start in the right direction."

There are 11 different versions of MTA city buses, and Mr. Austin said they're looking for a product that properly fits all of them. "The time-frame has been accelerated and I'm doing this at a very steady pace with the cooperation of New York City Transit," he said.

The first prototype of the new barrier went out on buses from the Gun Hill and 126th Street depots on Monday. So far, there's only one bus from each depot with the barrier. "They're ordering a bunch more once we give them the approval" for the prototype.

## Claim Process Improper Custodians Suing DOE Over Contract Violation

By DAVID SIMS

The Department of Education has handed out custodial contracts without a proper bidding process, in violation of state law, for years, International Union of Operating Engineers Local 891 President Robert Troeller is charging in a lawsuit.

The custodians union is suing DOE for violating a 2004 agreement that nullified custodial contracts with the companies Johnson Controls and Temco Services Industries and required the agency to competitively bid any such outsourcing work in the future.



ROBERT TROELLER: DOE makes up its own rules.

### Booted Company Rebooted

While a Request for Proposals was issued after the agreement, with the contract going to a company called Control Building Services, that company lost the deal within a year, Mr. Troeller said in a phone interview.

"DOE took those schools and gave those assignments to Temco and Johnson," he said. After several renegotiations, Temco is now in sole possession of the contracts again, despite never winning a competitive bidding process, Mr. Troeller charged.

"It seems like they negotiate these terms at will, whenever they feel like it, and they never give another company an opportunity to bid on it," he said. "Temco didn't even win the 2004 RFP. Prior to that, the last bidding [DOE] did was in 1994."

Assistant Corporation Counsel Andrew Gelfand said in a statement, "We are reviewing the legal papers now. The DOE issued a publicly advertised competitive request for proposals in 2003 and in November 2004 entered into the contract that is currently at issue in this litigation. That contract, which was with Control Building Services, was assigned by Control to Temco Service Industries with the consent of the DOE in 2007, and is still in effect."

Mr. Troeller's union represents the majority of Custodial Engineers in the city's schools. The DOE has expanded outsourcing of those jobs in recent years, with Temco now operating in dozens of schools.

### Cited In-House Misdeeds

In its 2004 response to the suit brought by Local 891, the city argued that 86 Custodian Engineers had been charged in the previous two years with criminal or administrative misconduct, and that private con-

tracts were required to help improve the system.

But Justice Faviola Soto ruled the deals the city had with Temco and Johnson null and void, saying the Custodial Engineer jobs were not specialized enough to require private contracting through "interim agreements" that lacked competitive bidding.

Mr. Troeller said that his union had felt the DOE had never obeyed the law in its custodian contracting since then, but could not take legal action because of the agreement it made with the city.

"We were able to negotiate an agreement with them that covered the terms of how they could contract out these jobs," he said. "Now DOE is violating the agreement and is giving out buildings outside of that agreement... but we believe they've been in violation of the law all along."

### Have to Follow Procurement Law

Now that Local 891 members are losing their positions in schools, the union has re-opened the case. Mr. Troeller predicted that DOE would claim that it is exempt from city regulations, as it has in previous cases, including prevailing-wage decisions by the City Comptroller.

"They claim to be a mayoral agency, except in the case of following the rules of the city and being in compliance with the Comptroller," he said. "But [Justice Soto] found that even though the State Education Department gives certain procurement rights to the Chancellor... they still had to follow procurement law."

## Correction Dept. Faulted Union: Westchester Resists Awards from Arbitrators

By MARK TOOR

The Westchester County Department of Correction is resisting arbitration awards and forcing the county Correction Officers' Benevolent Association into court to enforce them, according to an attorney for the union.

"In Westchester County, the m.o. is for the department to just not honor any arbitration agreement," the attorney, Mercedes Maldonado of Koehler and Isaacs, said in an interview last



# Smarter is with a sen





Updated: Wed., Jun. 20, 2012, 11:40 PM

# Labor's Off-Track Costs

Last Updated: 11:40 PM, June 20, 2012  
Posted: 11:31 PM, June 20, 2012

**The Issue:** Whether MTA workers and executives are equally shouldering the organization's cost-cutting.

\*\*\*

I'm a firm believer in shared sacrifice, but unions, especially public-sector unions, get away with murder ("Time for Labor To Sacrifice," Joseph J. Lhota, PostOpinion, June 19).

Yet the nonunion workers Lhota uses in his straw argument are mostly executives and political appointees who make enough money to hold the line for a few years. Executives and political employees do little to no work and are overpaid. Once the MTA has less than 20 VPs, we can begin to talk about "sacrifice."

## C. Honadel

Staten Island

\*\*\*

"Time for Labor to Sacrifice" claims the MTA is "leaner," as Lhota extols "aggressive cost-cutting" and no raises since 2008 for its bloated management core.

Lhota's "no raise" claim doesn't stand up to a close analysis.

Some top managers have, in fact, made substantially more over the last few years, even as their "base pay" remains the same — 3,760 MTA employees, most of them managers, earned in excess of \$100,000 in 2010.

Yet transit workers, the people who operate the system, make a base rate of \$53,000 to \$65,000.

The MTA's own budget projections show that labor costs drop from 67 percent of the budget in 2004 to only 56 percent in 2015, while debt service jacks up from 11 percent in 2004 to 19 percent in 2015 — an incredible \$2.75 billion a year in interest payments to banks and Wall Street.

## John Samuelsen

President

TWU Local 100

Manhattan

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New York

## MTA puts pressure on union workers to accept givebacks or wage freezes in order to balance its budget

Local 100 President John Samuelsen says union won't accept a wage freeze. MTA says three-year freeze would generate \$307 million a year by 2015

BY PETE DONOHUE / NEW YORK DAILY NEWS

WEDNESDAY, JULY 25, 2012, 9:53 PM



JEFFERSON SIEGEL FOR NEW YORK DAILY NEWS

Local 100 President John Samuelsen says the union won't accept MTA's proposed wage freeze.

The MTA is ratcheting up the pressure for union workers to accept givebacks — or wage freezes — to help balance its budget.

Unveiling its latest four-year financial plan, Metropolitan Transportation Authority executives Wednesday said that the sacrifice it seeks from workers pales in comparison to what it is imposing on riders and drivers.

The MTA envisions riders and drivers contributing nearly \$900 million more annually by 2015 with fare and toll hikes; one increase in March and another two years later.

A three-year wage freeze would generate annual savings of \$307 million a year by 2015.

"We're prepared to give raises as long as they are paid for through work rule changes or health care contributions," MTA Chief Financial Officer Robert Foran said during a presentation to the authority's board.

Local 100 President John Samuelsen said he's not accepting a wage freeze.

"It's just not happening," he said.

He claimed the state's revision of the tax rates last year amounted to a big break for the wealthy, making it unjustifiable to ask either riders or transit workers to pay more or give contract concessions.

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**THE WALL STREET JOURNAL.**  
 WSJ.com

NY REGION | July 25, 2012, 11:00 p.m. ET

# MTA Puts Union on Spot Over Budget

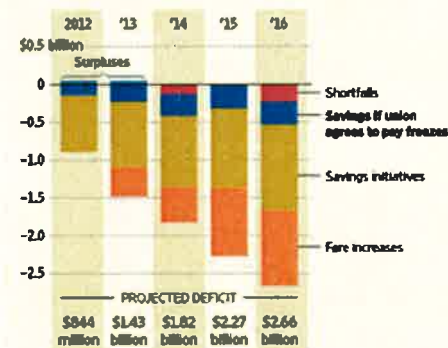
By TED MANN

The Metropolitan Transportation Authority is in uncommon territory: It's looking to finish the budget year with a surplus.

But the MTA wants riders to know that all that good news—and perhaps even the restorations of bus routes announced to fanfare last week—is hanging in the balance of its continuing labor talks.

### Minding the Gap

How proposed cost savings would affect the MTA's projected deficits



Source: WSJ Market Data Group

The Wall Street Journal

As MTA Chief Financial Officer Robert Foran presented the agency's July Financial Plan to the board of directors on Wednesday, he returned repeatedly to a key assumption buried in the agency's budget: It assumes hundreds of millions of dollars will be wrung from its unionized work force to keep the budget in balance.

MTA has demanded three "net-zero" years in its negotiations with Transport Workers Union Local 100, which represents 35,000 of the agency's workers. The MTA has asked the union to either forgo raises for three years, or to balance any wage increases with work-rule changes or increased payments for benefits such as health care, Mr. Foran said.

While both MTA Chairman Joseph Lhota and Local 100 President John Samuelson have said they will avoid discussing details of the negotiations in the press, Wednesday's announcement nonetheless represented an opportunity for the agency to ratchet up the pressure on the union to agree to its wage demands. The MTA's "fragile" budget will fall apart otherwise, Mr. Lhota said.

### Earlier

MTA Readies Bus Revival

2012. The annually recurring savings from those concessions would ultimately reach \$307 million, according to the MTA's figures.

"I rank it as my highest risk," Mr. Lhota told reporters, referring to the assumption that the MTA will get the labor concessions it's seeking. Getting the three net-zero years would save the agency \$146 million in

Union leaders insist they won't agree to the MTA's demands, and contrast the demand for concessions with tax policies they say have favored the affluent. "Why should transit workers even

entertain the thought of eating three zeroes over the life of a contract when at the highest levels of New York state, the signal was sent that rich people get treated differently?" Mr. Samuelson said in an interview.

TWU pointed to its own study which showed that debt service was projected to rise as a share of the MTA's expenses between 2004 and 2015, to an estimated 19% from 11%. Over the same time period, using figures from the MTA's February budget estimate, labor expenses were projected to fall as a share of total spending, to 56% from 67% , the TWU analysis states.

Meanwhile, other threats remain to the MTA's finances, officials said. The MTA will try to save \$31 million through new "efficiencies" in its Paratransit program, and the 2013 budget calls for \$30 million in additional, unspecified cost savings. The agency assumes rising returns from real-estate taxes, and is vulnerable to a possible rise in interest rates that would hammer its debt service.

"Their long-term problems aren't that much different than they were during the crisis," said Nicole Gelinas of the Manhattan Institute.

The agency also will increase fares and tolls in March 2013, raising an annualized \$450 million, and again in 2015.

The tone was relatively light Wednesday, however, and Mr. Lhota joked that he had helped ensure state lawmakers got to take credit for the brightest news in the new plan—the \$29.5 million in service restorations.

"And they should," board member Ira Greenberg replied, "and when the budget starts next year, they should take responsibility for making sure we're well-funded."

**Write to Ted Mann at [ted.mann@wsj.com](mailto:ted.mann@wsj.com)**

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# The Chief

Civil Service LEADER

THE CIVIL EMPLOYEES' WEEKLY

116th YEAR - Vol. CXVI, No. 20

[thechiefleader.com](http://thechiefleader.com)

## Board of Elections To Embrace Technology, Forsake Hand-Counts

### Fiasco in Rangel's District, Sharp Criticism Spur Electronic Conversion

By SARAH DORSEY

The city Board of Elections July 17 voted unanimously to abandon the election-night initial hand-tallying of votes that led to a serious miscount on primary night, a system Mayor Bloomberg called "about as corruptible... as anybody could design."

Gwendolyn Youngblood, president of Communication Workers of America Local 1183, had also labeled the paper count "cumbersome" and prone to human error and called for an electronic method earlier this month.

### Relying on Computers Now

Data will now be downloaded from electronic voting machines onto memory sticks and taken to police precincts to be uploaded and reported to the media. This system has been possible for two years, since the city scrapped the old lever-operated machines, and is used in the rest of the state.

Instead, poll workers until now printed out paper tallies, cut them into districts, and added them by hand, giving those results to civilian workers who typed them into police computers. This method will still be used as a back-up.

The hand-tallies, which have been under fire as slow and prone to inaccuracies, became a target again June 26 after more than 15 percent of election districts initially recorded no votes in the primary race between

(Continued on Page 7)



## Cites Service Restorations

# TWU: Healthier MTA Can Also Afford Worker Hikes

By SARAH DORSEY

Even as he applauded the Metropolitan Transportation Authority's decision to restore or expand service on nearly 40 bus, subway and rail lines, Transport Workers Union Local 100 President John Samuelson said those additions prove that the agency can afford to give employees raises under pending wage contracts.

"They have enough money to pay for both. They simply do," Mr. Samuelson said, citing as proof arbitrator George Nicolau's decision in May to grant 11-percent wage increases to bus personnel in Staten Island and Queens represented by Locals 726 and 1056 of the Amalgamated Transit Union.

### Pressure on Lhota From Above

Those awards, however, concerned three-year contracts that were retroactive to early 2009, rather than coinciding with the contract term for Local 100 that would be retroactive to Jan. 15 of this year. MTA Chairman Joseph J. Lhota has insisted no money is available for wage hikes, and he is known to be under pressure from Governor Cuomo to hold the line after the two largest state-employee unions agreed to three-year wage freezes at the start of longer deals in order to avoid thousands of layoffs.

In addition to announcing improvements two years after service throughout the transit system was cut by his predecessor, Mr. Lhota said that a fare increase scheduled to take effect next year may be delayed by two months.



JOSEPH LHOTA: Very pleased by new service.

Service will be added in areas the agency considers underserved, including Red Hook, Brooklyn, whose residents joined with Transport Workers Union Local 100 last month to demand better access to transportation after the B77 bus line was cut in 2010. Mr. Lhota said that revenue from increased ridership and aggressive cost-cutting made the restorations possible.

### LIRR, Metro North as Well

Bus service will be beefed up along the west side of Manhattan, in Hunts

(Continued on Page 14)

## Pensions, Health Care At Issue

# Key City Unions Rally For Locked-Out Con Ed Staff

By SARAH DORSEY

Public-sector workers, including many Transport Workers Union Local 100 members, showed their support for 8,500 locked-out Con Edison employees July 17 at a Union Square rally where the heads of the local postal, transit and fire officers' unions also pledged their allegiance.

"Enough is enough," organized labor

Federation of Teachers and Professional Staff Congress-CUNY. Several elected officials also spoke before the rally, including Manhattan Borough President Scott Stringer and City Comptroller John C. Liu.

Con Edison locked out Utility Workers Union of America Local 1-2 members around 2 a.m. on July 1, shortly after their contract expired. Talks had

# Seeking For Moto



SUNY UNDER THREAT: Members of United University Professions protested outside State University of New York Center on July 16 against a financial-restructuring says will lay off as many as 1,000 workers. UUP Chair Rowena Blackman-Stroud (holding megaphone) while SUNY officials met with state legislators on

## 1,000 Jobs At Risk

# UUP Leads Protest Possible Downstate

By DAVID SIMS

A restructuring plan at State University of New York's Downstate Medical Center in Brooklyn could lead to the dismissal of as many as 1,000 workers, with United University Professions July 16 leading a protest outside the building as SUNY Chancellor Nancy Zimpher and Board of Trustees Chairman H. Carl McCall met with lawmakers on the cuts.

### Troubles for Brooklyn

"From the conversations that we've had with the administration as well as SUNY officials, we're concerned about

"This will have the economy of Small business could be more if "The big conce there's very little very unstable s

State Comp Napoli announce fice had comm view of SUNY I to its financis spurred by a le State Sens. Veb Eric Adams, J Sampson and I

# TWU: Money for Raises

(Continued from Page 1)

Point in The Bronx, and along the northern Brooklyn waterfront. The Long Island Rail Road and Metro North will also add extra off-peak trains. The temporary extension of the G-line to Church Ave. in Brooklyn will be made permanent—another move Local 100 officials and residents have pushed for in recent months.

"Not a day goes by that I don't think about how to improve both the quality and quantity of service for our riders, and I'm pleased that these investments will make a difference in the lives of our customers," Mr. Lhota said.

### 'Organizing Paying Off Now'

"We're extremely pleased about the service restorations," Mr. Samuelsen said. "[Our] organizing of transit riders...is actually paying off now. These are the dividends. We were at the MTA board meeting last month standing side by side with the working communities that rely so heavily on transit service, and that is a powerful alliance."

MTA officials estimate the service restorations will cost about \$29 million per year to maintain. Mr. Lhota described the agency's financial condition as "still fragile," though things appear to be looking up: in its most-recent monthly report, the MTA's budget was \$90 million above what was projected in February. Fare hikes originally scheduled to take place Jan. 1, 2013, which Mr. Lhota said may now be pushed back two months, are expected to raise \$450 million annually.

The agency has cited lower-than-expected tax and fare revenues in proposing zero wage increases in Local 100's 2012-2015 contract. When asked if the agency should have looked to pay its workers before restoring service, Mr. Samuelsen said, "We don't view them as mutually exclusive. We're not going to get into the debate about which should come first."



JOHN SAMUELSEN: Union is pleased as well.

Mr. Nicolau had chided the agency for not trying to negotiate its way out of higher-than-market interest rates it's paying on billions of dollars in debt.

"That's something that they've been reluctant to do," said Mr. Samuelsen. "But they weren't reluctant to cut transit service [in 2010] and they're even less reluctant to try to ram zeros down the throats of transit workers."

### 'There's Always More Money'

"It's the age-old story of the MTA," he added. "There's always more money than they say there is. The MTA's position that we should make significant concessions is not an economic position; it's a political position."

MTA spokesman Adam Lisberg disputed the labor leader's assertions.

"The arbitrator's decision is talking about theoretical dollars, not dollars we have at hand right now," he said. "There is not a pool of money sitting there," and any money the arbitration panel thought was available was "somewhere between theoretical, hypothetical and purely speculative. You cannot budget with that."

"Our budget is in balance right now because of aggressive cost-cutting, because of a series of regular but relatively-small fare increases, and because we assume that labor cost increases will remain at net zero," he added.



JOE BIDEN: Democrats will protect benefits.

## Praise for Medicare

(Continued from Page 4)

it will eventually face a shortfall. Some Congressional Republicans have suggested that we should address this shortfall entirely through deep benefit cuts that could cost a typical senior hundreds of dollars every month. We believe that Social Security can be preserved for future generations without slashing benefits and we will oppose any efforts to privatize or weaken the program."

He said the health-care law recently upheld by the U.S. Supreme Court "extends the life of Medicare by eight years by taking smart steps like cutting waste and fraud and creating incentives to cut down on hospital readmissions. These steps will save seniors in traditional Medicare an average of \$160 on premiums and copays in 2012 alone."



STEVE CASSIDY: Agreement required bargaining.

## Court: City Has Right To Cut 5th Firefighter

(Continued from Page 4)

at busy companies enables its members to knock out fires more quickly and safely. With the extra hands, they said, a company can run a hose-line up a staircase much faster. The system also provided additional firefighters to fill in when members of ladder companies were sick or injured.

The city countered that most fire companies have operated safely with just four firefighters per tour, and that safety equipment and procedures have improved over the years, making the extra person even less necessary.

### City Cites 'Flexibility'

"We are pleased the court agreed with the BCB and the city that the FDNY is not required to negotiate prior to adjusting its staffing levels," William Fraenkel, Senior Counsel of the Law Department's Labor and Employment Law Division, said. "This kind of flexibility enables the FDNY to maintain the highest level of service protecting New Yorkers and members of the Fire Service while also safeguarding public funds."

UFA President Steve Cassidy said, "The plain language of the Roster Staffing Agreement clearly obligates the city to bargain with the UFA prior to any staffing reduction and not allow for the unilateral elimination of the fifth firefighter in 60 of the busiest engine companies in the city. We maintain that the court committed a reversible error."

Attorneys familiar with the case said that to overturn the board's ruling, the unions would have had to meet a difficult legal standard, proving the decision was "arbitrary and capricious."

The court would have had to find that the board "made their decision outside the bounds of law, outside the bounds of rational legal thought," one attorney said. "It's pretty hard to overcome that."

# Nespoli's Outsp

(Continued from Page 5)

was driving an older truck with a black seatbelt, which is harder to see against a dark-green uniform," Mr. Servidor said.

The complaint was appealed through the Sanitation Department to the Office of Administrative Trials and Hearings, which found in the steward's favor. However, OATH's findings are only recommendations, so Sanitation Commissioner John J. Doherty suspended the worker for five days "just because he can... The union should have appealed, but did nothing."

The department uses a progressive-discipline system under which the first complaint in a year results in a reprimand, the second in loss of a day's pay, and further complaints result in the loss of two, three and more days' pay.

Supervisors can give workers complaints for such things as an unemptied can, although the can may have been put out late or new garbage may have been placed inside it after it was emptied, Mr. Servidor said. Other workers have received complaints for not returning from 15-minute coffee breaks fast enough, although there is nothing in the contract saying how much time they have to return from pre-set break locations to wherever the truck is parked, he said.

Of the union's leadership, he said, "It doesn't cost them anything out of pocket, so they don't care."

### Nespoli: Work It Out In-House

Mr. Nespoli said that at one time, every disciplinary complaint went to OATH, and the union worked out a system with Sanitation in which complaints would be heard within the department and workers would receive lighter penalties. He said that Mr. Servidor, alone among the business agents, brought all his cases directly to OATH. "He sent over 300 members' complaints downtown," Mr. Nespoli said. "The other business agents are more than happy with the way the system works."

He blamed Mr. Servidor for not making the union aware of the steward's case, which he said he was still trying to confirm last week.

Mr. Servidor said the disciplinary system is unfair, adding, "I don't want to be part of that circus."

On health issues, Mr. Servidor said that the department forces people on light duty back to work by assigning them to jobs outside their regular hours and boroughs, jeopardizing child-care and other domestic arrangements. Once they come back to work, he said, "supervisors tell them, 'do your physical therapy on your own time.'" He added, "If you go out on light duty and can't handle [the assignment] they tell you to go sick, which messes up your sick record. But sick time is part of your evaluation."

Mr. Nespoli said light-duty assign-

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John Perez was nominated for Hometown Hero in Transit Award for dedication to his job as station cleaner on No. 1 line.

# MR. CLEAN

## Hometown Hero nod for 'extra mile'

BY PETE DONOHUE  
NEW YORK DAILY NEWS

IF YOU'RE going to spend \$75 million fixing up the joint, you definitely want someone like John Perez taking care of it.

Perez is a subway-station cleaner who actually loves to clean.

At 5 a.m. Wednesday, Perez swept the downtown platform at the Dyckman St. station on the No. 1 line from end to end with quiet enthusiasm. Then he did it again.

While most of the city slept, Perez polished the turnstiles as if buffing a cherished car. He even scrubbed the outside steps leading to the station entrance at the intersection of Dyckman, Nagel Avenue and Hillside Avenue.

"He goes the extra mile all the time," Transport Workers Union Local 100 officer Paul Piazza said.

Cleaners work off a list of scheduled tasks so that jobs are done at correct intervals. But Perez, 52, doesn't wait

"He does everything every day," said Piazza. He even dusts hard-to-reach light fixtures, even though he's not required to.

"I like what I do," Perez said. "I take pride in my stations. They feel like my second home."

It's a generally thankless job with ceaseless waves of riders and trash. But for his long and dedicated service, the subway veteran has been nominated for a Hometown Heroes in Transit Award. It's a tip of the hat to transit workers deserving of recognition for extraordinary deeds or service.

The Metropolitan Transportation Authority is in the final stages of a total overhaul of the Dyckman St. station, part of a \$75 million project that also includes fixing up, to a lesser degree, five other Broadway line stations.

Perez, who is single and lives in the Bronx, has always worked the overnight shift, from 11 p.m. to 7 a.m. For the majority of that time, he's cared for the same stops on the Broadway line: Dyckman, 225th, 215th and 207th Sts.

"It's very clean, compared to other stations," said Phyllis Marrero, 28, a receptionist at a nearby medical office. "Other stations have a lot of wrappers, bottles, everything just thrown around. He does a really good job."

As more and more commuters started to enter the Dyckman St. station as the Wednesday morning rush was beginning, Perez headed home to his apartment. He was going to watch some television, get some sleep and have dinner.

Then he'll probably tidy up a bit.

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



### Nominate a transit worker for a Hometown Hero Award

Address nominations to "Hometown Heroes" and send by email, letter or fax. Include a brief description of why a transit worker deserves an award along with relevant names, dates, locations and contact information for the sender.

- Email: [hometownheroes@nydailynews.com](mailto:hometownheroes@nydailynews.com)
- Letter: P.O. Box 5040, Bowling Green, NY 10274
- Fax: 212-210-1505

PHOTO BY DANNY IUDUCI

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# MTA chain gang



**OFF TRACK:** MTA workers are led into Manhattan court yesterday to face charges they falsified subway track-signal safety records.

## New CUNY college has park place

It's a classroom with a view. The city's first new community college in more than 40 years opened smack in the middle of bustling Manhattan yesterday — with a stunning view of Midtown's Bryant Park.

The New Community College is starting the year with 330 freshmen in temporary leased space on West 40th Street.

The school — the seventh community college under City University of New York's wings — expects to serve 5,000 students and move to permanent digs at Columbus Circle in about 10 years.

"This has been a long and arduous journey, but we have arrived," CUNY Chancellor Matthew Goldstein said in a ceremony at the nearby New York Public Library.

At a time when community colleges nationally are struggling with high rates of student remediation and low graduation rates, the new college is trying creative measures to reverse the trend.

It's requiring all students to attend freshman year full time — something that has been shown to boost results — and is giving students remedial courses on alongside credit-bearing classes.

Students are initially being offered five areas of study: liberal arts, business, human services, urban studies and information technology.

"It's really cool. It's a brand-new experience and a fresh start in new place," said freshman Simor Mitchell, 19, of The Bronx.

Last February, CUNY officials said the city had contributed \$1 million toward the new college.

*David Seifman, Ikimuli Livingston and Yoav Gonen*

## 10 busted in signal-inspect fraud

By ANTONIO ANTENUCCI and BETH DEFALCO

Ten MTA workers — including two supervisors — have been arrested in a long-running fraud case for recklessly falsifying track-signal safety records to make it appear they completed inspections when they didn't, authorities said yesterday.

"Failing to properly inspect the subway system can lead to delays in service and, potentially, endanger the safety of subway riders," said Manhattan District Attorney Cyrus Vance Jr. in announcing the busts.

Eight TWU Local workers were indicted for allegedly tam-

pering with public records, a felony. Their two immediate supervisors — members of the Subway Surface Association — were also charged in the scandal.

The raps against the bosses include record tampering and official misconduct, a misdemeanor, for knowingly entering falsified logs into the computerized system.

The supervisors pleaded guilty to official misconduct.

Authorities said that instead of scanning bar codes located on subway equipment to show they had gone out to inspect it, workers merely scanned copies of the bar codes, which were kept in a log book.

The book was allegedly found

by authorities in the locker of maintenance worker Anthony Pellegrino, 29, of Maspeth, L.I.

A union lawyer for six maintenance workers arraigned yesterday tried to justify the conduct by saying the men never made any money off faking the inspections and were "scapegoats" for upper management.

"They were ordered to meet quotas that some may describe as impossible," said the lawyer, Arthur Z. Schwartz.

Union officials, meanwhile, cried foul that only their workers were targeted.

"No senior managers or Transit Authority executives have been targeted — only hourly sig-

nal maintainers who were damned if they did and damned if they didn't," TWU officials said in a joint statement.

The DA's office said the investigation looked into whether there was systemic wrongdoing or a condoning of inspection-log fraud at the MTA or New York City Transit and found none.

MTA inspector-general reports in 2000, 2005 and 2010 explained that faulty red/yellow/green signals could put riders in danger.

MTA New York City Transit President Thomas Prendergast said additional auditing measures and inspection staff have been added.

*bdefalco@nypost.com*

## Punchy pol gave guy 'nose job' in '89 bar brawl

ALBANY — An insurgent Democrat who could help tip the state Senate's balance of power once broke a man's nose in a bar fight.

Witnesses told cops at the time that Albany County legislator, Shawn Morse, then 22 years old, also hurled an obscenity at a bar waitress and falsely claimed he

was a cop in the 1989 brawl near Albany.

Morse's campaign spokesman, Doug Forand, denied that the candidate, a firefighter challenging longtime Sen. Neil Breslin (D-Albany) for the Democratic nod, ever uttered the insult or claimed police-officer status in the 4:30

a.m. incident — for which Morse was convicted of assault.

Morse is backed by the four-member Independent Democratic Conference headed by Sen. Jeff Klein of The Bronx.

Republicans currently have a 33-29 hold on the Senate. But if the Democrats gain control — aided

by a Morse win — Klein and the IDC would be in position next year as potential kingmakers.

Forand said the victim of Morse's assault, Christopher Daus, has contributed to his boss' county campaigns.

But Daus said he's supporting Breslin for Senate. *Erik Kriss*

## NYU's Sour lemon aid

New York University's financial aid and administration ranked first — for being the worst, according to the latest Princeton Review college rankings.

The Greenwich Village school has been at or near the top in both categories — bad financial aid and poor administration — for at least the past five years.

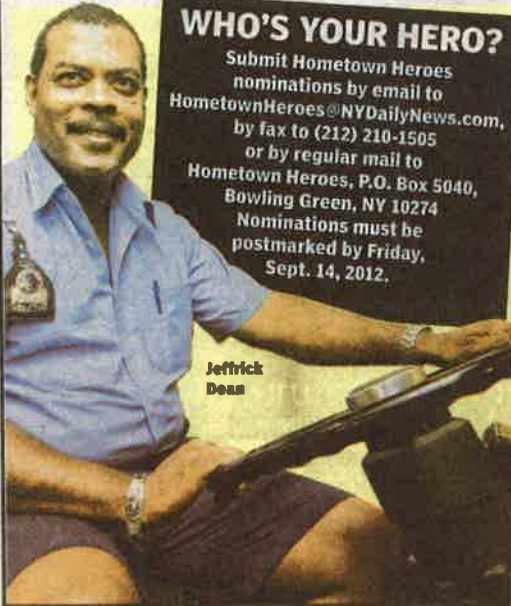
But it's the first time it was ranked No. 1 in both in the same year.

Its Morningside Heights counterpart, Columbia University, ranked eighth for having "great financial aid."

Tuition and related fees total \$40,000 at both colleges. *Yoav Gonen*

# HE GIVES 'EM A LIFT

## Bus driver Jeffrick Dean's greetings & salutations bring smiles to riders



### WHO'S YOUR HERO?

Submit Hometown Heroes nominations by email to [HometownHeroes@NYDailyNews.com](mailto:HometownHeroes@NYDailyNews.com), by fax to (212) 210-1505 or by regular mail to Hometown Heroes, P.O. Box 5040, Bowling Green, NY 10274. Nominations must be postmarked by Friday, Sept. 14, 2012.

Jeffrick Dean

BY FINN VIGELAND  
NEW YORK DAILY NEWS

THE NEXT TIME you board a bus in Brooklyn, don't be surprised if you hear a merry, multilingual man shouting out a welcome.

Jeffrick Dean, who's been driving a MTA bus for 23 years, makes a point of greeting every one of his passengers — often in one of the many languages he's picked up to better connect with his riders.

"Folks just light up when I do it," the 52-year-old Bedford-Stuyvesant native said.

Hannifah Muhammad, a regular rider from Bushwick, said the greeting she gets each day in her native Arabic is "amazing."

"I don't even know him, but every time I see him he greets me in Arabic, and I say the greeting back," said Muhammad, 44.

Dean also dabbles in Spanish, French, Chinese and Japanese.

"Being a bus driver is a big responsibility, so I stay positive about it," said Dean, an ordained minister who also stands in as a volunteer MTA chaplain in his off hours.

For his talent at making his route feel more like a gathering of friends than a morning commute, Dean has been nominated for a Hometown Heroes in Transit Award.

But Dean isn't just a smiling face — he's also saved passengers from real danger.

Several years ago, Dean's bus was caught in the crossfire of a shootout in Rockaway.

He quickly stepped on the gas. "I went past three stops and didn't stop the bus until I got to Brookdale Hospital," he said. "It

turned out [a rider] had been shot in the arm."

It's all part of the job. The Daily News, MTA and Transport Workers Union Local 100 will honor a select group of bus and subway workers for their dedication to their work. Winners will be announced in November.

"Bus Operator Dean is an inspiration for all of us. He is terrific at a job he obviously loves and the enthusiasm he brings to his work is returned by his customers and co-workers," MTA spokesman Charles Seaton said.

His regular customers are big fans.

"Every time people have a somber look, he puts a smile on them. He makes this bus cheerful, telling jokes and saying, 'Have a blessed day,'" said Denise Easter, 46, who rides Dean's route daily.

"I actually look forward to getting on this bus."

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



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# MTA expands trash plan

BY MARC BEJA  
marc.beja@amny.com

The MTA is expanding a pilot program this weekend to cut down on trash in subway stations by removing garbage cans, am-New York has learned.

The agency will take away all bins from eight stations — two from each borough the subway system serves — on Sunday, officials confirmed yesterday. The Eighth Street N/R station and Flushing-Main Street No. 7 stop, which have been can-less since October, will remain so as the pilot extends for at least another six months.

"The whole goal was to reduce the number of trash bags that would have to be removed from the system, and that would help control the rodent population," MTA spokesman Kevin Ortiz said yesterday. "We've seen some pretty positive results over the last several months."



The F station at 57th Street is one of the stations that won't have trash cans starting Sunday. (CHRIS BARTLE)

**am**  
**NEW YORK**  
**EXCLUSIVE**

### THE STATIONS set to lose garbage cans on Sunday

**Bronx:** 238th Street (No. 1) and East 143rd Street-St. Mary's (No. 6)

**Brooklyn:** 7th Avenue (F/G) and Brighton Beach (Q/B)  
**Manhattan:** 57th Street (F) and Rector Street (No. 1)  
**Queens:** 111th Street (A) and 65th Street (M/R)

Ortiz said the number of garbage bags collected from the Main Street station has dropped by 67% without garbage cans, and there have

been half as many bags taken from Eighth Street. Officials have also seen "noticeable" increases in cleanliness. But Gene Russianoff of the

Straphangers Campaign said that even if taking away trash cans reduces the amount of garbage, "it's no way to treat your customer."

"If you're eating an ice cream cone with a wrapper, you can't put it in your bag," said Russianoff. "It may or may not result in a smaller amount of trash, but it definitely results in more inconvenience for the riders."

"It may work in some areas that are not well-traveled, but we have a well-traveled system," said Maurice Jenkins, vice president of Stations for the Transport Workers Union.

"In certain areas, instead of throwing stuff in the cans, people are going to throw it on the floor," he said.

MTA board member Andrew Albert said he was "surprised" about some of the stations being tested.

"In the case of Main Street, because it's a terminal, I guess you can take it out and put it in a city trash can," he said of riders' garbage. "The mid-way stations ... are a whole different ballgame."

## Silver OK with 'hush' fund probe

Assembly Speaker Sheldon Silver said he has no problems with the state looking into his controversial settlement that was made against Assemblyman Vito Lopez for a sexual harassment case.



Silver

Gov. Andrew Cuomo said the Joint Commission on Public Ethics, Albany's watchdog, should fully investigate the charges against Lopez, 71.

Although the governor declined to comment whether the JCOPE should also look at the \$103,000 settlement for a previous sexual harassment case against Lopez, Silver said he has no qualms.

"Those facts will show that any decision by the Assembly to enter into any settlement agreement was both legal and ethical," he said. (GUY LAWRENCE)

## Ref pleads not guilty to murder

The U.S. Open referee accused of killing her husband pleaded not guilty yesterday and had some help from her daughters for her case. Lois Goodman, 70, was held on \$500,000 bail following the hearing, the Los Angeles district attorney's office said. Police say the ref

beat her spouse to death with a coffee mug in their home in April. Goodman's daughters, Allison Goodman Rogers and Joan Goodman, wrote letters to the judge insisting their mother was a good person and asked for a lower bail, prosecutors said. (GUY LAWRENCE)

## MacFarlane 'SNL' opener host

Get ready for a whole new season of laughs on "Saturday Night Live."

"Family Guy" creator Seth MacFarlane is slated to host the season premiere on Sept. 15, NBC announced yesterday. The musical guest will be Frank Ocean. Meanwhile, Joseph Gordon-Levitt will take his second turn as host on Sept. 22, with musical guest Mumford & Sons, and James Bond himself — Daniel Craig — will take the reigns Oct. 6, with musical guest The Muse.

The new season of the

New York institution will pose a test for executive producer Lorne Michaels following the departures of two longtime cast members. (AP/WIDE WORLD)



(AP/WIDE WORLD)



## Artists taking a stand

Sean Lennon and mom Yoko Ono look on as actor/activist Mark Ruffalo speaks at the Artists Against Fracking Coalition Event at the Paley Center For Media in Manhattan yesterday. (RETT)

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Made possible with funding from the Centers for Disease Control and Prevention.



Concrete-pouring rig in February, won the right to appeal disciplinary actions to an independent third party July 13.

The American Federation of Government Employees, which represents airport security screeners and other TSA workers, had been in talks with the agency since January, claiming that its members lacked due process and were subject to "kangaroo courts" when accused of violating work rules. The deal is considered an "agreement in principle" because it has not yet been implemented.

### Grants 'Merit' Reviews

TSA workers will now be treated similarly to other Federal employees, with the right to appeal more-serious disciplinary actions to the Merit Systems Protection Board, an independent panel that hears cases at other agencies. Employees accused of lesser offenses, who have been given a 14-day suspension or less-serious punishment, will be able to file a grievance with management, and the AFGE may then appeal cases to expedited arbitration.

The expedited hearings are limited to two hours before a single private arbitrator, rather than a panel, but

(Continued on Page 7)



DAVID BORER: At last, transparency.

## Judge Upholds Ruling Preserving Teachers' Jobs At 24 Schools

By DAVID SIMS

Manhattan Supreme Court Justice Joan Lobis July 24 upheld an arbitrator's decision to preserve Teachers' jobs at 24 schools that had been slated for major overhauls, halting the Department of Education's "turnaround" plans there, although the city vowed to appeal the decision once again.

Justice Lobis ruled from the bench after hearing arguments from United Federation of Teachers and city attorneys. Noting the drawn-out nature of the case, she admitted she'd be interested to hear the opinion of the Appellate Division if the case continued to wind its way through the courts.

### UFT: Get Ready for School

"We appreciate the judge's decision to uphold the arbitrator's ruling," UFT President Michael Mulgrew said

(Continued on Page 9)



...who opposes affirmative action in hiring, sent out notices last week encouraging opponents of the ruling to file objections to try to influence the outcome, under which minority candidates who scored as low as 25 on either of two written tests are eligible for compensation.

"I'm not very hopeful when it comes to Nick Garaufis, but they are providing this opportunity, and maybe somebody will pay attention. Maybe if enough people come out, they'll think, 'There's something going on there that we should look into,'" said Mr. Mannix, who is also an FDNY Deputy Chief.

### City to Pay Out \$128M

Judge Garaufis announced in March that the city owes up to \$128 million in back pay to black and Hispanic candidates who scored at least a 25 on either of the 100-point 1999 and 2002 written entrance exams, as long as they passed the physical test. Current minority firefighters whose hires are deemed to have been delayed by lower passing marks than white competitors are also eligible. The Judge will decide how the money will be distributed after the October hearing.

He also ruled in January 2010 that 293 black and Hispanic Firefighter candidates who took the 1999 and 2002 exams will be eligible for prior-



NICHOLAS GARAUFIS: Sets a very low bar for back pay.

ity hiring if they meet the minimum job requirements, even if they are now above the age limit. They may also receive retroactive seniority, which can affect vacation and shift preferences. More-senior FDNY members are also given higher priority in promotions. Current firefighters whose hires are deemed to have been delayed can also get retroactive seniority.

"It's gonna affect the whole job," said Mr. Mannix. "It really causes a lot of resentment. You're going to get seniority, you're going to get back pay and just because I'm white or Asian or Native American, I don't get it? When you weren't out there all this time putting your life on the line on

(Continued on Page 7)

## Could Save Big on Interest Transit Unions Want MTA To Renegotiate With Banks

By SARAH DORSEY

A coalition of unions representing Metropolitan Transportation Authority workers rallied outside Chase Bank headquarters near Wall Street July 24 to demand that the MTA end what labor leaders called "toxic deals" with banks that they say are costing the agency more than \$100 million annually. The agency has defended those arrangements—known as interest-rate swaps—saying they save money over the long term.

Like cities and local agencies across the country, the MTA issued billions of dollars in municipal bonds in the early 2000s, accepting fixed rates of between 3 and 6 percent in complex financial deals as a sort of insurance policy against rising rates. When the economy crashed in 2008, interest rates plunged to near-zero levels, but the agency is still paying the higher rates.

### Press for Better Deals

Led by Transport Workers Union Local 100, the MTA Labor Coalition—whose member unions represent MTA employees throughout the five boroughs and surrounding counties—called on the agency to negotiate with the banks to cancel the deals or lower interest rates. All of the coalition's members, who belong to various locals of the TWU, Amalgamated Transit

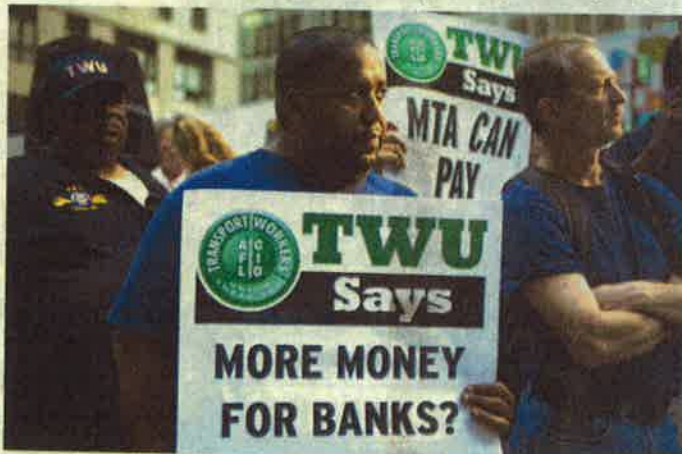
Union, United Transportation Union and others, are working under expired contracts. The MTA is proposing zero wage increases in Local 100's 2012 pact, that union tends to set a pattern for the smaller transit locals. Members of some of those locals have been working under an expired contract for several years.

"The MTA is being ripped off to the tune of about \$100 million a year. . . But they won't take on Wall Street to get that money," said Local 100 President John Samuelson to dozens of supporters at the rally. "The bitter irony to me is inescapable. . . They have absolutely no problem taking on our workers [by] trying to ram successive zeros down our throats. They have absolutely no problem putting forth demands that we pay \$5,000 a year for our health coverage [or] . . . asking that we eat unpaid furlough days. But when it comes to taking on the banks that caused this problem, the MTA suddenly gets cold feet."

Agency spokesman Adam Lisberg responded in an interview that unlike the rest of the MTA's debt, these swaps are nearly impossible to get out of or refinance. He said the only example he'd heard of was that of the Asian Art Museum in San Francisco, which was nearly bankrupt at the time.

"Do you want us to get to the point

(Continued on Page 14)



PAY US, NOT WALL STREET: Several dozen transit workers from various unions gathered outside Chase Bank.

## Firing, Loss of I

By MARK TOOR

Former Det. Gescard Isnora, charging that "Monday-morning quarterbacking" in the Sean Bell shooting led to his firing, has sued Police Commissioner Raymond W. Kelly seeking his job back.

On March 23, six months after an NYPD administrative trial, Police Commissioner Raymond W. Kelly dismissed Mr. Isnora, an 11-year veteran, and stripped him of his pension rights. On the same day, three other officers involved in the Bell shooting were allowed to retire with their pensions. Mr. Kelly had declined to approve a similar deal for Mr. Isnora.

### 'Excessive and Unprecedented'

Michael J. Palladino, President of the Detectives Endowment Association, said last week after the suit was filed that Mr. Isnora's dismissal was "excessive, unprecedented and warrants scrutiny of the court."

"Everybody was given the opportunity to resign except Jesse," Mr. Isnora's lawyer, Philip Karasyk, told the Daily News. "It wasn't as if he got the offer and rejected it. They needed a scapegoat."

The firing of Mr. Isnora was "based not on the facts of the case, but on improper political and public-relations considerations," the suit charged.

The city, however, stood firm. "The Police Commissioner's decision to terminate Officer Isnora was supported by the evidence at his departmental trial," said Georgia Pestana, Chief of the Law Department's Labor & Employment Law Division. "We expect the court to uphold the termination."

In order to win, Mr. Palladino said, Mr. Isnora will have to prove that Mr. Kelly's action in firing him was excessive, "that the punishment far exceeds the administrative charges" of which he was convicted.

The suit, filed July 20 in Manhat-

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## Claims DOC Not Supporting COBA to COs: C When Inmates Ass

By MARK TOOR

The long-simmering conflict between the city Department of Correction and its unions over violence in the jails is boiling again, with the Correction Officers' Benevolent Association advising COs that if they are assaulted by an inmate they should report it not only to their supervisor but also to the NYPD.

"First, notify your commanding officer. . . of your intention to file a criminal charge or complaint," stated a bulletin posted on the COBA website July 20. "Upon the end of your tour of duty, and on the way back from receiving medical treatment for any injuries incurred, stop at the local police precinct where the incident occurred and immediately file charges against the inmate to insure the inmate is arrested and prosecuted to the fullest extent of the law."

### 'Management Won't Protect Us'

"We will not allow inmates to continue to assault us with no repercussions," the announcement continued. "The safety of you and your family is one of our top priorities. The DOC upper management [generally] refuse to protect us. If the Department of Correction won't enforce the penal law, then COBA will!"

"DOC is not doing enough to protect its employees," COBA President Norman Seabrook said in an interview last week. . . Inmates continually assault COs, and DOC and the District Attorneys are slow to charge them with a crime." He compared assaults on correction personnel to attacks on



NORMAN Seabrook, D/

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# Transit Unions Prod MTA to Renegotiate With Banks

(Continued from Page 1)

where we're at the brink of bankruptcy? Absolutely not. The TWU doesn't want that. Riders don't want that," he said.

## Termination Fees Cut Savings

Other entities, including New York State, have gotten out of similar deals, but have often ended up paying hefty termination fees, sometimes covering the cost by issuing more debt.

A union and transit advocacy group called the Refund Transit Coalition, which counts the TWU and the ATU as members, released a study in June noting that two cities—Detroit and Richmond, Ca.—managed to make deals with banks to offset much of their losses from swaps. Richmond was losing \$6 million a year in higher interest payments and now pays only \$1 million annually, the study found; Detroit managed to offset about a third of its nearly \$80 million in losses. The City Council of Oakland, Ca. also announced a few weeks ago that it would stop doing business with Goldman Sachs unless it agreed to waive a \$15 million termination fee on its swaps. The bank reportedly offered to reduce the fee—by a mere \$100,000.

Mr. Lisberg maintained that the MTA refinances other types of debt all the time, but that the banks expected the agency to keep up its bargain on these swaps.

"That's one of the reasons only a relatively-small part of our...wide and diverse portfolio is [in them]," he said.

## Help a One-Way Street?

United Transportation Union Local 1440 President Tom Wilson, who represents roughly 200 employees of Staten Island Rapid Transit, portrayed the situation in Occupy Wall Street terms, gesturing toward the Chase building and saying, "This is the 1 [percent]; we are the 99." Occupy Wall Street's labor outreach coordinator also spoke at the event.

"I just want to go back a few years and remind everybody that Wall Street was in trouble, a few years back," Mr. Wilson continued. And they asked the taxpayers to bail them out. And we did, because they were too big to fail."

A Local 100 spokesman acknowledged that the agency saved money at first by making the deals with the banks, calling it "very prudent. We're pleased that they did it."

But since then, "the actions of these banks caused the collapse of the national and global economy, and public monies were used to prop them up. Given all that, it seems like a reasonable request that the banks return the favor [by lowering our rates]," he said.

Mr. Lisberg countered that such a move could hurt the agency's ability to borrow cheaply in the future. If an individual is almost bankrupt and



**"THEY'RE BEING RIPPED OFF":** Transport Workers Union Local 100 President John Samuelson July 24 called on the Metropolitan Transportation Authority to negotiate with the banks that he said are charging it more than \$100 million annually in higher-than-market interest rates. "It's very telling that the MTA is concerned about damaging their relationship with the banks but they could care less about damaging their relationship with their own workforce and riders," he said.

begs a credit-card company to reduce his payments, "maybe they will," he said. "But they will never lend to you again."

## Unions: MTA's Got Leverage

But Mr. Samuelson and representatives of other coalition locals said they believed the MTA had the leverage to work out a good deal.

"[They're] a huge borrowing organization," the Local 100 leader said. "There's always going to be a bank that's going to lend them money. Always."

Mr. Lisberg, however, said the swaps are actually a good deal; many are 30-year bonds, and once the economy improves and interest rates rise, they will once again beat the market.

Last week's rally took place as other workers gathered for a protest in Union Square, in part to support Con Edison utility employees, whose 26-day lock-out ended two days later. Much of the crowd in front of Chase Bank headed down to join them after their own press conference, and several of their leaders touted the MTA coalition as a force that could have greater power in local politics.

"If we grow this type of movement, they can't lock us out like they're doing Con Ed," said Local 100 organizer J.P. Pataño. "Because if they lock us out, what happens to this city? People from Long Island ain't getting to work; people ain't getting over the bridges, and the trains and buses ain't moving."

Mr. Samuelson also took the opportunity to broadly criticize the MTA's financial management, saying, "A family that has to work on a budget... would never do some of the

things the MTA does. [It's like] the Obama stimulus money from 2010. They pumped [it] into expansion projects rather than using [it] to sustain service... A family would never do that. They would never put money into an extension on their house when they couldn't pay the existing electric bills."

He also took issue with a comment Mr. Lisberg made in this newspaper last week. An arbitrator said in May that the MTA could pay wage increases retroactively to bus employees in Queens and Staten Island in their 2009-2012 contracts. The MTA spokesman called any such available funds "somewhere between theoretical, hypothetical and purely speculative."

## "They Have Ability to Pay"

"Well, it's only theoretical dollars because the MTA doesn't have the political will or desire or chutzpah to stand up to the Wall Street banks that are holding onto our money," Mr. Samuelson said at the rally. "They have the ability to pay. It's not just the...swaps; it's with their tax revenues bouncing back. It's their nest eggs," he said. Mr. Samuelson previously criticized the agency for maintaining a rainy-day account to pre-fund retiree health benefits. That so-called GASB fund is similar to one the city held but recently used to meet its budgetary needs.

Mr. Lisberg responded, "The unions would like us to break contracts that have lowered our borrowing costs as intended, because they think it would hypothetically save money. The MTA has put forward a financial plan that takes real costs and risks into account, and relies on any union wage increases to be paid for through productivity

gains and other agreements. Our budget is balanced, but it is fragile."

## Use Surplus to Fund Raise?

The Local 100 head also used the rally to tout his strategy in the union's ongoing contract negotiations, noting that the MTA's most-recent financials posted online listed \$90 million in revenues it hadn't projected back in February, mostly from increased ridership. Diverging from usual practice, Local 100 and the MTA agreed to bargain past the Jan. 15 contract deadline this year, and members have been working under an expired pact since.

"Had we established a deadline on Jan. 15, and either settled a contract with concessions in it or went on strike, it would've been simply six months later before the MTA announced a \$90-million surplus... beyond [what] they claimed they had," he said. "Now how many times have unions across the MTA settled contracts over the last 25 years only to find out a few short months later that they were being disingenuous about their budget assessments... only to have the membership of their union... say 'the MTA screwed us again?'"

## Surgeon Pension Case

(Continued from Page 2)

duties were similar to those of Dr. Dann have received benefits under the Heart Bill. But, according to the opinion, "The New York City Law Department spoke during the meetings and opined that...the legislative history of the Heart Bill, as spelled out by the Court of Appeals, allegedly does not support the notion that Police Surgeons should receive the benefits of the Heart Bill."

One board member who favored a Heart Bill pension for Dr. Dann summed up the final position as: "There's been no change in the statute of duties or title, but we are going to reinterpret the law and we are going to threaten this beneficiary differently than all others who preceded."

Justice Wright ruled that "the action of the Board of Trustees to deny [Dr. Dann] ADR under the Heart Bill was arbitrary and capricious. Contrary to its claim in court papers, it has not provided any credible evidence as to why [Dr. Dann] should not be entitled to benefits under the Heart Bill...The Board of Trustees makes conclusory statements alleging that [Dr. Dann's] job was not stressful, without providing any examples."

Mr. Richter said, "Police Surgeons are uniformed members of the police service and identified as such in the NYC Administrative Code."

Inga Van Eysden, Chief of the Law Department's Pensions Division, said, "We're disappointed in the decision. We feel it is incorrect and are reviewing all options, including appeal."

THE NEW lime-green loud is go at night.

## Safe Bas

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Welcome to the State University of New York Manhattan Educational Opportunity Center (MEOC), a 46 year old educational center located in the heart of Harlem. Helping students succeed is our mission.

Learn English, earn your GED® and prepare for college with us. Improve your professional skills by participating in one of our vocational programs including Certified Microsoft Office®, PC Repair with A+ Certification, Security Officer Training, Development Assistant Program or Civil Service Exam Prep.



## Beau 'fess in beauty horror slay

She was a beautiful 23-year-old daughter of a millionaire from Connecticut. He was a suave fashion publicist, 10 years her senior.

Yesterday, more than a year after she was found butchered in their Lower East Side apartment, Raul Barrera pleaded guilty to murdering Sarah Coit for wanting to leave him.

The plea — which exposes Barrera to anywhere from 15 years to life in prison — saves the victim's family from enduring a murder trial that had promised to be rife with gruesome autopsy evidence and testimony.

Coit was stabbed repeatedly in April of last year. Her screams alerted neighbors and police too late — she was found face up, partially beheaded and eviscerated, with a knife blade in her skull.

"Going to trial, he figured, wasn't his best option," said defense lawyer Paul Feinman.

Manhattan Supreme Court Justice Richard Carruthers will rule after hearing evidence from both sides in the coming weeks.

Coit, a 5-foot-10 stunner who ran cross-country at Greenwich HS, is the daughter of Lynde Coit, a senior adviser to the CEO at Plasco Energy Group Inc.

Barrera was a vice president of the Coleman Entertainment Group public relations firm.

Feinman had been poised to argue at trial that Barrera was suffering from extreme emotional distress when he killed Coit. The lawyer would not confirm if he will raise that issue at the upcoming sentencing hearing.

Laura Italiano

## New demand in 1989 rape

A judge yesterday ordered the city to "immediately" cough up investigative and disciplinary records for two ex-cops who helped wrongly convict five teens in the 1989 "Central Park Jogger" rape case.

Manhattan federal Magistrate Judge Ronald Ellis said the information could prove crucial in determining the credibility of former Detectives Humberto Arroyo and Mike Sheehan, who are among the defendants in a \$250 million civil-rights suit filed by the freed former suspects.

Ellis' ruling came after a plaintiff's lawyer, Myron Beldock, angrily accused the city of repeatedly "stonewalling" to keep the dirt against Arroyo and Sheehan under wraps.

Bruce Golding

# Anti-Muslim posters spark subway fears

By JENNIFER FERMINO,  
AMBER SUTHERLAND  
and LARRY CELONA

The NYPD ramped up security at 10 subway stations yesterday after the MTA was forced to install a controversial ad campaign branding enemies of Israel "savages," sources told The Post.

The 46- by 30-inch ads — which the MTA unsuccessfully tried to block — were pasted into subway walls throughout the day in heavily trafficked areas such as Grand Central Station and Times Square.

The American Freedom Defense Initiative, a pro-Israel group spearheaded by activist Pamela Geller, paid \$36,000 for 30 days of ad space.

Straphangers of all religious backgrounds blasted the ads.

"I'm appalled at the fact they can use the term 'savage' so easily, categorize the whole Muslim world under the word 'savage,'" said Javerea Khan, 22, a Bronx Muslim.

She called the ads a "slap in the face to all Muslims."

"It's disheartening something like this would actually go up."

And Rebecca Klinger, who is Jewish and has lived in Israel, called the ads "contrary to Jewish teachings and Jewish philosophies."

"I find it appalling that anyone claim[ing] to be pro-Israel would suggest some human beings are savage and less than human. The Nazis tried to do the same thing to the Jews, to make them seem less than human," she said.

Riders also said the ads make them fear for their safety, because the subways have long been pegged as a terrorism target and because of the violent protests in the Middle East over a low-budget anti-Muslim movie.

"I think it's dangerous. There are people who will take it to the next level," said Joanne Behan, a regular subway rider from Brooklyn.

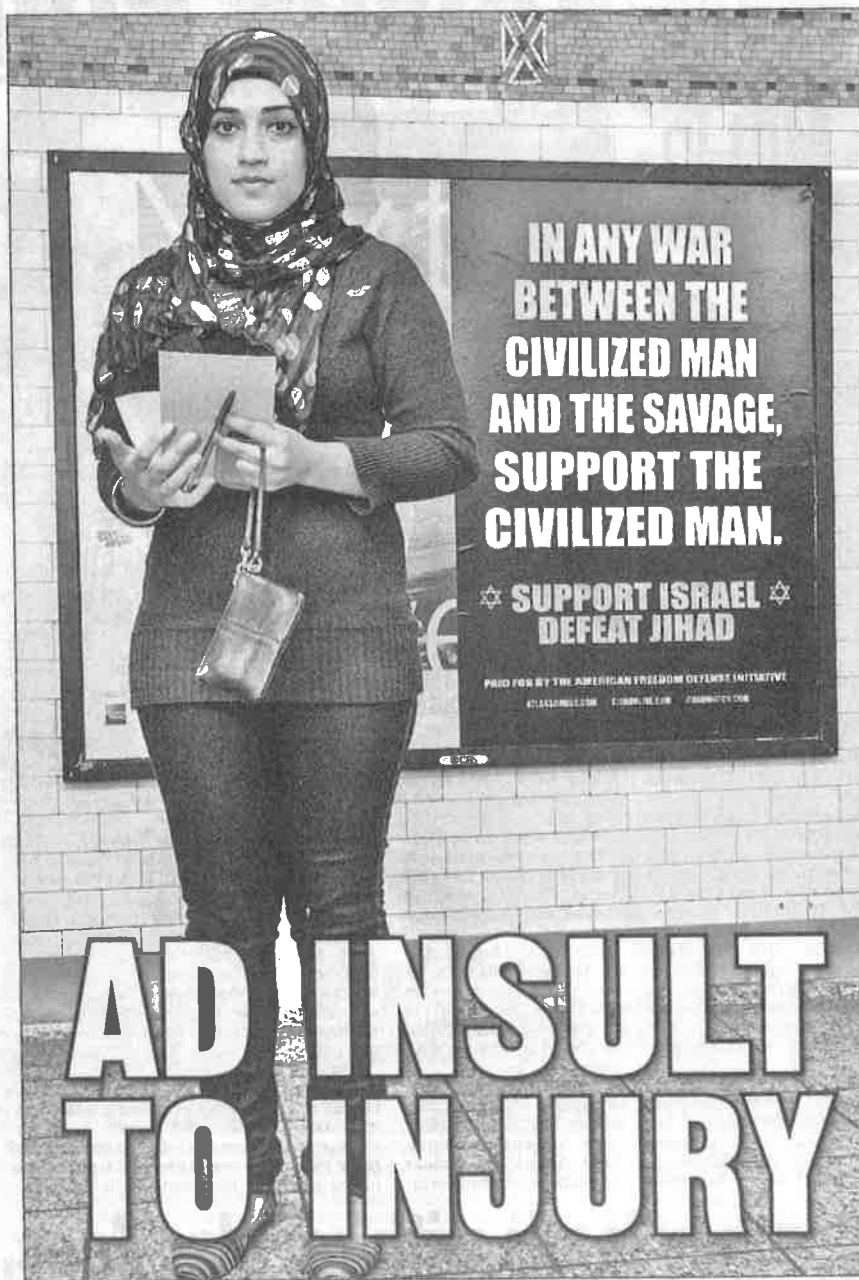
"Some people believe that Americans are against Muslims and this can add to that. I don't think they should be up."

The NYPD quietly increased its presence at the stations with the ads — which include 28th Street on the 6 line and 34th Street on the 1 line, sources said.

Those stations will undergo extra scrutiny from transit police and beat cops alike, both underground and on street level, the sources said.

But NYPD spokesman Paul Browne insisted there would be no change "in security, posture or staffing because of the ads."

Vandals already tore down one ad at the 72nd Street 1 train station just hours after it was hung.



**OUTRAGED:** Javerea Khan, at the Times Square station yesterday, called this advertisement and others like it "a slap in the face to all Muslims. It's disheartening something like this would actually go up."

While some riders found the ads offensive, they conceded it's protected speech.

"It's the language of war. Ads like this are divisive and propaganda," said Cyrus McGoldrick, a Muslim and director of the New York chapter of the Council on American-Islamic Relations.

But he did say he believed

Geller's group is protected under the First Amendment.

Geller was adamant there was nothing wrong with the ads. "Anyone who kills innocent civilians, it's savagery," she said.

The MTA initially refused to run the ads, citing "demeaning language."

Geller sued in federal court

and won on First Amendment grounds.

She added she might make one change if she had to do it again.

"I might change 'support Israel' to 'defend America,'" she said.

Additional reporting by Antonio Antenucci

Jennifer.fermino@nypost.com

## More Fiscal Balance



LES: Pro-obs.

work that HHC can you continue when you keep cutting, if you private hospi-

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## the Editor

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"We really are different from the city... but we could not survive without its support," he said. "It's problematic that we've gone a number of years without a contract with our Nurses, to keep us competitive."

But the city is also right to claim a primary stake in HHC and conduct labor negotiations, Mr. Aviles said. "Our financial link justifies it."

He said that cutbacks were necessary to ensure the long-term financial security of the agency, especially since the Affordable Care Act could increase the burden on the state.

While the ACA would prompt a "huge expansion" of Medicaid in areas like the south, Mr. Aviles said, New York operates with a much stronger safety net and would face a more complicated picture because of a scaling-back in Medicaid funds as efficiencies and savings kick in around the country.

### The 'Woodwork' Dilemma

New York City has roughly one million people dubbed "woodwork eligibles" because they are eligible for Medicaid enrollment but have not come forward. If, as expected by some, they "come out of the woodwork" with the implementation of health-care reform, then the city would benefit, Mr. Aviles said. But he was not so sure that would happen.

"If that does happen, it will have an impact," he said. "But in New York, a very large percentage are undocumented immigrants."

save as much money as it can so it can pay for studies that cost \$10 million while trying to cut wages and benefits.

Then you have Teamsters Local 237, the local union that I am part of. Instead of helping its dues-paying members, it is actually aiding and abetting the destruction of labor as we know it.

The title of Maintenance Worker is one it represents, but not really. Contract after contract it has allowed the Maintenance Worker to be paid time and one quarter for Saturday work when everyone else on a 40-hour week gets time and a half. President Gregory Floyd has even allowed the Housing Authority to create a new title called Caretaker M. They are allowed to do work of the Maintenance Worker with half the pay.

It's all about the dues money coming in, isn't it, Greg? Oh, but Mr. Floyd just created a task force to solve what?

Mr. Floyd should concentrate on his fiduciary duty, period.

### GEORGE CONTOVEROS

Editor's note: Mr. Contoveros is a former candidate for president of Local 237.

## 'Assaults Out of Control'

# TWU Keeps Pressure On MTA for Bus Partitions

By SARAH DORSEY

Metropolitan Transportation Authority officials said last week that by this time next year, half the city's fleet of local buses would have safety partitions installed, up from roughly 15 percent today.

Transport Workers Union Local 100 President John Samuelsen said the agency was picking up the pace after a recent meeting with the union.

### Nearly 4,000 Don't Have Them

Currently, only 679 of the 4,600 local buses on the road have the plexiglass shields, which Local 100 officials say are crucial to preventing assaults on Bus Operators. (Express buses aren't being earmarked for shields now because both sides say assaults haven't been a problem on them.)

Mr. Samuelsen held a rally outside the Jackie Gleason bus depot in Sunset Park, Brooklyn Oct. 18 to draw attention to the high number of assaults on transit workers, especially bus drivers, and to demand more protection for them.

In a two-week period last month, one Bus Operator was stabbed with a syringe, another was scalded with hot coffee and a third was choked. According to the MTA, there were 61 serious assaults against drivers this year through the end of August. That tally doesn't include threats or spitting, which is distressingly common.

"These are positive new steps," Mr. Samuelsen said of the promise to add more partitions. "The organizing we're doing with the communities is paying off. People are beginning to take notice that these assaults against transit workers are getting out of control."

Brooklyn State Sen. Eric Adams, who is a former transit police officer, said at the Local 100 rally last week that too many elected officials "have been quiet on this issue."

### Convenient Targets

Speaking to the Bus Operators, he said that as far as irate passengers were concerned, "You're the symbol of all their anger, all their frustration."

"You can't protect yourself," he said, adding that if an assaulted transit worker responded by giving an attacker "a knuckle sandwich," he'd be arrested.

MTA spokesman Kevin Ortiz said, "Since this process began, we have worked cooperatively with the TWU to move this vital effort forward as quickly as possible. We were happy to be able to share with them the progress we have made in the area of Bus Operator protection as well as the forecast for the coming year."



JOHN SAMUELSEN: MTA going into overdrive.

He previously touted MTA Chairman Joseph J. Lhota's commitment to doubling the staff of the agency's uniformed Eagle Team, which aims to prevent fare evasion and crime. It will be deployed most heavily on the bus lines in Brooklyn and The Bronx that see the most assaults.

While Mr. Samuelsen has been critical of that program for focusing too much on catching fare-beaters rather than stopping assaults, he acknowledged that it fills a role at a time when jurisdictional disputes within the NYPD are leaving the subway and bus systems less protected than he'd like.

"If the cops aren't gonna get on the buses then it's worth a try," he said. "Certainly I believe they will be a uniformed deterrent."

## Court Union Probe

(Continued from Page 6)

of the NYSSCOA's president, John Strandberg, after he resigned for family reasons, according to news reports. Mr. Strandberg apparently had been using his union credit card to charge personal expenses, a practice that sources said has been common in recent years.

Richard Krulish, the current union president, reportedly has taken steps to limit personal use of union credit cards. Mr. Krulish, who had been first vice president, is one of the board members whose records have been subpoenaed, according to news reports.

The Daily News reported in August that the District Attorney's investigation involved \$300,000 in questionable credit-card charges.

Union officials did not respond to a request for comment.

## More Ex-Cops Given Jail Sentences Over Role in Gun-Smuggling

Three more former NYPD officers have been sentenced in separate proceedings for being part of a self-proclaimed "army" that smuggled stolen goods, cigarettes and firearms across state lines at the direction of an undercover FBI agent. Sentences ranged from a year and a day to 36 months.

Twelve men were indicted in the case—most of them active or retired police officers—and 11 have pleaded guilty. With the latest proceedings, eight of the 11 have been sentenced. The 12th defendant pleaded not guilty and is scheduled for trial in February 2013.

### Surrendering \$30,000

One of the men most recently sentenced, Eddie Goris, 32, of Queens, got 36 months. He has also agreed to repay the government \$30,000, representing his profit from the illegal activities. He had pleaded guilty to interstate transportation of stolen goods and firearms.



WILLIAM MASSO: Group's ringleader.

A second defendant, Richard Melnik, 43, of Staten Island, was sentenced to 21 months and agreed to repay \$5,000 in proceeds from smuggling stolen goods. A third, John Mahoney, 27, of Staten Island, was sentenced to a year and a day and agreed to repay \$4,500. The two of them pleaded guilty to interstate transportation of stolen goods.

Mr. Goris and Mr. Mahoney were on active duty with the NYPD when they committed their crimes. Mr. Melnik was retired from the department.

The ringleader, William Masso, made contact with an FBI informant in 2009 when he was a Police Officer assigned to Brooklyn's 68th Precinct, prosecutors said. He accepted an offer from the informant's "boss"—an undercover FBI agent—to help them move stolen goods. He not only agreed but also offered to recruit other officers for the scheme.

"I'm setting up a good army here," Mr. Masso told the informant, according to the complaint. He said his team could be involved in additional crimes: "You want a guy who beat the s--- out of somebody who bothers him, we got that. We got cops with vests and guns."

Mr. Masso was sentenced to 57 months last December.

M.T.

**HOUSE**  
10:30 a.m.  
LEHMAN COLLEGE  
MIZED DEGREES  
LIFE EXPERIENCE  
CIEYDIE

CITY TECH  
OPEN

# SANDY: THE AFTERMATH

## Give us a tunnel vision!

### MTA needs disaster plan

**T**HE MTA has done a phenomenal job bringing the subway system roaring back since Hurricane Sandy's massive beatdown on the city. But as soon as the last drop of New York Harbor is pumped from the tunnels, the authority must start drawing a blueprint to keep the next killer storm from knocking out our system.

Over the last several years, the Metropolitan Transportation Authority has spent tens of millions of dollars elevating sidewalk ventilation grates and building other defenses against monster storms. Those projects have successfully stopped rainwater from cascading



**PETE DONOHUE**  
ON THE SUBWAYS

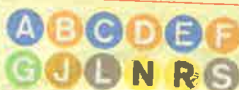
into the subways from the sidewalks and streets in vulnerable areas like southeastern Queens.

But storms — like the August 2007 tempest that dumped as much as 3.7 inches of rain on the city and crippled the subway system — now seem quaint by comparison. Sandy didn't unleash torrents from the skies. Its winds sent a sea surge into lower Manhattan. Millions, if not billions, of gallons of water rushed into all of the MTA's East River tunnels linking Brooklyn and lower Manhattan.

Transit workers optimistically had built bunker-like barricades outside the entrances to lower Manhattan stations like Bowling Green and South Ferry, hoping they would keep the tunnels dry. The invading harbor pushed them aside like pillows.

You might as well get that generator and stock up on batteries and

#### NO/LIMITED SERVICE



Trains will run only every 10 minutes.

**S:** No Rockaway Park shuttle

**1:** Service may be restored from 14th St. to Rector St.

**A:** No service, Inwood/207th St.-175th St.; Aqueduct-Rockaway Park/Beach 116th St. and Far Rockaway/Mott Ave.

**L:** No service, Bushwick Ave. to 14th St./8th Ave.

See [www.MTA.info](http://www.MTA.info) for full list

flashlights now, because it won't be that long before we face another big-league threat like this.

MTA Chairman Joseph Lhota gets it. "We're going to have to evaluate what can be done," Lhota said of keeping floods out of the system.

What Lhota doesn't have is anything near the amount of money to do the engineering and construction required to seal subway stations and critical tunnels from the Atlantic's next push.

It's going to take big government at its best, which is what we saw from the Cuomo and Obama administrations this week.

Gov. Cuomo said he'd establish a \$100 million fund to help homeowners rebuild. The President assigned tasks to his top deputies as Cuomo outlined New York's needs.

These are administrations led by elected officials who know that government can be smart and effective. Keep that in mind when you take the subway or bus to your polling booth Tuesday.



A Navy amphibious vehicle comes ashore in Belle Harbor, Queens, to help pump water from homes. Photo by Vera Chinese

BY EDGAR SANDOVAL, VERA CHINESE, JENNIFER H. CUNNINGHAM and CORKY SIEMASZKO  
NEW YORK DAILY NEWS

**BREEZY POINT** could have been mistaken for a Soweto shantytown Sunday as residents picked through the ruins of their homes and used blankets to ward off the cold.

Kathleen Beissel had collected some donated items to tide her over after the storm only to discover that she really had no place to put them. Her home in the Queens community was severely damaged.

"We need a place to live," said Beissel, a 40-year-old teacher who has been staying with her husband and daughters at her brother's place on Long Island. "We're trying to keep the family together."

Linens, towels, dishes and furniture would be great, she said. "A bed would be nice," she jokes.

But a new roof over her head is what Beissel really wants.

Over at the hulking Hamlet Houses in Far Rockaway, flashlights flickered like fireflies in the darkened hallways. And Carmen Rosario was terrified.

"It's scary when it is this dark," said Rosario, 30, who lives there with her two sons, ages 11 and 13. "I have to keep my boys safe in this darkness. Everything feels like a horror movie."

Rosario grabbed her flash-

light and braved the darkness because she was hungry and cold — and because she'd gotten word that a group of marathon runners whose race had been cancelled had brought by food and clothing.

"We got some food," Rosario said. "The first thing I need is to make sure I have food for the kids. After we eat, the three of us bundle together to stay warm in the dark apartment. It's all we can do. We have nothing else right now."

Beissel and Rosario may live on

opposite ends of the Rockaways, but like countless other New Yorkers whose lives were turned upside down by the storm — they need it all.

Batteries and blankets, clean clothes and comfort food, medicine and mattresses, the list is endless.

Rosario's neighbor, 64-year-old Elizabeth Richardson, wants pumps. Big pumps. Big enough to pump all the water out of their apartments.



National Guard soldiers unload supplies for distribution center at St. Camillus School in the Rockaways. Photo by Reuters

# RAW IN

## Storm vics huddle in cold

On a slow roll

The MTA has restored most subway service, but these lines are still partially or totally out:

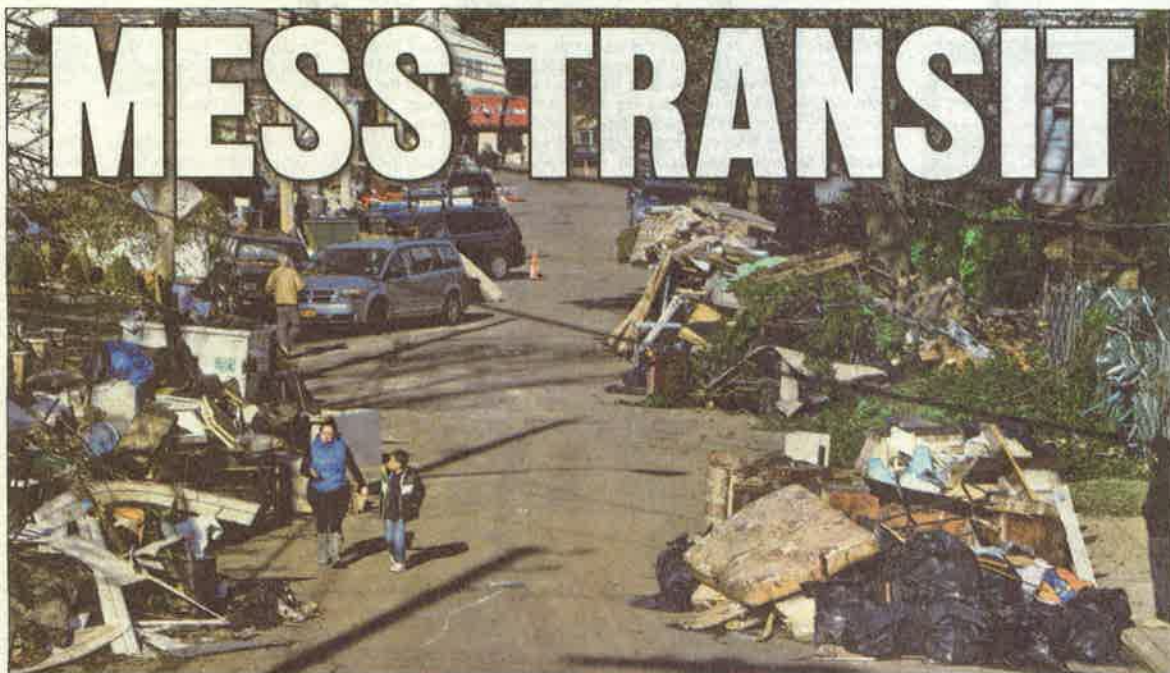
- 1 No service between 14th St. and South Ferry
- 2 Running full route, but no express service in Bronx
- 6 Running full route, but no express service in Bronx
- 7 Running full route, but no express service in Queens
- A Runs in two segments: No service between 207th St and 168th St.; no service between Rockaway Boulevard and the Rockaways
- D No service south of Bay Parkway
- E Entire route with limited service
- F No service between Coney Island and Avenue X in Brooklyn
- J No service between Essex and Broad streets
- L No service between Broadway Junction and 8th Avenue
- M Running between Jamaica Center-Parsons/Archer and Metropolitan Avenue
- N No service between 34th Street in Manhattan and Coney Island
- Q No service between Kings Highway and Coney Island
- R No service between Forest Hills and Jay Street-MetroTech

Suspended:

- B C G Z

COMMUTER RAILS

- **LIRR:**
  - Modified schedule on all branches, except Long Beach
  - Trains on Ronkonkoma Branch will not operate east of Ronkonkoma
  - Trains on Montauk Branch will not operate east of Speonk.
- **METRO NORTH:**
  - Near-normal service on all lines east of Hudson River, except on New Canaan branch, which will be served by buses
  - Special modified schedule in effect on Port Jervis Line
  - Suspended: Pascack Valley line
- **NJ TRANSIT:** Limited service on North Jersey Coast line, Raritan Valley line, Main/Port Jervis line, Atlantic City line
- **PATH:** Could open next week



**RECOVERY:** Residents in New Dorp, Staten Island, yesterday make their way up a street heaped with storm-damaged property emptied out of homes.

# MESS TRANSIT

## Crunch as subways inch back

By MATT McNULTY and GARY BUISSO

Rush-hour riders can get to work today — but it's a gale-force headache.

Six more subway lines yesterday crossed under the East River for the first time since Sandy struck, but trains and buses will still be packed to the gills for the morning commute, officials warned.

"Subway service will not be normal," Gov. Cuomo said. "[Passenger] volume will be way up."

During rush hour, trains will run at 10-minute intervals — a much longer wait than the usual two to three minutes, the MTA said.

And kids returning to school coupled with the ongoing gas shortage means more bodies will be packed into those fewer trains — and there will be no provision banning bikes, officials said.

"I just ask everyone to be understanding, and also try to think about flex time and try to leave a little bit earlier or a little bit later," MTA chief Joe Lhota said about the first major commute since Sandy ravaged the city's transportation network a week ago.

More than 80 percent of the subway network is back on track — but it will carry less than 80 percent of normal capacity, agency officials said.

The MTA also revealed yesterday that, for most of last week, tolls have been mistakenly charged on the two bridges leading to the storm-ravaged Rockaways.



**OOPS:** A driver on the Marine Parkway Bridge into the Rockaways is charged a toll yesterday, before the MTA realized those fees were waived.

An MTA source said last night that anyone who crossed the Marine Parkway or Cross Bay bridges with E-ZPass would be reimbursed, but cash payers were out of luck.

Tolls on those bridges are waived until the end of the month. Also yesterday, New Jersey Gov. Chris Christie said he hoped PATH service will return by next week. All the water has been removed from the system.

Meanwhile, saltwater-damaged subway equipment could cause problems once trains are re-energized, meaning even more delays.

"This is a 100-year-old system — think of it as a 100-year-old patient that got into an accident and is in the hospital," Lhota said. "Things always happen when you get in the hospital that you don't expect."

Mayor Bloomberg said he expects to be one of the huddled masses. "I plan to take the subway tomorrow," he said.

That's just what Queens commuter Sandra Rodriguez wants to hear.

"I'd like to see the mayor on the trains tomorrow — just so he can see the mess going on in the sub-

ways and shuttle buses," said Rodriguez, 32. "I had to wait for three buses last week because they were all so crammed and full."

Yesterday, the system continued to creep back to normal.

Six more train lines — the F, M, 2, 3, Q and D — crossed the East River, with the Q going over the Manhattan Bridge.

"THE F LINE IS UP & RUNNING!" Lhota tweeted yesterday, fulfilling a promise to personally announce the service restoration of the train he takes to work.

Also, the J train is now running over the Williamsburg Bridge, while the D train now rumbles over the Manhattan Bridge.

The I train was extended south to 14th Street yesterday, and the once-flooded South Ferry Station is dry.

And the MTA will truck in 20 subway cars to the Rockaways for shuttle service between Mott Avenue and Beach 116th Street. Buses will take passengers to the Howard Beach station on the A line.

The agency couldn't give a timetable for when that service will begin.

The R line — which connects Manhattan to Brooklyn — remains divided because of flooding in the Montague Street tunnel.

Alternate-side parking is suspended today for storm recovery and tomorrow for Election Day.

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**M**etropolitan Transportation Authority officials were widely praised for how the agency handled the aftermath of Hurricane Sandy. But they've been getting much chillier reviews from their own office workers.

Like millions of New Yorkers, "back office" clerical employees hunkered down for two days during the storm — Monday, Oct 29, when Sandy arrived and the following day, when the city began to assess just how badly it was beaten up. They headed Gov. Cuomo, Mayor Bloomberg and every television re-



porter who stood on the beach in L.L. Bean rain gear and said it was best to stay home and off the road.

After all, mass transit was not an option. The subway was out of commission both days Buses didn't come back until Tuesday night.

But when they returned to their offices Wednesday, they were told they would be charged two vacation or sick days for those two shifts — or they wouldn't get paid at all.

Understandably, that hasn't gone over too well.

"Gov. Cuomo asked that nonessential workers stay home, but we are being penalized!" said one worker who spoke on condition of anonymity. "Shameful!"

# Shift-y MTA stiffens staff

The Daily News reported last month the MTA would take a hard line against any transit workers — track workers, carpenters, signal maintainers, pump operators, bus drivers and train operators — determined by supervisors to have shirked their responsibility during the emergency. If you didn't call in and didn't show up, you could be docked two days' pay, a top transit official said. Sounds reasonable if someone was clearly MIA without good reason.

Transit workers like these are "essential" employees. They are needed on the front line to bolster the defenses as a storm approaches, placing sandbags outside station entrances and covering sidewalk vents to prevent storm water from cascading onto station platforms.

That's hardly in the job description of a secretary or a payroll clerk or benefits processor who works in one of many offices scattered across the city, including MTA headquarters on Madison Ave. and the MTA's

Business Service Center in midtown.

"It's not like I'm clearing the tracks of water," one woman who works in the Business Service Center said in an email to The News.

She tried to get to work that Monday, she said, but after two hours of gridlock, she turned around and went back home. Her husband died of cancer several years ago and she's raising three teenagers on her own, she said.

"(Now) I get two days taken away that I CANNOT afford," she said. "I am really crying as I type this."

An MTA spokesman couldn't explain the policy, or explain why an exception couldn't be made when something of hurricane magnitude occurs.

Regardless, making workers retroactively take vacation or sick days comes off as petty and mean-spirited. Maybe that's because it's against the backdrop of so many acts of kindness and charity to help devastated New Yorkers rebuild their lives. [pdonohue@nydailynews.com](mailto:pdonohue@nydailynews.com)



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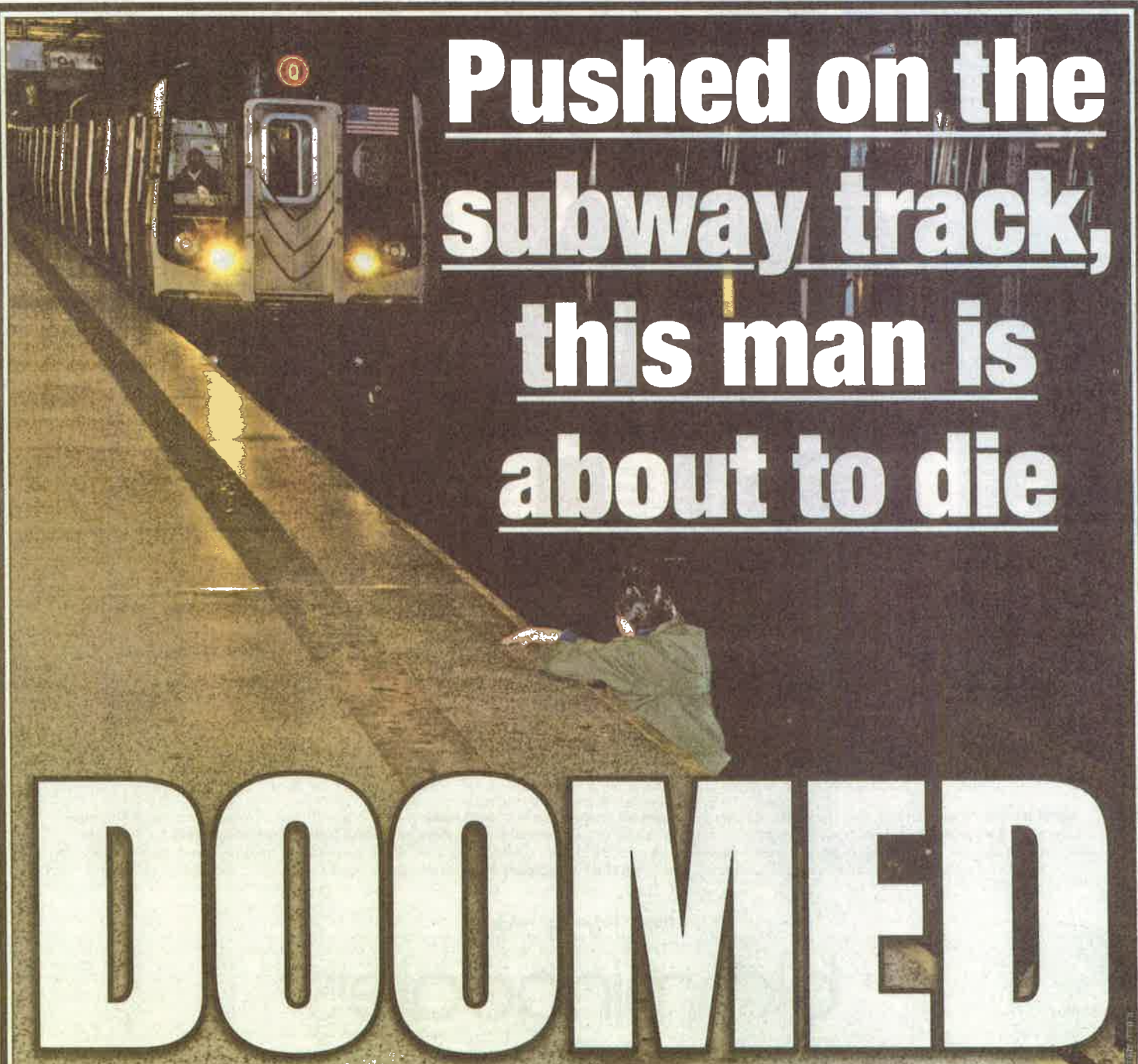
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# Pushed on the subway track, this man is about to die

# DOOMED

Ki Suk Han of Queens, hurled to the tracks, tries to climb to safety yesterday as a train bears down on him in Midtown. He was fatally struck seconds later. PAGES 4-5



# NIGHTMARE ON Queens dad pushed to his death by madman in Times Square station



The attacker, who had been menacing others in the station, looms over his victim after pushing him on the tracks.



Ki Suk Han, hurled onto the rails as he tried to calm the crazed thug, sits dazed on the tracks — unaware of the approaching train.

By LARRY CELONA,  
ANTONIO ANTENUCCI,  
CHRISTINA CARREGA  
and JEANE MacINTOSH

A Queens dad trying to protect fellow straphangers from a deranged man on a Times Square subway platform was hurled onto the tracks by the lunatic and fatally crushed by a train yesterday, cops and witnesses said.

Ki Suk Han, 58, desperately tried to scramble back to the platform as onlookers screamed, shouted and frantically waved their hands and bags in a bid to get the downtown Q train to stop at around 12:30 p.m.

Post freelance photographer R. Umar Abbasi — who had been waiting on the platform of the 49th Street station — ran toward the train, repeatedly firing off his flash to warn the operator.

"I just started running, running, hoping that the driver could see my flash," said Abbasi, whose camera captured chilling shots of Suk's tragic fight for his life.

The train slowed, but a dazed and bruised Han still wound up hopelessly caught between it and the platform as it came to a halt.

A shaken Abbasi said the train "crushed him like a rag doll."

Dr. Laura Kaplan, a second-year

resident at Beth Israel Medical Center who was also on the platform, sprang into action, taking off her coat, grabbing her stethoscope and rushing over to help the dying man.

"People were shouting and yelling when it happened, but then people ran the other way," said Kaplan, 27.

"I heard what I thought were heart sounds," she said, but Han never took a breath.

"There was blood coming out of his mouth. We couldn't do CPR. He wasn't in the right position, and there was just no way to get him out of there."

Han, who lived with his wife and college-age daughter in Elmhurst, was taken to Roosevelt Hospital, where he was pronounced dead.

His attacker was last seen running out of the station's 47th Street exit — at the north end of Times Square — heading northbound on Seventh Avenue. Cops last night were scouring surveillance video for signs of him.

The killer was described by police as black, 30 to 40 years old,

about 5-foot-9, with short dreadlocks. He was wearing a white T-shirt, dark jacket, filthy jeans, black sneakers with a white stripe and a black beanie cap.

The horrific drama unfolded after Han approached the crazed man — who police sources described as a panhandler and witnesses said had been harassing and cursing at straphangers — on the southbound platform and tried to calm him down.

As other riders congregated toward one end of the platform, Han and the man were about 100 feet away from them.

"He went up and tried to calm him down, saying, 'You're scaring people,'" a law-enforcement source said.

"The emotionally disturbed guy just started screaming and cursing, saying, 'You don't know me! You don't know who I am!'"

As the train's arrival was announced over the loudspeaker, the attacker "just grabbed [Han] and launched him — just threw him — straight onto the tracks," a witness said.

The killer then grabbed a paper

coffee cup he used to collect change — which he'd put down before the assault — and fled.

Abbasi recalled, "Out of the periphery of my eye, I just saw a body flying, flying through the air."

"People started waving their hands, anything they could find. They were shouting to the man in the tracks, 'Get out! Get out of there!'"

Han barely missed the third rail, cops said, and looked stunned as he sat up in the track bed as the train approached before scrambling to his feet.

At one point, Han stood in the tracks and looked directly at the oncoming train lights.

"The most painful part was I could see him getting closer to the edge. He was getting so close," Abbasi said. "And people were running toward him and the train."

"As I was running toward the train, the man I believe pushed him ran the other way, and I heard him say, 'Goddamn motherf-ker!'"

"I didn't think about [the perp] until after. In that moment, I just wanted to warn the

train — to try and save a life." One witness said Han was dragged 10 to 15 feet.

The train's operator was treated for shock and brought out of the station in a wheelchair, wearing an oxygen mask.

"He's traumatized," a transit source said.

Abbasi said the driver saw his camera flashing but told him he couldn't stop the train fast enough.

Han's devastated wife said she and her husband had quarreled before he left the house at around 11 a.m. and headed for Manhattan.

She told cops he'd been drinking, and one witness claimed he was the aggressor on the platform, law-enforcement sources said, adding that authorities found a bottle of vodka on Han afterward.

"We had a fight," the widow said through tears. "I kept calling him and calling him to see where he was, but he didn't answer."

Additional reporting by Kirstan Conley, Jamie Schram, Jennifer Fermino and Laurel Babcock

jeane.macintosh@nypost.com

R Umar Abbasi

★ ★

# SUBWAY TRACKS



With the light of a fast-approaching Q train signaling the stunned victim's doom, onlookers on the platform try desperately to warn its operator.

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## A ROYAL BABY!

Duchess hospitalized  
for morning sickness  
Page 3

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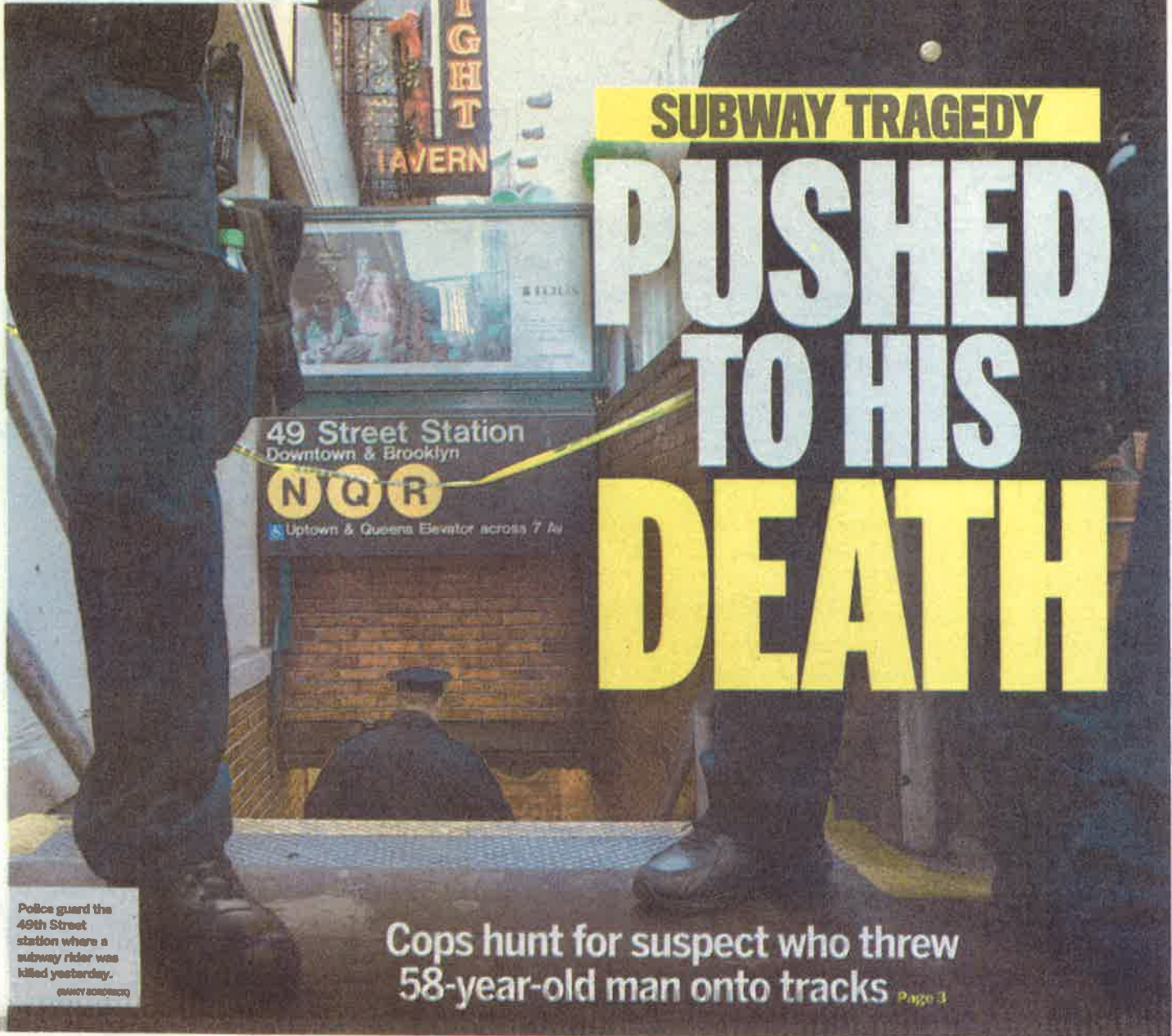


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## SUBWAY TRAGEDY

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GWNY.COM/121204

Cops hunt for suspect who threw  
58-year-old man onto tracks Page 3



# Tragedy on the train tracks

### Man, 58, thrown from platform, killed by subway

BY TIM HERRERA and IVAN PEREIRA  
tim.herrera@am-ny.com

As horrified straphangers looked on, a 58-year-old man was struck and killed by a subway train yesterday after he was shoved onto the tracks during an altercation with another man who was still on the run as of press time, according to the NYPD.

The victim was hit by a train on the N/Q/R line at the 49th Street station around 12:30 p.m., after the allegedly emotionally disturbed man shoved him into the well, reports said.

The man tried crawling back onto the platform and screamed at the subway to stop, but by then it was too late and he was smashed between the train and the platform, according to officials.

"He gets into an argument and is pushing and shoving, and at least one witness felt that the aggressor was emotionally disturbed," said NYPD spokesman Paul

Browne, according to The New York Times.

"As he attempted to climb out of the well, he was struck by the train and got wedged between the platform and the train car," Browne said.

He added that the two men "exchanged words," after which the attacker shoved the victim down onto the tracks. He was taken to St. Luke's Hospital in critical condition, where he died, according to the MTA.

Police shut down the station as they investigated the scene and spoke with witnesses, some of whom they removed by van for interviews.

Patrick Gomez, 37, of New Jersey, was on the platform when the argument happened, and said he heard a loud "thud" when the victim fell down onto the tracks.

"It was a lot of confusion. It was a lot of people getting scared," Gomez told amNewYork.

Police are hunting the attacker, who reportedly fled from the station after the scuffle. Police described him as being in his mid-30s, about 240 pounds with short dreadlocks, and wearing a knit cap and a down coat.



The victim was struck by a train on the N/Q/R line at 49th Street around 12:30 p.m. (NANCY GOODRICK)

#### NOTABLE CASES OF PEOPLE THROWN TO THEIR DEATHS ON SUBWAY TRACKS

**March 23, 2012:** Joshua Basin, 20, was killed after being pinned between the platform and an L train at the Bedford Avenue station. Ryan Beauchamp, 33, was charged with attempted assault and harassment in connection with Basin's death. Both men fell on the tracks after arguing, but only Beauchamp made it onto the platform in time to escape the oncoming train.

**Jan. 3, 1999:** Kendra Webdale, 32, was pushed to her death in front of an oncoming N train at the 23rd Street station by Andrew Goldstein, 29, a diagnosed schizophrenic who was off his meds. Her death led to Kendra's Law, a state law that allows courts to require mandatory outpatient care for people with mental illnesses.

**Feb. 18, 1996:** Days after his release from a hospital where he was being treated for mental health problems, Jaheem Grayton, 15, attempted to rob Naeeham Lee, 20, on a Manhattan-bound M train at the Bushwick station in Brooklyn. When he was thwarted, he tossed Lee, a home care attendant and aspiring model, to her death between two subway cars.

(LATHAM ULRICH)

### J/Z line back in service this morning

J and Z train service is set to return to the Fulton Street and Broad Street stations at 6 a.m. today after the stations were closed due to damage from superstorm Sandy.

The trains had been stopping at Chambers Street while MTA crews worked to repair the damage to signal wires in the stations.

The two stations are among the last areas of the subway system to restore service after Sandy.

Earlier this week, the R train returned to lower Manhattan, extending to Whitehall Street from Queens. It still does not run between Brooklyn and Manhattan. (TIM HERRERA)



Prince William, left, and Kate's first child will become third in the line of succession to the throne. (REUTERS)

### Wills, Kate welcoming a baby

The royal family is about to get another member, as Prince William and wife Kate have announced that they're expecting a baby.

"Their Royal Highnesses The Duke and Duchess of Cambridge are very pleased to announce that The Duchess of Cambridge is expecting a baby," William's office said yesterday, adding that Queen Elizabeth and the royal family were delighted.

William, Queen Elizabeth's 30-year-old grandson, is second in line to the British throne, and their first child will become the third in succession when he or she is born.

The couple, officially known as the Duke and Duchess of Cambridge, married in April last year.

"It's only been a matter of time. Everyone has been waiting for Kate to announce that she was pregnant," said Kate biographer Claudia Joseph.

A spokeswoman for the couple said 30-year-old Kate was in the King Edward VII Hospital in Central London suffering from Hyperemesis Gravidarum, an acute morning sickness that causes severe nausea and vomiting and requires supplementary hydration and nutrients. (AMBY / REUTERS)

### Mike wanted Hil for mayor: Report

Mayor Mike Bloomberg personally asked Hillary Clinton to run for mayor of the city in 2013, but to no avail. The New York Times reported yesterday.



Clinton

Bloomberg called Clinton months ago to encourage her to join the race, apparently not entirely convinced that any of the current candidates have the gusto and experience to replace him, the Times said.

But, Clinton, who reportedly maintains a close relationship with Bloomberg,

unequivocally said she's not interested in the gig, the Times said, citing people who had been briefed on the call.

Bloomberg has long held Clinton in high regard, even inviting her and Bill Clinton to the Times Square ball drop.

Clinton, 65, will not return for another four-year term as secretary of state after holding the position since 2008.

The mayor's office didn't return a request for comment. (AMBY)

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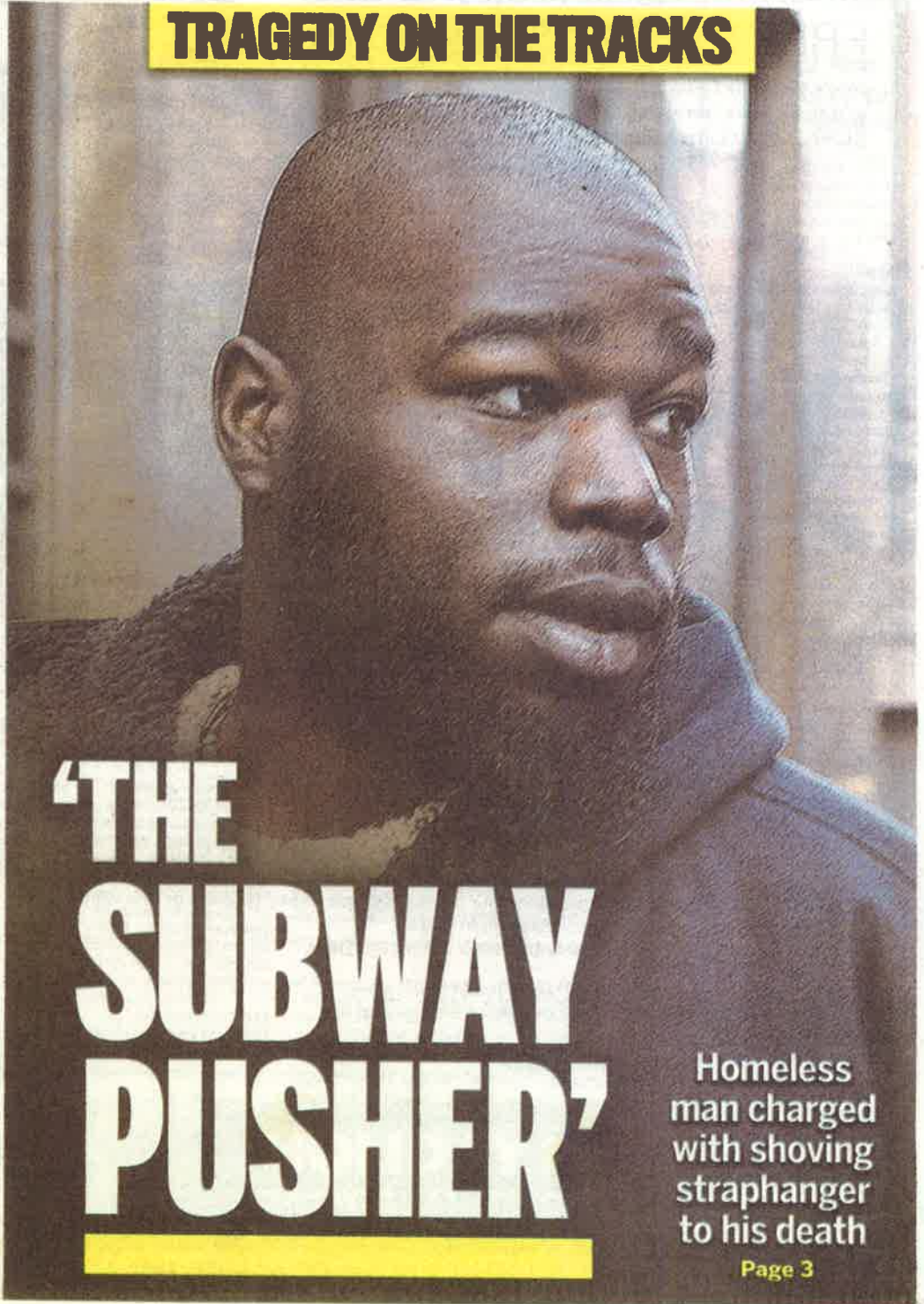
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### TRAGEDY ON THE TRACKS



# 'THE SUBWAY PUSHER'

Homeless man charged with shoving straphanger to his death

Page 3

REX STICKING WITH SANCHEZ SUNDAY

Page 25



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# New York Transit Workers Smell a Rat

by Nick Bedell

As any seasoned organizer knows, the public can be fickle. But a year ago Transit Workers Local 100 in New York stumbled upon an enemy so scary, it would unite subway riders and workers in action to overcome a clear and present danger.

This scourge of the transit system was infecting every corner, rapidly growing in size and number, and making life miserable for workers and riders alike: none other than the New York City Subway Rat.

Local 100's administration, headed by President John Samuelsen, had run on a reform program, promising to rebuild steward networks and form coalitions with the riding public. The local's newly trained stewards began filing field reports that rats were infesting the system to a degree previously unseen.

The rats were on platforms, in crew quarters, crawling in subway towers, and occasionally riding the trains. YouTube was flooded with videos of subway rats and shrieking riders.

A little research revealed that the Metropolitan Transit Authority (MTA) had stopped sending out baiting crews around 2006. Rats had the run of the place.

## Rats ruled the subways until the union and the riders embarrassed management into cleaning up.

At the urging of stewards in the cleaners' section of the union, the local's safety department focused its efforts on the most infested station in the system, Parsons Archer in Queens. Officers had already pushed supervisors to take action. Grievances had been filed, and union officers and the safety committee had visited the site multiple times. Yet the rats continued to rule the roost as the garbage piled up and sat for days.

Frustrated with the slow pace of progress, the union decided to launch a public campaign: New Yorkers Deserve a Rat-Free Subway.

Politicians, community groups, and local businesses signed on. Remixing

a union standby, Local 100 blew up its union rat-balloon in front of the Parsons Archer station and unveiled a banner claiming New Yorkers' right to a vermin-free commute.

A hundred members, officers, and staff surrounded the station entrance chanting, "Budget cuts means rats are back" and "You don't want to ride with them and we don't want to work with them!" They asked passengers to sign a petition calling for a system-wide rat eradication plan. Over 3,000 signed.

The campaign gained momentum as

and announced a photo contest. Riders were asked to submit pictures of "New York's Ugliest Subway Rat." The winner would get an unlimited monthly subway pass.

Submissions trickled in slowly at first, and we wondered whether the idea was a flop. Then the *New York Post* picked up the contest—leading to more than 250,000 hits on our website in one day and a local, national, and international media feeding frenzy. Every local station, CNN, ABC, and 17 international TV stations and newspapers picked up and ran the story of the photo contest.

Stewards were front and center in most of the press pieces, taking reporters into rat-infested crevices of the system to give them an embedded reporter's view of the battlefield.

When we awarded the MetroCard to the contest winner—in front of the rat balloon, of course—more than 30 press outlets showed up. The battle against subway rats had hit the big time.

What has come of it all? The MTA budgeted an additional \$1.6 million to run new garbage trains, creating 19 new jobs. Baiting crews are out

in force for the first time in years, forcing the MTA to backfill track positions with new hires.

Parsons Archer, once the dirtiest station in the system, is now pristine. The garbage room is emptied daily and the members working there rarely see a rat. The MTA has gone on the defensive.

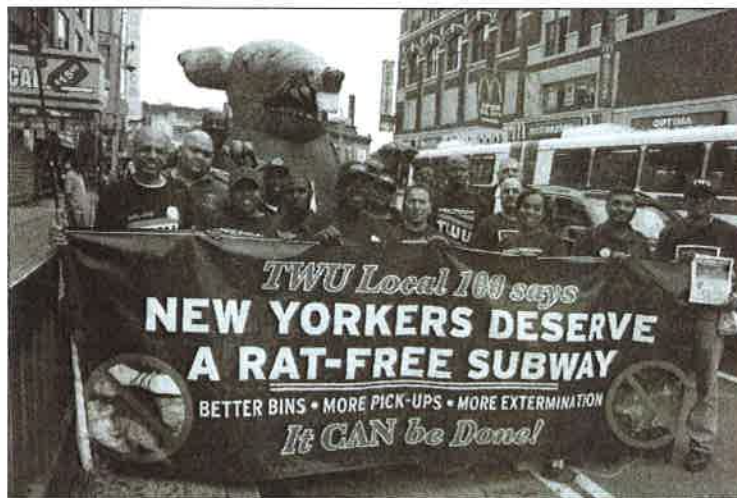
## CHANGED IMAGE

New Yorkers Deserve a Rat-Free Subway was about to mark its first year when superstorm Sandy hit.

Politicians and city leaders praised the transit workers who were out restoring service. Public perception was almost universally positive, a departure from the trend of potshots at public sector union workers.

The fruits of a year of public outreach were evident. Riders are learning they can count on Local 100 to keep up the fight for clean, safe, reliable public transportation. □

[Nick Bedell is education director for TWU Local 100.]



more and more members came out for "Rat Hits" at stations all over the city. Previously silent politicians appeared at rallies, decrying a neglected system that needed to be cleaned up. A legislator brought the cause directly to the MTA's executive director at his confirmation hearings in the state capital.

Regular email blasts from the union kept petition signers up to date. Other community groups used their connections to build momentum.

## RAT HITS

West Harlem Environmental Action (WE ACT) was a consistent partner in the fight against rats. Members conducted surveys in their local stations, bringing the cleanliness issue into the public eye. They convened a press conference with local politicians and organized their members to participate in rat hits, building connections between riders and workers.

After 10 to 15 rat hits, the New Yorkers Deserve a Rat-Free Subway campaign launched [ratfreesubways.com](http://ratfreesubways.com)

# Subway 'shower' is charged in slaying

## 2nd-degree murder for homeless man

Police charged a homeless man yesterday in the death of a Queens father who was pushed into the path of an oncoming subway train in Times Square, police said.

Naeem Davis, 30, is charged with second-degree murder, attempted murder and depraved indifference in the death Monday of Ki-Suck Han, 58, of Elmhurst, according to the NYPD.

Police said Davis made incriminating statements to detectives hours after he was taken into custody Tuesday afternoon at 50th Street and Seventh Avenue, just a block north of where the gruesome death happened, police said. An official declined to say what the suspect told detectives.

Han's family last night made its first remarks about the tragedy, with his 20-year-old daughter, Ash-



Ki-Suck Han, 58, was killed after a subway scuffle.



The victim's daughter and wife yesterday.

ley, saying "he was always there for me."

"The thought of someone helping him up in a matter of seconds would have been great," she said, according to published reports. But "what's done is done."

She added: "I just wish I had one last chance to tell

my dad how much I love him."

A subway passenger's video of the moments before the push shows a man, identified by police as Han, in a heated argument with another man.

In the video, the unidentified man is shown yelling profanities and telling Han to leave him alone. Moments later, witnesses told police, the man pushed the Elmhurst resident from the platform. Other subway riders reported hearing the assailant talking to himself before pushing Han, NYPD Commissioner Ray Kelly said.

Han survived the fall to the well of the tracks, but could not climb back on to the platform before he was struck by a train pulling into the station. Han was in Manhattan on Monday to renew his Korean passport, according to police.

Lorraine Condos, still visibly shaken by the death, said she was getting off the train after it struck Han. "It wasn't a jolt — it was a



Naeem Davis was charged after incriminating himself to detectives, the NYPD said.

"boom," Condos said. Detectives were told by people in the area near the station that the man seen on the video resembled someone who often helped street vendors, according to the police official.

On Tuesday, Kelly said that police were offering a \$12,000 reward for informa-

tion leading to an arrest in Han's death.

Asked by reporters if other subway riders could have done more to help Han get out of danger, Kelly said he wasn't in a position to answer. "I wasn't there so I can't comment on that," Kelly said.

## Photog: I was too far away to help

The photographer whose pictures of the man thrown into the path of a subway unleashed a maelstrom of criticism said yesterday that he was too far from the victim to help.

R. Umar Abbasi, a freelance photographer for the New York Post, said he rapidly shot dozens of frames using his flash in a vain effort to alert the train driver to the presence of the stunned victim on the tracks on Monday.

Seconds later the train struck and killed Ki-Suck Han, 58, of Queens, as he tried to pull himself back up to the platform at the 49th Street station, an incident that has struck a nerve in a city where getting jostled by strangers on crowded subway platforms is a daily occurrence.

"My condolences to the family, and if I could have, I would have pulled Mr. Han out," Abbasi said on NBC's "Today" show.

The Post sparked greater outrage than usual on Tuesday when it featured one of Abbasi's photographs on its front page.

It showed Han trying to pull himself from the tracks and looking into the lights of the oncoming train with the headlines "DOOMED" and "Pushed on the subway track, this man is about to die."

In a first-person account the Post yesterday, Abbasi said the incident "was one



R. Umar Abbasi on NBC's "Today" show yesterday.

of the most horrible things I have ever seen, to watch that man dying there."

"The sad part is, there were people who were

close to the victim, who watched and didn't do anything," he wrote. "You can see it in the pictures."

## Cops: Man stabs gal pal in Central Park

A 30-year-old man was arrested yesterday for allegedly slashing his girlfriend in the middle of a Central Park knoll.

Police were set last night to charge the unidentified man for assaulting the woman with a knife near Central Park West and 103rd Street around 11 a.m. Cops responded to the scene and chased the suspect up and down a hill before capturing him, an eyewitness said.

"When they went up there they drew their guns and told him to get on the floor," Michael Hernandez, 23, who works as a doorman at a nearby building, said.

The suspect allegedly assaulted cops but didn't slash them.

While the NYPD confirmed the two were a couple, they didn't confirm reports that their 4-year-old son was injured.

The unidentified girlfriend, 30, was taken to St. Luke Hospital in stable condition. The suspect allegedly slashed himself during the ordeal and was also taken to the same hospital and remained there for most of the day, according to cops.

Three officers were also hospitalized at New York-Presbyterian Hospital for minor injuries.

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**Drop Something? Leave it!**

NEVER go down onto the tracks, for any reason. Your safety is more important. Tell a police officer, train or station personnel. Or, use a station "Customer Assistance Intercom."

141 people were struck by trains in 2012, 55 were killed.\*

**Be Safe. Be Smart. Stand Back.**



\* Preliminary 2012 numbers.





**DAILY NEWS**  
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Editorial ..... p34  
 BizNews & Your Money ..... p38  
 Obituaries ..... p40  
 NOW ..... p49  
 Movie Reviews ..... p56  
 Weather ..... p58  
 Horoscope ..... p58  
 Comics, Crossword ..... p60-61  
 Sports ..... p66



CONFIDENTIAL: p30-32

**NEW YORK LOTTERY:**  
 Evening: 300 Win 4: 3694  
 Midday: 879 Win 4: 0470  
 Tuesday's Mega Millions:  
 1-6-7-18-29  
 Megaball: 16 Megaplier: x3  
 Tuesday's Take 5:  
 4-11-12-14-25  
 Pick 10: 7-9-13-15-20-25-26-27-29-34-39-46-47-53-55-56-59-62-68-76

**NEW JERSEY LOTTERY:**  
 Pick 3: 162 Pays \$277.50  
 Box: \$46 Pairs: \$27.50  
 Pick 4: 3833 Pays \$2,383.50  
 Box: \$595.50 Cash 5: 2-6-14-36-39  
**LOTTERY HOTLINE:**  
**1-900-448-4000**  
 95¢ per minute / Results from NY, NJ, CT, PA, FL

All city parking rules are in effect Thursday and Friday.

**TODAY** HIGH: 46°/LOW: 41°  
**TOMORROW** HIGH: 46°/LOW: 36°  
**WEDNESDAY** HIGH: 44°/LOW: 31°  
**THURSDAY** HIGH: 38°/LOW: 27°  
**FRIDAY** HIGH: 44°/LOW: 31°  
**SATURDAY** HIGH: 44°/LOW: 31°  
**SUNDAY** HIGH: 44°/LOW: 31°

**MTA boss Joseph Lhota announces fare hike — and that he's quitting.**

**NEXT STOP, GRACIE**

**Lhota out in 'life-defining' move**

PHOTO BY MICHAEL SCHWARTZ

**Transit chief's track record**

- Chairman of the board and chief executive officer of the Metropolitan Transportation Authority.
- Former executive for the Madison Square Garden Co., and former New York City deputy mayor for operations under Rudy Giuliani.
- Known for dry humor, Lhota called Mayor Bloomberg an "idiot" for publicly predicting the Midtown Tunnel might open early after Hurricane Sandy. He later apologized.

**BY PETE DONOHUE and CELESTE KATZ**  
NEW YORK DAILY NEWS

MTA BOSS Joseph Lhota jolted the mayoral race, announcing his resignation so he can explore running for City Hall.

"This will be a life-defining decision," he said. "I know how challenging the job is and how important the job is to all New Yorkers," he said.

Lhota, a Republican, said he hoped to make a decision on his candidacy in January. Most Republican insiders, however, said he would not be walking away from his \$332,500-a-year MTA job if he did not intend to run.

A Lhota candidacy would raise the profile of the Republican mayoral primary and increase the likelihood of a contested general election.

As a public figure known for his quick wit — and occasional flashes of anger — Lhota also would inject some personality into what has been a lackluster campaign.

On Wednesday, he joked about his own "profile in courage" as he announced his political intentions moments after presiding over a politically unpopular fare hike.

An adviser to mayoral hopeful and City Council Speaker Christine Quinn quickly took a shot at Lhota — a sign that Democrats are taking him seriously.

"On the same day that he announces he's resigning from the MTA, he saddles New Yorkers with a bus and subway fare hike and a toll increase.

That's the ultimate example of chutzpah," adviser Josh Isaysaid.

Lhota's reputation and profile soared after the MTA restored almost all service within a week of Hurricane Sandy.

But as a first-time candidate, and as a Republican in a Democratic city, he would face an uphill climb to win.

Members of former Mayor Rudy Giuliani's administration are taking the lead in helping him explore a candidacy, as is his wife, a GOP fund-raiser. Lhota was a deputy mayor under Giuliani.

Giuliani is onboard with a possible candidacy. But four of the city's five GOP county chairmen support either former Bronx Borough President Adolfo Carrion or supermarket magnate John Catsimatidis.

Some business leaders have been pleading with Lhota to run.

But because Democrats enjoy a huge voter-enrollment advantage over Republicans in the city, many business leaders still will pick one of the Democratic candidates, said Kathy Wylde of the Partnership for New York City.

"They're going to look for what's the path to victory and that's most likely going to be a Democrat," she said.

**With Kenneth Lovett and Tina Moore**

**City Hall Station**

**R**

**CONFIDENTIAL: Katie has more than play dates**

**MTA boosts fare to \$2.50 & hikes tolls**

**BY PETE DONOHUE**  
NEW YORK DAILY NEWS

THE MTA approved fare and toll hikes Wednesday, following the recommendation of outgoing Chairman Joseph Lhota, who is expected to run for mayor.

The increases include raising the base fare to \$2.50, the seven-day MetroCard \$1 to \$30 and the 30-day MetroCard \$8 to \$112.

The plan trims the Pay-Per-Ride MetroCard bonus from 7% to 5% — but lowers the minimum buy-in from \$10 to \$5.

The hikes begin in March. Officials said the package was designed to minimize increases on the most frequent riders — those using unlimited-ride cards — and take the sting out of increases for low-income riders.

Board members said they were forced to hike fares because the MTA gets too little outside funding. "It's an unfortunate situation," board member Mitch Pally said. "We have only one option."

A few members of the public used the fare-hike vote to scoff at the mayoral aspirations of Lhota, whose reputation and profile soared after the MTA quickly restored almost all service after Hurricane Sandy.

"That wasn't you," activist Tony Murphy said. "That was transit workers who worked 14-hour shifts ... away from their families for days."

Most bridge and tunnel tolls are going up \$1, though the hike will be less for E-ZPass users. And most Long Island Rail Road and Metro-North tickets will go up between 8 1/2% and 9 3/4%.

Lhota defended higher fares, saying the MTA has cut costs.

Perhaps with an eye on his next move, Lhota said his goal 13 months ago was to change the MTA's image.

"We're not the fat ... agency people try to make us out to be," he said.

Riders were typical New Yorkers about the fare hike.

"I don't like it, but it's just something you deal with," said Trisha Blair, a 25-year-old teacher from Manhattan.

Jason Austin, a 33-year-old Manhattanite, was angrier: "It sucks," he said.

When asked if Lhota could count on his vote for mayor, Austin added, "Not yet."

**pdonohue@nydailynews.com**

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