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Some optimism in school report

BY JOHN HILDEBRAND
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A state-appointed adviser to the Hempstead school district, in his first quarterly report, expresses cautious optimism about prospects for a turnaround of the troubled system but warns of potential risks ahead, including the possibility of incurring “extraordinary” legal expenses.

Jack Bierwirth, a former Hericks school superintendent named to examine the district, notes in the report dated Jan. 25 on Hempstead’s website that the often-divided school board has recently agreed on several key issues.

As an example, Bierwirth states that the board trustees will follow his recommendation to undergo professional training provided by the New York State School Boards Association. The first training session is to begin at 7 p.m. Monday in the district’s main office.

Bierwirth had called for training earlier this month after concluding that the 8,000-student district’s greatest problem was a lack of leadership. This, he said, was demonstrated by squabbles among the school board, which consistently splits 3-2 in votes on crucial questions.

“I remain optimistic about the prospects for significant improvement,” Bierwirth says in the quarterly report.

On a less positive note, Bierwirth notes that the Hempstead board’s majority now is locked in a legal battle with the district’s superintendent, Shimon Waronker, whom it put on administrative leave with pay on Jan. 9.

Waronker, in a lawsuit filed in federal court, contends the action violated his constitutional rights to free speech and due process — a position rejected by the board.

Bierwirth expresses concern that the way Hempstead conducts its affairs “often results in extraordinary legal expenses” — money that he said could be used for students’ benefit.

To underscore the point, the special adviser references an “action plan” that he drew up earlier that cited millions of dollars in

fees charged in the past by two law firms recently rehired by the district when its current board majority took control. Those agencies are the Chandler firm, located in Valley Stream, and the Scher firm in Carle Place.

Bierwirth says his primary purpose was not taking the two legal firms to task, because legal costs are determined by decisions taken by district administrations. Rather, he said, the intent was to illustrate the potential high costs of further litigation.

Monte Chandler, founder of the Valley Stream firm, objected to the suggestion that his agency’s costs were high. Chandler added that when his firm first represented Hempstead in 2012, it “inherited” well over 40 cases.

“All that resulted in excessive work, not excessive fees,” he said.

Jonathan Scher, a partner in the Carle Place firm, said that

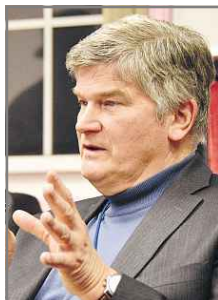
his agency between 2012 and 2016 won about 60 cases on behalf of the Hempstead district, while losing only two. Scher added that the firm also represented the district in 135 negotiating sessions with five employee unions and reached settlements with three of the units.

Scher also said his firm’s fees were offset by money saved by the district in settlement costs. That, Scher said, was during a period when Hempstead concluded that it did not want to be used as a “lottery ticket” by litigants trying to collect simply by filing lawsuits.

Bierwirth was named to his special consulting post — “distinguished educator” is the title — in September by state Education Commissioner MaryEllen Elia.

One of the veteran administrator’s tasks, in addition to serving as the state’s liaison within the Hempstead district, is to issue quarterly reports detailing actions taken to deal with problems, including political divisions, deteriorated school buildings, gang fighting and low graduation rates.

Bierwirth’s quarterly report also says Feb. 15 has been set as a target date for Hempstead administrators to submit a revamped budget proposal for 2018-19, along with a five-year building plan.



Jack Bierwirth

DANIELLE FRINGELSTEIN

CUOMO MOVES

■ **Proposal to link North Shore with Westchester**

■ **Local, state officials remain opposed to plan**

BY JAMES T. MADORE
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Gov. Andrew M. Cuomo is pushing forward with plans for a Long Island Sound tunnel despite strong opposition locally and in Albany.

On Friday, he announced the next steps toward seeking proposals to develop a tunnel between the North Shore and Westchester County.

A Sound crossing has been debated on the Island since 1938, with multiple plans scuttled by fierce community opposition.

“Today, we are taking another step to advance an ambitious project that would reduce traffic on the impossibly congested Long Island Expressway, improve connectivity, and help ensure the region’s future economic competitiveness,” Cuomo said in a statement.

His announcement comes after the release this month of an 87-page study that estimated a Sound tunnel would cost between \$31.5 billion and \$55.4 billion to build, depending on location and whether there are one or two tubes.

The study’s authors estimated between 74,300 and 86,400 vehicles would use a tunnel to Westchester per day.

Together, drivers would pay more than \$500 million in tolls per year, if the fee were \$20 to \$25 per trip.

The study, conducted by the Montreal consulting firm WSP, concluded that a Sound crossing is only viable from Oyster Bay Town in Nassau County or Kings Park in Suffolk County.

The authors examined nine proposals, finding that five merit further consideration by the state: a tunnel, or tunnel/bridge combina-



JOHN ROCA

“We are taking another step to advance an ambitious project that would reduce traffic on the ... congested Long Island Expressway”
— Gov. Andrew Cuomo



HOWARD SCHNAPP

“We will fight this proposal relentlessly as it would diminish property values and could impact the health, safety and well-being of our neighborhoods”
— Joseph Saladino

tion, between Oyster Bay and the Westchester communities of Rye and Port Chester; a bridge linking Kings Park to Bridgeport, Connecticut; and a bridge/tunnel combination between Kings Park and Bridgeport or Devon, Connecticut.

Friday’s announcement does not mention a potential link to Connecticut.

DOT looking for ideas

The state Department of Transportation is “asking interested parties to share their ideas on engineering, environmental, operations and financial considerations that will

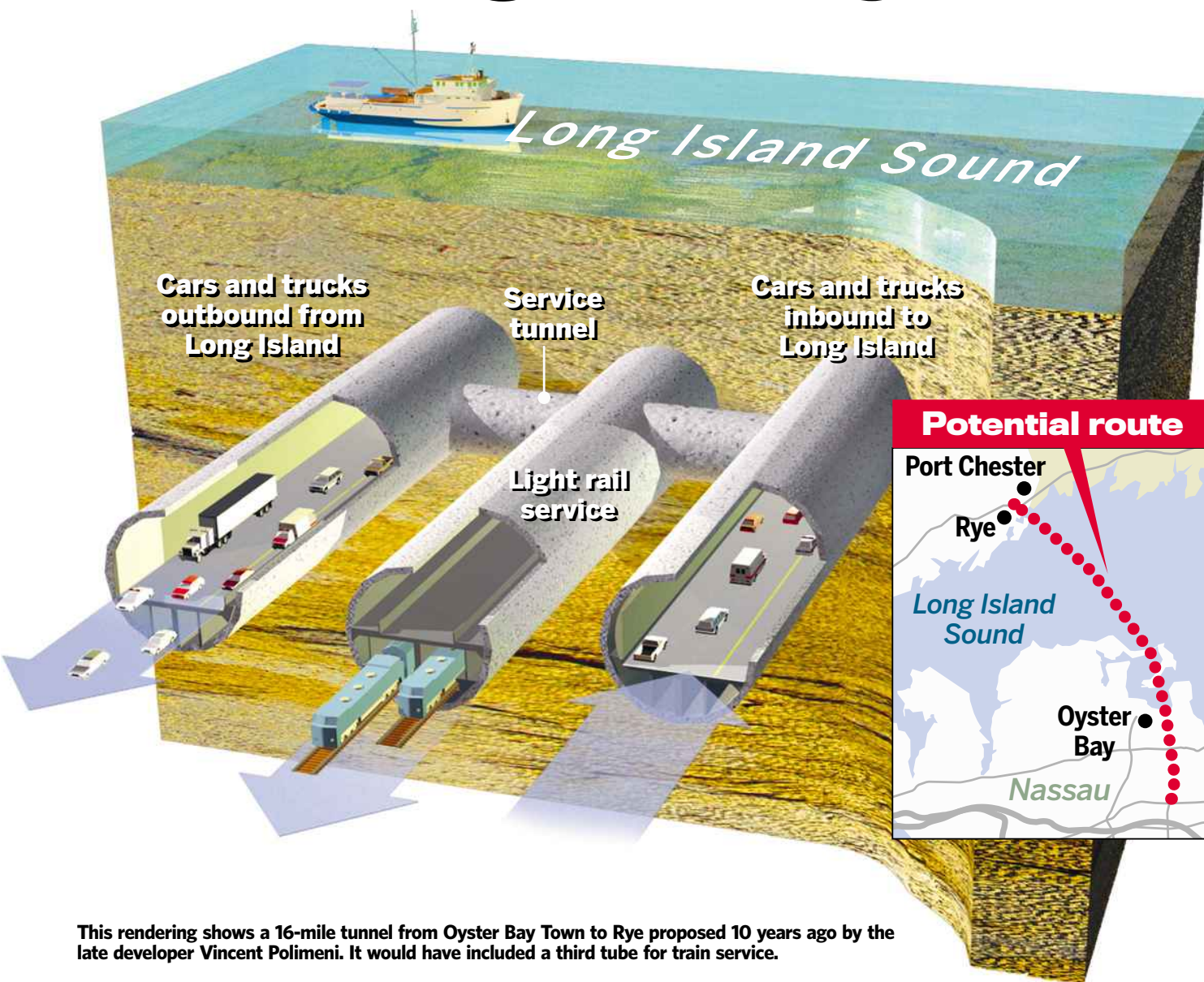
be used to inform the future development of a request for proposals,” department spokesman Joseph Morrissey said Friday.

It was unclear whether state officials have dismissed a Sound crossing to Connecticut and using a bridge.

“We believe the Long Island-to-Westchester option is most feasible based on our recent study, but we are still in the early stages of the process,” Morrissey said.

Cuomo, in his State of the State speech this month, only mentioned a tunnel when he said a Sound crossing should be pursued.

AHEAD ON A TUNNEL



This rendering shows a 16-mile tunnel from Oyster Bay Town to Rye proposed 10 years ago by the late developer Vincent Polimeni. It would have included a third tube for train service.

Oyster Bay officials said Friday they remain opposed to a link with Westchester, regardless of whether it's a tunnel or a bridge.

"New York State should not be wasting taxpayer money on studies in a location that is clearly inappropriate," said Oyster Bay Town Supervisor Joseph Saladino. "We will fight this proposal relentlessly as it would diminish property values and could impact the health, safety and well-being of our neighborhoods and environment."

The earlier study was paid for with \$5 million secured by Cuomo in the 2016-17 state

budget.

Community opposition has twice helped to scuttle an Oyster Bay-Rye bridge, proposed in 1965 by the state's then-master builder Robert Moses, and reintroduced in 1972.

More recently, a Syosset-Rye tunnel, proposed by the late developer Vincent Polimeni, failed because it lacked state support, though then-Gov. David A. Paterson was in favor.

Top Republican opposed

The state's top Republican is opposed to a Sound tunnel regardless of the destination.

State Senate Majority Leader John Flanagan (R-East Northport) said, "I'm not going to support a tunnel. . . . We have so many other things that we need to do" in terms of state spending on transportation, he told a Jan. 12 meeting of the Long Island Association, the region's largest business group.

The LIA has lobbied Albany to study both bridges and tunnels to either Westchester or Connecticut.

LIA President Kevin Law said Friday, "The state should continue gathering all the facts, all the costs and all the benefits of a tunnel or bridge

and then we should have a public discussion on their findings."

The DOT plans to do just that.

Acting DOT Commissioner Paul A. Karas said, "Now that our study is complete, we will conduct additional engineering, environmental and financial analysis on the project, while assessing impacts on local communities."

Experts have until April 2 to respond to DOT's invitation to help craft a request for proposals.

The RFP would then go to potential developers of a tunnel.

2 AGs sue feds over health cut

BY MICHAEL GORMLEY

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ALBANY — The attorneys general of New York and Minnesota on Friday announced that they are suing the Trump administration for what the state officials say is "a cruel and reckless" cut of \$1 billion for a health care plan for the poor.

New York Attorney General Eric T. Schneiderman said the federal cut would leave 700,000 low-income New Yorkers without health coverage under the program called the Essential Plan. Another 100,000 Minnesotans would lose coverage under the action by the federal Department of Health and Human Services, the state officials said. The Essential Plan was created by the Affordable Care Act under President Barack Obama.

"The abrupt decision to cut these vital funds is a cruel and reckless assault on New York's families — and we will not allow it," Schneiderman said.

There was no immediate comment from the Department of Health and Human Services. The suit seeks to have the \$1 billion restored to the health care plan.

President Donald Trump has sought to end and alter the health care plan known as Obamacare because he said it has been ineffective, inefficient and too expensive for Americans. The federal government has sought to allow more flexibility for customers and limit federal subsidies of health care for lower-income Americans.

Schneiderman said the federal action cuts 25 percent of the funding of the health care program, worth about \$1 billion.

The states have submitted proposals to the federal government to restore the funding, but said those requests were rejected, Schneiderman said.

The Essential Plan provided health care to low-income families for no more than \$20 per month. A family of four could earn as much as \$49,200 and qualify for the coverage. The plan covers visits to physicians including specialists, tests, prescriptions and inpatient and outpatient care at hospitals.