Two Years After Narrow Win, Padavan Faces Another Tough Contest

by Cory Bennett
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Photo by Daniel P. Hetteix The voters of District 11, including 130th Street in College Point, could play a key role in deciding who controls the State Senate.

Frank Padavan is milling around after a College Point Civic/Taxpayers Association meeting, chatting comfortably with several people. A woman swoops in on Padavan. Without hesitation he puts his arm around her, bowing his head to listen.

"My mother loved you," she said. "She always talked about how great you were as a senator."

After 38 years representing State Senate District 11 , this is the kind of multigenerational connection Padavan has with the community. He has survived 19 elections as a Republican in a district where registered Democrats outnumber registered Republicans by more than a 3-to-1 margin.

However, if you believe Tony Avella -- the Democratic candidate running against Padavan -- the gently affable Frank Padavan with his arm around a constituent is one of two Frank Padavans. The second is the Frank Padavan in Albany who turns his back on his community.

"There's the Frank Padavan that fixes the potholes in the district and there's the Frank Padavan who goes up to Albany and does something completely different," Avella said. "People don't know what his record is."

And according to Avella, that record demonstrates complacency about ethics and spending reform as Padavan, Avella says, has blocked legislation that would benefit District 11.

"He had 36 years to reform Albany," said Avella. "He did nothing when he was in power. Now he's blaming the Democrats."

Then Avella enthusiastically invokes one of his favorite phrases: "That's a lot of nonsense."

On the Ballot

This is one of a number of stories Gotham Gazette will be running between now and Nov. 2 on key races this year. Our coverage so far:

Beyond Hevesi's Shadow : Now that the former comptroller has pleaded guilty, the race for the post can center on the differences between the incumbent, Thomas DiNapoli, and his GOP challenger, Harry Wilson.

The Democratic Party thinks Avella is on to something and believes it can win in District 11. After a tight election in 2008, which Padavan won by fewer than 500 votes, the Democratic leadership in Albany is focusing a lot of attention -- and resources -- on this election.

2008 vs. 2010

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District 11 -- covering Flushing, Bayside, Little Neck and College Point -- is a middle class and upper middle class area with a quiet, suburban feel. Padavan generally saw little opposition during elections until City Councilmember James Gennaro nearly unseated the incumbent in 2008, a result few anticipated .

Wanting to increase their slim 32-30 margin in the Senate, the Democrats tapped Avella to take on Padavan in 2010. With eight years of service on the New York City Council and a mayoral run in 2009 under his belt, Avella brings more name recognition to the race than Gennaro had in 2008. Avella's former City Council district covered 47 percent of District 11, compared to the 7 percent that Gennaro's district encompassed.

Frank Padavan

The question has been whether that will matter. According to some, the Democratic surge and new voter turnout due to the '08 presidential campaign gave Gennaro "Obama wind at his back," in the words of Doug Muzio, a public affairs professor at Baruch College. Padavan agrees.

"Look," he said. "Obama got 70 percent of the vote in my district. With the voter registration [in District 11] and the propensity of people to go straight down the ballot, I should have been blown away, but I wasn't."

Avella attacks this assertion. "We did an analysis of the race and found out that 12 percent of the people that came out to vote, voted for president and went home, which is a huge number of votes. People were turning against Padavan even in '08," he said.

A Sept. 23 poll , however, showed Padavan with a commanding 24-point lead, 56-32. Avella attributes much of this to Padavan's name recognition.

"We're just beginning to do the mailings and the real intense campaigning," he said. "A lot of the attention is coming to our campaign because we are the No. 1 campaign in the state. At the end

of the day, we believe we're going to win this race."

Think of the Kids

Standing on the steps of the Queens Borough Hall on Oct. 4 in front of a crowd, United Federation of Teachers President Michael Mulgrew threw his organization's support behind Avella. The endorsement is, according to Avella, an example of people "turning against Padavan" in 2010. The union, which has 7,000 members in the district, had endorsed Padavan for the past 30 years.

The event also brought the issue of education to the forefront of the campaign. District 11 has had a well-regarded school system, but recent cuts in state funding for schools have raised concerns.

Avella has criticized Padavan's record on securing education funding, citing his votes against raising the cap on the number of charter schools in the state and against recent state budgets.

However, some of Avella's key backers also opposed increasing the number of publicly funded, privately run charter schools, as has the teachers union. Whatever differences the union may have with Avella over charters, Mulgrew at the rally praised Avella as "a good friend of teachers and a man who is truly an independent voice." He also said the Senate needed to remain in Democratic hands to secure ongoing support for public education.

Padavan says he voted against the budget for a litany of reasons, and in a press release listed amendments the Republicans proposed -- reducing the cuts in funding to education, restoring aid for Queens' residents to attend SUNY colleges and implementing a program that would allow parents to pre-pay tuition and thus remain unaffected by future tuition increases.

Bringing in the Money

With the state likely to face fiscal difficulties for years to come, a key question is where the new education funding will come from in the future. Both candidates agree that New York should

reform its Medicaid program and consolidate some of the state's 772 local school districts to save money.

The two disagree, though, on one funding source: legalized sports gambling. Avella strongly believes that it could be a significant source of revenue for the city and even proposed legislation to make sports gambling legal.

"How much money accounts for illegal sports betting across the country each year?" he asked, pointing excitedly upward with each wrong answer. "$300 billion." (A CNBC story reported that for every $100 bet legally on sports, $99 is bet illegally, creating one of the largest revenue streams for organized crime.)

"All of this money is going to organized crime," Avella said. “We're taking money away from organized crime and funding education."

Padavan has historically been a strong opponent of gambling of all forms and favors eliminating the state lottery -- he refers to that in the first sentence of his biography on his Senate election website. Padavan has authored several reports profiling the gambling culture and linking it to negative effects on individuals and crime.

But even without the support of the education unions, Padavan still has the largest employee unions on his side. The New York State AFL-CIO , the Civil Service Employee Association , the
Public Employee Federation
and
DC 37
all endorse Padavan.

Constituent Services

Padavan motions with his hand. "Here, I'll show you something," he said.

Padavan walked toward the entrance of the Poppenhusen Institute , a cultural center in College

Point. He stopped in front of a small bronze plaque that starts with "Special Thanks to Sen. Frank Padavan."

"I could take you to a dozen other places of a similar nature [in District 11]," he said. "We have brought a great deal of benefit to our district."

He mentions the Glen Oaks public school campus, which the city renamed for him in 2004; the Queens County Farm Museum, which he saved from development and the funding he secured to allow the Bayside Historical Society to expand the Fort Totten Officer's Club. The comments of the Joe Fermenia, president of the College Point Civic/Taxpayers Association, are emblematic of those from many members of the community.

"I call him, email him, I get a follow up," he said, adding that he endorses neither candidate. "When he finally gets an answer for me, he copies me on it. He's the only one who does that."

Padavan's reputation as a man who will pick up the phone on anyone's behalf largely accounts for his bipartisan appeal. Avella dismisses this, countering that he is sure he would be, "just as good if not better," at providing constituent services than Padavan is.

"[Padavan] has bipartisan support from people who don't know what he stands for," Avella said. "I think any Democrat who is registered obviously believes in a certain sort of philosophy. He doesn't represent that philosophy. You can't confuse constituent services with that philosophy."

Tony Avella

Specifically, Avella criticizes Padavan for what he calls a "disgraceful record" on women's issues including his opposition to abortion and a vote against a 2002 bill requiring insurance companies to pay for a variety of women's health tests and treatments such as Pap smears and bone-density exams. Avella held a women's rally on Oct. 9 to spread this message.

Padavan countered that he supported another bill mandating coverage of tests like mammograms and mastectomies as well as reconstructive surgeries. He also mentioned his office's work to allow women to receive free mammograms.

It's the Economy, Stupid

The empty storefronts on Bayside's Bell Boulevard, one of the main commercial strips in District 11 and the location of each candidate's campaign headquarters, provide a telling example of the stagnant economy and high cost of running a small business today.

With small businesses responsible for the majority of employment in District 11, both Padavan and Avella have set out plans for job creation and lowering the cost of running a business.

"We want to give small businesses incentive to hire people who are currently unemployed," Padavan said. "The way you do that is to give them a tax credit, which the state doesn't lose money on because as soon as they hire someone, that person is paying payroll taxes and so you get it back. ... We proposed it in the Senate. We didn't get it through, but it's something we ought to be doing."

Padavan also points to numerous recent increases by the state of taxes and fees on small businesses as "stupid beyond belief."

Avella said he would seek to reduce the red tape involved in running a small business. He supports creation of a "one stop shopping for small businesses," adding, "Right now you have to get a health license, a food license, a consumer license -- all these licenses which can drive new businesses crazy."

Avella also emphasized his desire to investigate landlords who demand illegal payments from businesses in return for renewing their leases.

Changing Albany

In Avella's view, Padavan simply has been in Albany too long to have good ideas for helping

small business, or much of anything else.

"I haven't heard [Padavan] do anything [about small businesses]," Avella said. "When you have people who have been in office a very long time, they tend not to come up with new ideas. So you have to use fresh blood."

Padavan countered that Avella would be too tied to the Democrats controlling the Senate. He points to Avella's financial backing from top Democratic leaders like State Sen. Liz Krueger .

The Democratic leadership is "funding his campaign," Padavan said. "If he gets to Albany, is there going to be any change? That's the problem."

Avella calls that concept, "a lot of nonsense," referring to his reputation of independent thinking and voting in the City Council. He brushes aside past criticism by fellow City Council members that his history of "reform" came down largely to bluster and stubbornness.

"Three of my colleagues in the City Council on the last day of session when I left came up and said to me, 'You were the conscience of the City Council,'" Avella said. He also is convinced that with a Democratic majority in the Senate, he will be more effective at working with his colleagues.

Meanwhile, Padavan sees his reelection as a step toward Republicans' retaking control in Albany, a change he believes will enable him to push through the changes he advocates for his district and for the state. Although straying from bold proclamations, Padavan seems confident in the recent poll revealing a 24-point lead for him.

While Avella has received significant contributions from Democratic Senate leaders like Krueger, he had raised slightly less money -- $149,663 -- as of the last 32-day filing period than Padavan, who had $155,910. Padavan reported nearly $90,000 more than Avella in overall funds on hand.