

The Virgin Islands Consortium

ABR Deal Is Dead, Only Sanes And Buckley Vote Yes

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On December 19, 2014, in the final Senate hearing of the 30th Legislature, where the Atlantic Basin Refining (ABR) Operating Agreement signed between the firm and the Government of the Virgin Islands faced ratification or rejection, an overwhelming majority of the members of the law-making body voted down the agreement, sending the process back to the drawing board.

The Senate spoke with almost one voice against the agreement, making known their misgivings with the deal as it stands, and railed against ABR and HOVENSA for not being on the same page on some aspects of the agreement, yet expecting the 30th Legislature to ratify it.

Those who voted for and against the ABR Operating Agreement are as follows:

1. Senator Craig Barshinger — No
2. Senator Judi Buckley — Yes
3. Senator Diane Capehart — No
4. Senator Donald G. Cole — No
5. Senator Kenneth Gittens — No
6. Senator Clifford Graham — No
7. Senator Alicia "Chucky" Hansen — No
8. Senator Myron Jackson — No
9. Senator Shawn-Michael Malone — No
10. Senator Terrence "Positive" Nelson — No
11. Senator Nellie Rivera-O'Reilly — No
12. Senator Clarence Payne — No
13. Senator Tregenza A. Roach — No
14. Senator Sammuel Sanes — Yes
15. Senator Janette Millin Young — No

Senators were given five minutes of debate time to voice their opinions on the matter. St. Croix lawmaker, Sen. Terrence "Positive" Nelson pleaded with St. Thomas senators to side with his argument: "Why would we lock ourselves into this agreement with some individuals who seem least capable of carrying out what the proposal [says] and what they're saying on record? Because when you compare what they are saying on record, to what the agreement actually says, I do not believe that it is in our best interest and the best interest of St. Croix or the entire Virgin Islands to pass this ABR agreement."

St. Croix Sen. Nereida "Nellie" Rivera-O'Reilly spoke about the \$200 million in taxes the [government has said HOVENSA owes it](#), and said if the ABR deal went through, HOVENSA would be released of the obligation.

"This is a bad deal," Rivera-O'Reilly said bluntly.

St. Thomas Sen. Tregenza A. Roach, who, at one point became tearful while making known he would not be supporting the ABR agreement, said his biggest problem with the proposed deal, "is when there is a closing on the purchase agreement, we will release HOVENSA from every responsibility to the government and people of the Virgin Islands. And we will still give ABR fifteen months to secure this \$1.1 billion in financing, to discharge its obligations to the parent company and HOVENSA and to us, the Government of the Virgin Islands.

"In fact, we're not even going to get our \$50 million until well into the fourth year of this agreement," Roach said.

At-Large Sen. Craig W. Barshinger said that while he bought the vision and narrative of ABR, he did not buy into how the agreement was drafted.

"It was horrible," he said.

Barshinger, who did not seek another term, said a significant reason why the 30th Legislature could not vote in favor of the agreement was that "ABR, the V.I. Government and HOVENSA could not agree on what that agreement meant now. They haven't even

signed it."

Many other senators, 13 in all, expressed similar sentiments throughout the afternoon as they commented on the ABR agreement.

Senate Vice President Sammuel Sanes, who, along with one-term St. Croix Sen. Judi Buckley, voted in favor of the agreement, said he hoped his colleagues in the incoming 31st Legislature had another plan to save the refinery and provide jobs for the people of St. Croix. Sanes said the senators don't feel the pain because, "every two weeks, they get a paycheck."

The veteran senator went on to say that he surveyed St. Croix residents before voting in favor of the agreement, while adding that "the document is probably not the best for us."

"I went and I walked the streets of St. Croix. I went and I talked to the business people of St. Croix. I went and I talked to the families whose main breadwinners are no longer in St. Croix--who had to go to Canada, who had to go to Tennessee, who had to go to Texas, who had to go to Saudi Arabia to provide for their families. And I spoke to them. And yes, the document is probably not the best for us, but it's a glimmer of hope, because what do we have?" Sanes said.

Outgoing Senate President Shawn-Michael Malone, who agreed with Sanes' point that St. Croix is in need of economic recovery, contended that the ABR agreement was not the path through which the help should come.

"Leaders who are coming into the Legislature, the next governor who is coming in, must diversify the economy," Malone said.

The senator had previously lamented the idea of St. Croix's entire economy being built around one industry.

"Not just bringing in business to get jobs; we're talking about creating a complete economy [and] training people," he said.

Malone continued: "We don't plan around here, so when you don't plan, you're going to fail. So what happens a lot of times in this situation, there comes an opportunity for a proposal to come in [and] because of the circumstances, 'Oh, if they don't do this then we're going to fail,' forcing leaders to make bad decisions. Not this time," he said. "Absolutely not this time."

"Sometimes when you're coming up you don't have much and your parents will tell you, 'learn to do without'. [Well] we will have to learn to do without for a little while and it is not a very nice thing to say, but you don't put something before me and force me to vote for it because there are no other alternatives."

He added: "What's very insulting about this whole thing is that those are sales prices that we voted for. You mean to tell me you couldn't find a company with experience, who had the experience of operating an oil refinery, buying and selling an oil refinery? And you all know that there were companies with that experience that came to Lazard."

We will continue to update this story with more content.

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