



Westchester's Most Influential Weekly

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## FUNDING

## Republican Plan to Save Underfunded Childcare Subsidy Program

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a million dollars in spending of "pork." Legislators Marcotte and Smith call for those funds to be transferred through a budget amendment to the Department of Social Services to provide the funding to continue the childcare subsidy program.

In the proposed 2012 budget plan presented to the Board of Legislators, the family share portion of the childcare costs was established at 35%. The Democrats on the Board of Legislators changed that amount to 20% without fully understanding the fiscal impact of their decision. DSS Commissioner Kevin McGuire told the

Budget Committee during his Department's presentation that by reducing from 35% to 20%, the parent share portion for the daycare program, it would not be properly funded. The amount of money that the Democrats appropriated for the program in their budget will now run out of money this summer.

Legislator Marcotte is a member of the Budget and Appropriations Committee. "It is very clear that the warnings we heard from the Department of Social Services in December were well founded," Marcotte said. "The million or so dollars that the Democrats set aside to spend on pork could go a long way to help-

ing make up the shortfall of this underfunded program." Marcotte concluded, "As a working mother of four, I understand that childcare is a significant expense. This is not a question about the merit of this important program, it is a question of simple mathematics. As currently funded and at the current contribution level from those that use the program, it will not be sustainable beyond this summer. It's time for the Democrats to transfer their million dollar slush fund to the hard working families of Westchester County."

Freshman Legislator Michael Smith, who sits on the Community Services Committee said, "I understand that the approximately \$6 a day increase in the family share rate that was proposed in the County Executive's budget is a

hardship for the families that we serve, but it was critically essential to keep the program solvent and to allow us to help the optimum number of families." Smith went on to say, "As a member of the Community Services Committee, I and my fellow Legislators on the committee are dedicated to ensuring that those in need in Westchester are given the support they deserve to go to work each day and know that their children are being cared for in safe and affordable child care programs. Good intentions, however, do not pay our childcare providers. We have to provide actual dollars to keep social services programs operational. These children should not be held hostage by political partisanship."

## LEGAL

## Yonkers Corruption Trial

*Mangone Reveals the Lack of Integrity in the Westchester Integrity Committee*

By HEZI ARIS



**Cash Exchanged;  
Feathers Ruffled;  
A New Political Reality**

NEW YORK, NY and YONKERS, NY -- Anthony Mangone, the one-time attorney, disbarred since the Spring

of 2011, took to the witness stand in Judge Colleen McMahon's courtroom today as part of the government's alleged charges of corruption and bribery against defendants Sandy Annabi, former Yonkers City Councilwoman, and Zehy Jereis, former Yonkers Republican Chairman. Of the many issues covered in the early interrogation of Mr Mangone by Anthony Siano, Mr Jereis' legal counsel, was the episode in which in the year 2006, then Senator Nick Spano was running as the incumbent for New York State Senate against Andrea Stewart-Cousins.

Senator Nick Spano needed to gain the support of minor party lines in order to enhance his chances for winning in a New York State Senate District that was regarded to have an overwhelming roster of registered voters who saw themselves more closely affiliated with the Democratic Party

line. The only way to reign in the imbalance of voters registered to the one party, was for then Senator Nick Spano to seek support from the other minority party lines. He sought out the Conservative Party, the Independence Party, the Working Families Party, the Right to Life party, and any other party lines that may have existed.

As the election campaign efforts from every facet of the political spectrum would heat up, it was recognized that forces involved in the Westchester County Independence Party were undergoing internal strife. An internal hierarchy of protagonists were plotting a coup d'état in order to wrestle the party chair, Dr. Giulio Cavallo, from continuing to maintain political control.

The "mutineers," who considered themselves reformers to the alleged "corruption" of Dr Cavallo, coalesced around the well-known, and well-respected educator Nader Sayegh, in a reorganization effort that had the likes of John Khader, owner of Top Class Limousine, Joseph Spezio III, a Yonkers developer, Michael Gianatasio, one-time candidate challenging Suzie Oppenheimer in a NYS Senate race, Steven Sacripanti, an ally who had been Administrative Judge Francis Nicolai's principal court reporter, Dyalma Vasquez, a political supporter and confidante, Irma Drace, secretary to State Supreme

Court Justice Joseph Alessandro, Jeff Buss, Esq., of the Yonkers law firm of Smith, Buss & Jacobs LLP, Sam Zherka, publisher of *The Westchester Guardian*, and Delfim Heusler, publisher of the online Yonkers Insider.

The integrity expressed in words would soon dissipate due to a lack of deeds and vitriole and infighting among the "reformers." Before the exchange of any money took place, Msrs Zherka and Heusler excised themselves from further involvement with the Westchester Integrity Committee.

The unexpressed tenets of the Westchester Integrity Committee was to cause the collapse of Dr. Cavallo's hold on the Westchester Independence Party so that those who maintained their political challenge and focus could wrestle control of the reigns of power from Dr Cavallo and deliver the party to Senator Nick Spano. But that was hush hush.

Mr Mangone admitted in court that he asked Milio Management through son Franco Milio, and with full knowledge of founder and father to Franco, Antonio Milio, that cash was required to satisfy the alleged desire of Sandy Annabi and Zehy Jereis to develop the Longfellow Junior High School, Walgreens, School 6 properties as "designated developers" for their behalf.

Mr Antonio Milio, who delivered four rubber band bundled stacks of \$100 bills amounting to \$10,000 per bundle, to Mr Mangone, then an attorney, instead used some of the money he garnered, that from the Milio's, from gambling wins,

from client payments made in cash and never reported, but divided among the law firm's partners, and client escrow accounts, intended to thwart the Westchester County Independence Party from being overthrown by Dr Sayegh winning a challenge against Dr Cavallo. Before an intended \$10,000 cash payment could be given to "bribe" and dissuade the Westchester integrity Committee to discontinue their challenge, Dr Sayegh dropped out of the race. Dr Sayegh was played by Nader Sayegh who was engaged in getting petitions for placing the Westchester integrity Committee in contention to challenge Dr Cavallo's Westchester Independence Party. The petitions garnered where challenged and found to be fraudulent and were disallowed.

Recognizing Dr. Sayegh was no longer a viable threat, Mr Mangone figured he could pay off Mr Khader \$5,000, though it was said in those days to have been as much as \$15,000. Nevertheless, Mr Mangone gave Mr Khader \$5,000 in cash, and kept the balance for himself.

The \$5,000 payment received by Mr Khader would unravel the supposedly close-knit political wannabees of the Westchester integrity Committee. Each individual, to some degree or another, were obsessed with accusing each other of theft of the money they expected to share equally. Mr Mangone got most of the cash and Mr Khader some of it, and Senator Nick Spano lost the political challenge to Andrea Stewart-Cousins, the present incumbent senator of the district.

## Raging Lawsuits in Yorktown

By ABBY LUBY



YORKTOWN HEIGHTS, NY -- Long time Yorktown adversaries Bill LaPierre and Yorktown Highway Superintendent Eric DiBartolo will face off in the courtroom. After a 15-year feud, both parties have formally filed lawsuits against one another claiming personal and public wrongdoings.

*The Westchester Guardian* has been covering issues concerning DiBartolo since February,

2011. Bill LaPierre, owner of the Clark Funeral Home in Yorktown, has for years been compiling what he claims is evidence of what he believes is DiBartolo's allegedly dishonest business deals that he claims illegally used taxpayer monies. Last year, LaPierre, and his friend Fred Gulitz, are said to have allegedly slandered DiBartolo at a few town board meetings. DeBartolo sued both Gulitz and LaPierre on defamation of character but the suit was dismissed on a statute of limitations technicality.

DiBartolo has now hired a new attorney,



*Superintendent Eric DiBartolo in his office.*

Amy Bellantoni of The Bellantoni Law Firm in Scarsdale. Bellantoni has renewed the lawsuit.

"We filed a complaint for defamation and served Mr LaPierre and Mr Gulitz on February 1<sup>st</sup>," said Bellantoni. "Instead of answering that complaint, Mr LaPierre filed a SLAPP lawsuit -- the sole purpose being to harass and maliciously injure Mr. DiBartolo and to take away from the false and defamatory statements Mr LaPierre made about Mr DiBartolo and another town worker. It has no basis in fact," emphasized Ms Bellantoni. (SLAPP is designated a Strategic Lawsuit Against Public Participation and is generally used to censor, intimidate, and silence

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## LEGAL

## Raging Lawsuits in Yorktown

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critics by burdening them with the cost of a legal defense until they abandon their criticism or opposition).

DiBartolo has worked for the town since 1989 when he first started as a laborer for the Yorktown Parks and Recreation Department. In 1995 he then highway superintendent retired and DiBartolo was approached by the Republican Party to run for the job. Today, after 20 plus years of working for the town, DiBartolo has not only built up his department but at one point he took on a second post, Director of Labor, where he headed up multiple departments with a total of 147 employees under his watch, a powerful position he held for over two years. DiBartolo has garnered admiration from employees and town residents over many years but has angered many, as well.

DiBartolo's lawsuit claims that he suffered from defamation by LaPierre, irreparable injury to his professional reputation, emotional upset, stress, public humiliation and public embarrassment, among other claims

Representing LaPierre is attorney David Wright of Yorktown who counters that as a public and elected official, DiBartolo is suing taxpayers

who have expressed their opinion. "The fact that those opinions were critical doesn't make it defamation. Why should people who want to express themselves at a town board meeting fear that they are exposing themselves, as citizens, to a lawsuit?"

Wright said he had papers served not only on DiBartolo, but to Envirostar and Yorktown Funeral Home. In March, 2009, Yorktown town officials were informed that DiBartolo hired Envirostar – a company owned by DiBartolo's brother Frank, (now deceased) to clean up contaminated soil. The job, which cost the town \$73,000, was never formally put out to bid and the town approved the payment retroactively. LaPierre also believes that DiBartolo allegedly partnered with the owner of the Yorktown Funeral Home, which opened in January, 2011, as retaliation, and to compete with LaPierre's Clark Funeral Home, which used to be the sole funeral home in Yorktown.

In December, 2010, LaPierre took out two full page ads in the *Yorktown Examiner* condemning DiBartolo for fraudulent practices. The dispute escalated and regularly surfaced at town board meetings where LaPierre alleged that DiBartolo falsified paperwork for purchases, fudged time sheets and accepted political favors from contractors hired by the highway department.



(L-R)- Bill LaPierre, Fred Gulitz, Stephan Gardner.

Last year, LaPierre pleaded his case to State Comptroller DiNapoli's Office to investigate alleged corrupt financial practices in Yorktown, specifically implicating the town comptroller, Joan Goldberg and DiBartolo. In the resulting audit report by the State Comptroller the state never clearly cited DiBartolo as carrying out fraudulent actions but said, "...we were unable to ascertain whether the Superintendent received a direct or indirect monetary or material benefit as a result of the contracts with the Town." The report, which can only make recommendations

and not take legal action, went on to say "Nonetheless, to avoid even an appearance of self-interest or partiality, the Superintendent should have recused himself from any involvement he may have had in transactions with this corporation."

"Mr. LaPierre's lawsuit is based on the audit report," said Bellantoni. "The audit report has a lot of accusations but no clear evidence."

Even though the state made recommendations on corrective actions that involved DiBartolo, the town never did. Wright contends that LaPierre's lawsuit is a legal action similar to one that the town should have taken long ago. The lawsuit is following a little known municipal law where a tax payer can bring a lawsuit in the name of the municipality if someone from the town has wrongfully used town funds.

"This is a procedure that is a tax payer's right," said Wright. "If we do recover monies from DeBartolo and Envirostar, I can be reimbursed for legal fees and the rest goes back to the town. The good part is this suit is not going to cost the town a penny."

*Abby Luby is a Westchester based, freelance journalist who writes local news, about environmental issues, art, entertainment and food. Her debut novel, "Nuclear Romance" was recently published. Visit the book's website, <http://nuclearromance.word-press.com/>.*

## LEGISLATION

## Senate Passes Klein's Legislation to Ban Caffeinated Alcoholic Beverages

ALBANY, NY -- The State Senate today passed legislation by Senator Jeffrey D. Klein, (The Bronx / Westchester), that would have New York formally ban the sale of caffeinated alcoholic beverages.

The legislation, (S.3889A), was introduced as a response to the public health danger posed by Four Loko and similar super-sweetened beverages that mixed high levels of alcohol with caffeine and other stimulants. Under this measure, selling this product would be an E felony punishable by 1 to 3 years in prison.

The FDA has deemed the addition of caffeine to high alcohol flavored malt beverages as "unsafe." As a result, the four companies that manufactured these caffeinated alcoholic beverages agreed to stop selling them in New York.

However, during the last year, reports emerged that these products were still being sold in some New York City convenience stores. Additionally, the recent death of a 13-year-old Maryland teen who has reportedly consumed Four Loko, highlights the danger that this type of caffeinated alcopop poses.

Additionally, Phusion Projects, the makers of Four Loko, said it would seek to resume these sales if "emerging science, regulatory developments or other relevant changes in circumstances arise," or if other companies start to sell similar caffeinated alcoholic beverages.

"It's clear that we need more than a simple gentlemen's agreement to keep these dangerous

beverage off the shelves and out of the reach of minors in New York," Senator Klein said. "My legislation will accomplish this goal and, once on for all shut the door to these products in this state."

Research has shown that these high alcohol flavored malt beverages (FMBs), are most popular with underage drinkers. According to the Johns Hopkins Center on Alcohol Marketing and Youth, which submitted testimony to an April 2011 committee hearing that Senator Klein, as Chairman of the Senate Alcoholism & Drug Abuse, held on this topic:

- 78% of current 8th grade drinkers drank FMBs in the past 30 days;
- 71% of current 10th grade drinkers drank FMBs in the past 30 days;
- 65% of current 12th grade drinkers drank FMBs in the past 30 days;
- 42% of current drinkers, age 19 to 30, drank FMBs in the past 30 days.

A link to the report can be found here: <http://www.nysenate.gov/files/pdfs/FMB%20Pleim%20Report%20Final.pdf>.

If made law, New York would join five other states with an outright ban of caffeinated malt beverages.

The bill is pending in the Assembly.

THE UNTERMYER PERFORMING ARTS COUNCIL  
in cooperation with Mayor Mike Spano and  
The Yonkers Dept. of Parks, Recreation and Conservation **yonkersREGON**  
present

*An Evening of Irish Culture*

with the  
**McLean Avenue Band**  
and the  
**Emerald Fire Dancers**

FRIDAY, MARCH 9, 2012 at 7 P.M.  
Saunders High School, 183 Palmer Road  
Yonkers, N.Y.  
Free Admission

Events done in cooperation with Mayor Mike Spano and the Yonkers Dept. of Parks, Recreation and Conservation. UPAC funding for "An Evening of Irish Culture" is made possible, in part, by Arts Westchester with support from Westchester County Government and its Board of Legislators.