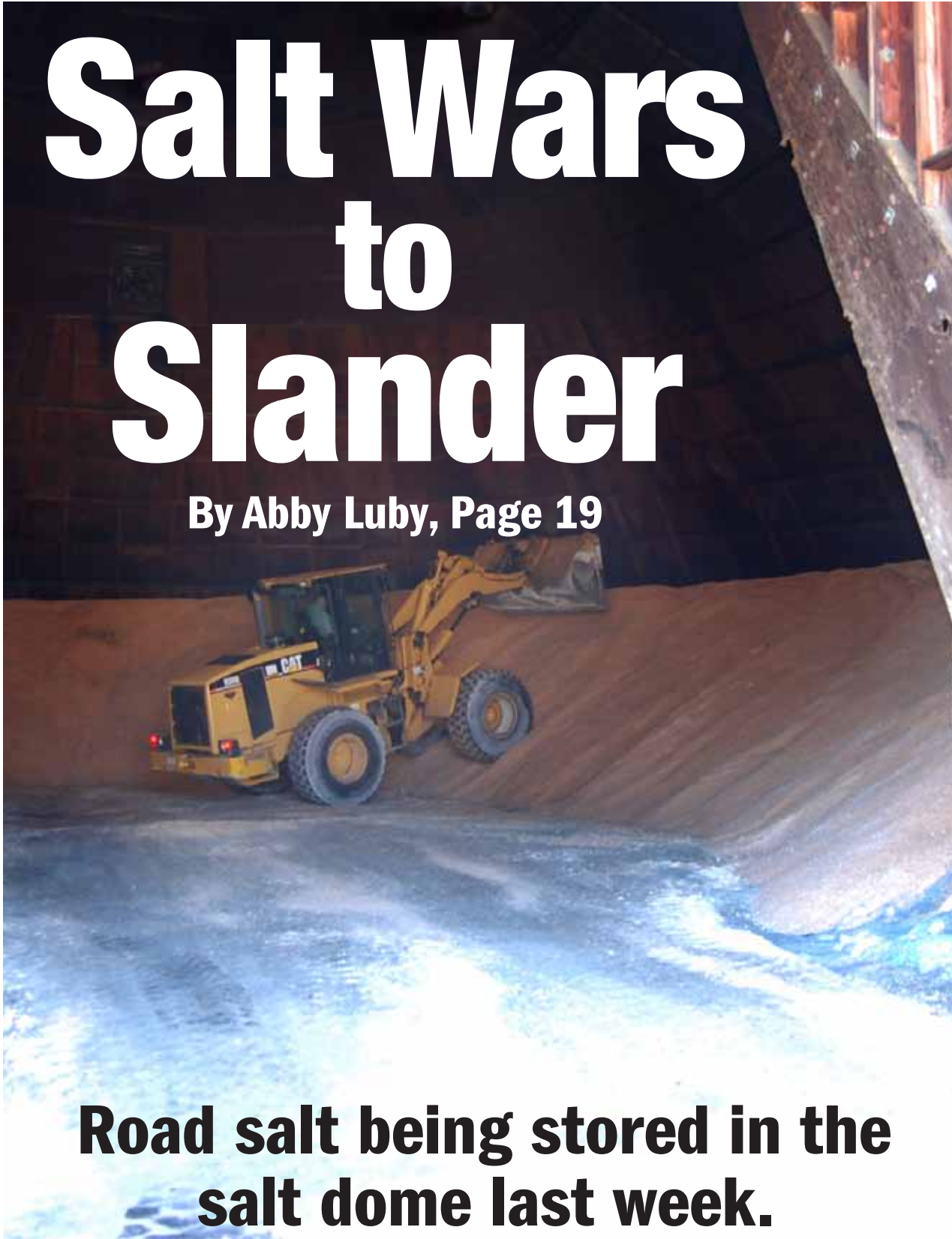




# Salt Wars to Slander

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**Road salt being stored in the salt dome last week.**



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INVESTIGATION

# A Scapegoat Hangs in Tarrytown

By Nancy King

The arrogance of local government never ceases to amaze us here at *The Westchester Guardian*. In a not so stunning development, the Village of Tarrytown has found DPW Foreman Scott Weaver culpable in the deaths of Anthony Ruggerio and John Kelly. These two men died on September 6, 2010, while entering a permit required manhole during what was supposed to be a routine call to clear a blocked sewage pipe. According to the village, Mr. Weaver is being suspended (with pay) for not preventing Anthony Ruggerio from entering into the permit required confined space. The village, in their interpretation of the PESH report deemed that as foreman, Mr. Weaver was considered management and therefore should have made a directive to Mr. Ruggerio indicating that he was not to go down that hole. It seems that the village

feels that they will indemnify themselves against what PESH called a willful violation.

But wait... Scott Weaver wasn't the only supervisor on the scene. According to the PESH report, the fire chief was also there and didn't prevent John Kelly, one of his firefighters from going down that same confined space manhole. Even though the position of fire chief in the Village of Tarrytown is volunteer, wouldn't the fire chief be considered "management"? At the risk of some more fine threats delivered to my inbox from a group of volunteer firemen, that question needs to be asked. All the Chief had to say to John Kelly was "wait". Was it because John Kelly was there as a private citizen and was considered to be "freelancing" or was it a case of an incident commander not being in command. I suppose given

the confusion of the incident we may never find out.

What we are finding out is that the elected officials are playing a tricky game of CYA. Once again one would have to assume that Mayor Fixell and village administrator Michael Blau, acting as CEO of the village and human resources officer respectively, and village engineer Michael McGarvey would have known that Tarrytown had at best, skeletal training in the areas of permit required confined spaces. Shouldn't they too be suspended if they knew there wasn't enough training? I suppose it would be a stretch to see them step down and join Mr. Weaver in the in-village suspension room where they could review safety policy and perhaps bring it up to code. That would probably time better spent rather than have Mr. Weaver sitting at home while an independent arbiter who has ties to the village decide if there is to be further ramifications.

Throughout this investigation, the village has fallen into a divide amongst

its residents. Local businessman John Stiloski has been relentless in pursuing the truth concerning this accident. And in what may have originally been an innocent plea for answers in this case, it has ultimately pitted Mr. Stiloski versus the village board. To be sure Mr. Stiloski has more than likely lost a few business accounts and a lot of friends in his pursuit. Mr. Stiloski and the residents of Tarrytown are also losing the blind innocence that most folk accept when electing public officials. Its only when they begin to peel the layers of government away, do they see it for the stinking mess it really is. Fortunately for those good people, the village elections are just a little over a month away and they can vote a new administration in. No matter what the outcome, John Kelly and Anthony Ruggerio will never be brought back from the dead but their families and the rest of the village are entitled to an honest answer.

# From Salt Wars to Slander

By Abby Luby



At a recent town board meeting in Yorktown, a verbal scuffle erupted between Yorktown's Highway Superintendent Eric DiBartolo and town resident Fred Gulitz over what some speculate was 2,000 tons of spoiled road salt that cost the town about \$100,000. DiBartolo, who claims the salt was considerably less than 2,000 tons, explained the situation to the satisfaction of Town Supervisor Susan Siegel and town council members who then moved on to other business.

The argument was the latest in a series of heated exchanges between DiBartolo

and Gulitz that has spanned the last five years. Gulitz, along with Yorktown residents Bill LaPierre and Stephan Gardner have foiled for numerous town documents, creating a vast paper trail they hope will eventually prove DiBartolo has broken rules and protocol and show his allegedly consistent disregard for the law.

DiBartolo, 49, has worked for the town since 1989 when he first started as a laborer for the Yorktown Parks and Recreation Department. In 1995 the then highway superintendent retired and DiBartolo was approached by the Republican Party to run for the job. Today, after 20 years of working for the town, DiBartolo has not only built



Road salt being stored in the salt dome last week

up his department but at one point, he took on a second post of 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.



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

"The town was trying to consolidate department heads," he explains. "It seems that trend is coming around again."

When the post of highway superintendent came up for election again, DeBartolo had the endorsement of all the political parties.

For years DiBartolo has garnered admiration from employees and town residents, but has angered many as well. Critics cite some questionable business decisions. In March 2009, 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 properly put out to bid and the town was asked to approve the payment retroactively.

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Superintendent Eric DiBartolo in his office.



Yorktown Highway Department building exterior.



## INVESTIGATION

## From Salt Wars to Slander

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DiBartolo denies that he ever purchased anything without filing the proper paperwork. "Everything is always put out to bid. Everything goes through the town's comptroller's office."

Other complaints filed against DiBartolo range from shady equipment purchases to using both town vehicles and employees for private projects. Gulitz and Gardner foiled for documents to prove that DiBartolo purchased \$75,000 worth of used equipment in 2008 from only one bidder without getting bids from two or three companies as required by the town. The equipment was for work on the Legacy ballfield. Equipment vouchers reflect that the purchase from Empire Excavating

Inc. included a bulldozer, a roller and an excavator. Gulitz recalls the town approved the purchase, as well as DiBartolo's intent to sell the equipment after the ball field was finished. Gulitz claims that the town still owns the equipment. At press time, to verify the town's actions from the May, 2008 board meeting, the town website no longer archived the information or it has gone missing since it was initially uploaded.

Hostilities between DiBartolo and LaPierre, Gulitz and Gardener have grown to fever pitch. Accusations and allegations have become personal. LaPierre, who owns Clark Funeral Home – the only funeral home in Yorktown, says two years ago DiBartolo threatened him with a plan to build another funeral home nearby, a move

that would have been targeted to pull business away from LaPierre. DiBartolo says he never threatened LaPierre.

"I have a dear friend whose family has been in the funeral business for three decades and who has been looking to expand in this area." DeBartolo steered his friend to the former Seven Stars Diner in Shrub Oak which recently opened as the Yorktown Funeral Home.

LaPierre and Gulitz allege that DiBartolo used town trucks and employees to complete the new funeral home. Gulitz has pictures documenting DiBartolo at the site with a town truck. DiBartolo says on that day, he stopped by the new funeral home for eight minutes to use the bathroom and saw Gulitz in his car with his camera, DiBartolo approached Gulitz.

"I invited him inside but he said 'No!'" recalls DiBartolo. "When are these three people going to leave me alone?"

The breaking point for DiBartolo was in December, 2010, when LaPierre took out two full page ads in the *Yorktown Examiner* condemning DiBartolo for fraudulent practices. DiBartolo said he threatened the paper's publisher with legal action if they continued to run similar ads. Recently, DiBartolo hired attorney Guy Parisi to take legal action against LaPierre, Gulitz and Gardener.

"I've been slandered in the newspaper and at town board meetings. It's time for a lawsuit," says DiBartolo

*Abby Luby is a Westchester based, freelance journalist who writes about current, local news, environmental issues, art entertainment and food.*

## LABOR

## Connections—Two Sides of the Coin: Tenure and Seniority Part 1 of 3



By Marilyn Elie

Teacher tenure has been in the news a lot lately. To understand why it is associated with the teaching profession you have to look back a bit in history. Here is a historical perspective that provides a context for today's debate.

Tenure was put in place in the early 1900's, following a time of corruption graft and cronyism in American politics and education. Perhaps you remember the name of Boss Tweed from a class in American history? He was head of Tammany Hall, the corrupt Democratic Party political machine that played a major role in the politics of 19th century New York. You can read more about him at [http://en.wikipedia.org/wiki/William\\_M.\\_Tweed](http://en.wikipedia.org/wiki/William_M._Tweed).

In those days it was common practice for politicians to reward friends, family and supporters with jobs. That is how they stayed in office. Government offices and schools were filled with people who "had connections." Ability played little or no part in who was hired. It was all about who you knew. The entrenched custom of the time supported the racism that was rife in American society and served to keep minorities out. Our civil service laws and academic tenure laws grew out of what would now be considered an illegal abuse of office.

Major reforms eventually followed and

resulted in the creation of a professional staff that does the business of government through civil service and teaches America's children free of political interference with the help of tenure.

Teachers unions got a powerful boost during the Vietnam era when many more men entered the profession. It was a time of powerful unions across the country. Unions worked hard for better conditions, better salaries and a better life for their members. Most of that is gone now, not because workers no longer need it, but because of the barrage of corporation friendly policies and anti organizing laws which have been enacted over the decades. It is also true that some unions lost their sense of purpose and dedication to workers' welfare and operated much like Boss Tweed's Tammany Hall. Teachers constitute one of the largest bodies of unionized workers left in the country, and because of that attract a lot of attention from anti union sources.

If unions have waned in importance why do we still need anything they offered? We need tenure, or fair dismissal laws, because human nature has not changed. Everyone, whether in the private or public sector, should be entitled to job protection that includes just cause and reasons for dismissal. That's all tenure is - a contract that says you cannot be dismissed on the whim of the boss, to make room for someone's relative or to allow a hard strapped

administrator to make budget by firing you and hiring someone cheaper. That's where seniority comes in. If dismissals are going to be regulated, what fairer way to go than last hired, first fired? There is a value that experienced workers acquire over the years. You want your doctor and your mechanic to have some experience before they work on either your body or your car. Eliminating tenure and seniority would be an open invitation to replace quality educators with the youngest, cheapest teachers available – and they would most likely be chosen based on the dominant political philosophy of the school board or principal, leading to a fracturing of public education.

I pay my school taxes in the Lakeland School District and well remember the time when Lakeland was best known for its practice of hiring teachers right out of college and training them extensively. As soon as they completed their probationary period they were let go and more brand new teachers were brought in at lower salaries to start the cycle all over again. At the time it was thought to save money and it was as short sighted then as it would be today. Those young teachers with a lot of on the job training paid for by taxpayers and three years of practice found employment in other districts which were only too glad to have them. And yes, in those days Lakeland ranked low in academic

achievement. How could it not when the majority of professionals in the system were just learning their craft?

Eunice Pruitt, an educator for 39 years and a principal for eighteen reflected on her feelings about tenure from both the perspective of a classroom teacher and that of a principal. As a principal, her concern about tenure centered on how to get rid of teachers who were not doing a good job.

Her conclusion was not to eliminate tenure: "We need tenure laws, otherwise education will get too political, just like county offices." She stated, "We need to do more to recognize teachers who are performing so that they don't have to leave the classroom to get promoted. We need to find a way that teachers can get recognition and increased status and keep on teaching. This could include some performance based criteria; the details could be worked out by teachers and administrators in conjunction with the community within the framework of the tenure system we have now."

We need a strong public education system staffed by enthusiastic, well trained enthusiastic professionals. Principals have the tools at hand to ensure this for their schools. Let them document their reasons when someone is not performing on the job, follow the rules for fair dismissal and elevate education for students and the community.

Next week: Connections Part 2 - The coordinated attack on tenure.

*Connections, an occasional column on how everything is connected and how few things are as simple as they might first appear... is penned by Marilyn Elie.*