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The Putnam Examiner

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Covering Carmel-Mahopac & Southeast-Brewster

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SMALL NEWS IS BIG NEWS

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Community Mourns Deaths of Brewster Mother and Daughter

By Andrew Vitelli

Tragedy struck Putnam last week, as a 37-year-old Brewster resident and her eight-year-old daughter were killed by an alleged drunken driver.

Lori Donohue and her daughter Kayla were walking from Seven Stars School of Performing Arts in Brewster at about 6:45 p.m. last Monday when Conses Garcia Zacarias, 35 of Brewster, failed to make a left turn from Route 6 to Route 22 and drove a white Ford F-350 pickup truck into the parking lot where Lori and Kayla were walking to their car, striking the two victims before hitting the building.

Kayla was pronounced dead at the scene, while Lori was taken to Putnam Hospital Center and then transported by helicopter to Westchester Medical Center in Valhalla, where she died from her injuries.

Zacarias was arrested at the scene. He is being charged with two counts of aggravated vehicular homicide and faces up to 25 years in prison. His blood alcohol content, taken about three hours after the accident, was .15, nearly double the legal limit, state police said. Zacarias is an illegal immigrant from Guatemala, and did not have a driver's license, Chief Assistant District Attorney Christopher York said.

"It's a horrible tragedy, and my thoughts and prayers go out to the family," Southeast Supervisor Michael Rights said.



ANDREW VITELLI PHOTO

A memorial was constructed near the scene of the accident by the intersection of Route 6 and Route 22 in Brewster.

On Saturday, more than 400 people attended Lori and Kayla's funeral at Trinity Lutheran Church in Southeast, with Bob Donohue, Kayla's father and Lori's wife, sitting in the front with their five-year-old son, Christopher. On Tuesday, a memorial was constructed and a vigil was held near the site of the accident, and hundreds of people

attended the victims' wake on Thursday and Friday.

Cindy Silverstein, who lived next door to the Donohues for five years, was not surprised by the community's reaction.

"I think that this tragedy has affected the whole town," said Silverstein, who attended

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Tragedy Grips Southeast Dual Deaths Spike Tensions on Illegal Immigration

By Abby Luby

The shock of last week's tragic deaths of a young girl and her mother has rippled through the communities of Brewster, Southeast and the surrounding area. Kayla Donohue, 8, and her mother, Lori, 37, were run down by a drunk driver in front of the youngster's performing arts school where she was preparing for her upcoming dance recital.

This particular loss of a young mother and her child have tapped not only grief but outrage. Because the highly intoxicated driver, 35-year-old Conses Garcia Zacarias, was an illegal immigrant from Guatemala, the deaths have sparked hostility towards the illegal immigrant community and blame is being put on local law enforcement.

Southeast Town Supervisor Michael Rights believes a lax police force in Brewster and the current laws regulating illegal aliens don't go far enough to control what he sees as a black market economy - an economy that supports undocumented

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Judge Stops Enoch Crosby Extension, Southeast Plans to Appeal Decision

By Andrew Vitelli

A judge has ruled that Southeast did not obtain required permits and construction of the road connecting Kelly Road in Carmel to Enoch Crosby Road in Southeast cannot be resumed.

The Town of Carmel had filed an Article 78 against Southeast, asking for construction of the road to be stopped. In his June 10 decision, New York State Supreme Court Justice Andrew O'Rourke ruled in favor of the Town of Carmel.

"After a review of all documents the court finds the Town of Southeast has not obtained the proper permits from the City and State of New York, nor the Army Corps of Engineers to proceed with its project to repair and reconstruct Enoch Crosby Road so as to connect it to Kelly Road in

the Town of Carmel," O'Rourke said in his decision.

Southeast Supervisor Michael Rights plans to appeal the decision, and says Southeast is in the process of obtaining the necessary permits. If appealed, it would go to the Appellate Division of the Supreme Court, second department in Brooklyn.

"Before we could seek those approvals we had to, as a town board, take the affirmative step to green light this project," he said. "If there was no consensus to green light this project, getting these permits would be a waste of time."

Carmel Supervisor Ken Schmitt believes that if the road is paved it would negatively affect the quality of life for the residents of Kelly Road and the surrounding area in

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Dissolving Brewster?

New Consolidation Law Set to Shrink Governments

By Abby Luby

Last week New York State approved a new consolidation law that allows local municipalities to dissolve villages, towns and special districts that are seen as redundant layers of government whose dissolution would significantly lower tax burdens statewide.

The idea of dissolving the Village of Brewster is nothing new to Town of Southeast Supervisor Michael Rights. Brewster is the only one of 15 election districts in Southeast that is independently incorporated and has been for over a century. There are about 2,000 village residents and about 20,000 residents in Southeast.

Rights said there are many reasons to disband the village. "The Village of Brewster is dysfunctional and if it ceases to exist as a

free-standing entity the town would have the same authority as it does over the 14 other election districts in Southeast."

Rights cites the village debt and rising costs for justifying closing down the local government.

"The cost for the police department used to be \$150,000 a year but now is \$450,000 for 17 part-time police officers," Rights said. "They have also hiked water costs up to almost 60 percent for some residents who don't even reside in the village. We could shift those costs."

Peter Hansen, Brewster Village clerk and management officer, countered the water issue by asking for the town's help to collect monies for unpaid water bills.

"We have asked the town to help us put liens on homes that are not paying their

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Lake Peekskill Teen Indicted in Marcinak Murder

By Andrew Vitelli

After five months, a suspect has been indicted in the New Year's eve murder of Garrison resident John Marcinak.

Anthony Grigoroff, an 18-year-old Lake Peekskill resident, was arrested last Tuesday at the Putnam County Correctional Facility in Carmel, where he is serving a jail sentence for an unrelated drunk driving case, Putnam Sheriff Don Smith said at a press conference Tuesday. Grigoroff faces 25 years to life imprisonment.

"It is alleged that Mr. Marcinak was shot and killed when he interrupted Mr. Grigoroff and one or more persons who, while acting in concert, were attempting to burglarize the victim's towing garage," the sheriff's office said in a press release.

Grigoroff was charged with murder in the second degree, punishable by a prison term of up to 25 years. He also faces charges of attempted burglary and criminal possession of a weapon.

Marcinak's wife, Janet, attended the press conference with her daughter Julie, 14, and sons John, 10, and Joey, 8. The family embraced after the indictment was announced.

"It helps to know that he won't do it to anyone else's family," Janet said. "The kids

will feel safer knowing he's not out there." Grigoroff was arraigned Tuesday before County Court Judge James Reitz, who ordered he be held without bail. The case is being prosecuted by Assistant District Attorney Chana Krauss.

"John Marcinak's murder devastated his family and shocked the residents of Garrison and all of Putnam County," Smith said in last Tuesday's press release. "It is hoped that seeing justice done in this case will help start the process of healing and closure for the family and community."

Grigoroff's arrest resulted from a five-month investigation by sheriff's investigators with assistance and support from District Attorney Adam Levy and his staff as well as the other police agencies and members of the community, Smith said. Many of the people involved in the investigation were present at Tuesday's press conference.

Smith said the investigation into Grigoroff's accomplices was continuing, and said that he could not be more specific about the case due to the ongoing investigation.

When asked whether it was a relief to learn that the killing was random, Janet said she had known since the murder that it was not done by anyone who knew her

husband.

"Anyone who knew John wouldn't have done this," she said. "We knew it was random. We just didn't know why."

Janet praised the efforts of the law enforcement investigating the case.

"They were diligent," she said. "They never stopped."

After the murder, she said she had expected an arrest any day, but the days turned into months. After she finally got the phone call that there had been an arrest made, she sat at her phone crying, flooded with emotions.

"We are so excited, so happy, so upset," she said.

Janet plans to rent or sell the family's garage because her children are too young to run the business in the near future.

Marcinak was shot twice at around noon on December 31 of last year and was taken to Hudson Valley Hospital Center in Cortland, where he was pronounced



Murder suspect Anthony Grigoroff

dead. The murder shocked and baffled the community. At Tuesday's press conference, Janet was asked what she would say to the person responsible for her husband's death.

"I would like to know why he had to kill him," she responded, fighting through tears. "He can never be replaced, and all for nothing."

Tragedy Grips Southeast; Dual Deaths Spike Tensions on Illegal Immigration

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immigrants who work illegally, loiter on village streets, consume too much alcohol, live in overcrowded dwellings and drive vehicles without a license. For Rights, the deaths of Kayla and her mother is a wake up call to increase restrictions on illegal immigrants and he is set to introduce new, stringent enforcement codes to the town board in weeks to come.

"Our plan is to crack down on slumlords having illegal apartments and on contractors who illegally violate federal law by employing illegal aliens to work in the U.S. If we do this they will have to go someplace else."

Others see the tragedy differently. Betsy Palmieri, executive director of the Hudson Valley Community Coalition, a local immigration advocacy group, says the

issue here is about drunken driving and not immigrant status. "The politicians need to show some moral courage and they need to focus on the problem of drunk driving rather than give in to fear mongering about immigration," she says. "If you look at the demographics of who is arrested for drunken driving it doesn't discriminate by the color of their skin or the country where they were born."

As a point of reference, the rate of drunk drivers arrested annually last year in Putnam County alone totaled 633, up from the previous year when 469 were arrested.

Matt Neuringer, who ran unsuccessfully in 2007 for town council and is running again this year, views the deaths as another reason to oust illegal immigrants from the Village.

"Unfortunately it's taken a tragedy like this to realize that we can't have people who are living in the community who aren't legal and shouldn't be driving to begin with."

Praising the 17-person Brewster police force for doing their job and reaching out to the immigrant population is Peter Hansen, Brewster Village Clerk and Management Officer.

"The police are always on high alert and they are very much aware of the emotional turmoil some people are feeling. We are doing our best to keep the peace and to keep everyone protected." Hansen adds that last week's deaths have very much saddened the village board.

"We are not blaming it [the accident] on any ethnic persuasion and we're disappointed at the lashing out at a

particular ethnic group and using this as a political issue."

If the town moves ahead to change town codes impacting illegal immigrants, they may be on a parallel track with national legislation proposed by President Obama who is trying to fix the country's broken immigration system. Obama's plan for the country's 12 million illegal immigrants will eventually prevent employers from hiring undocumented workers, fine illegal immigrants, require them to learn English and 'get in line' to become citizens.

Although the inconsolable deaths of young Kayla and her mother Lori have inadvertently fueled the contentious immigration crisis in Brewster, both sides and the greater community are silently grieving together.

Community Mourns Deaths of Brewster Mother and Daughter

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Thursday's wake with her husband, Dave. "I don't think Brewster has seen anything like this before and it's really brought a lot of people out to support the family."

Silverstein remembers the Donohues as a warm and welcoming family.

"If you needed anything, they were there to help you out," she said. "It was a great privilege to know them."

Bill Wilkins, Kayla's uncle, spoke at the funeral and remembered Lori as being an

outgoing person and a loving mother and Kayla as being thoughtful and caring beyond her years.

Kayla and Lori were buried in the same casket at Milltown Rural Cemetery.

Zacarias was originally charged with one count of first-degree vehicular manslaughter and driving while intoxicated. First-degree vehicular manslaughter carries a maximum prison sentence of 15 years.

The charges were elevated to aggravated

vehicular homicide after police spoke to witnesses and determined that he had been driving recklessly.

"He was driving through town at a fast rate of speed, over the double yellow line, cutting people off and forcing them off the road," York said.

Zacarias was charged with two counts because his blood alcohol was above the legal limit of .08 percent and he was visibly intoxicated.

Zacarias is being held in the Putnam County jail with bail set at \$150,000. U.S. Immigration and Customs Enforcement has filed a detainer against Zacarias. If he is acquitted of the charges, he will likely be deported, York said.

The truck belongs to Valerie Renihan, who told investigators that she did not give Zacarias permission to use her vehicle.

Consolidation Process

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majority of voters in each entity would be required for passage of the measure.

Under the new law the only requirement of the people canvassing to get a petition signed is that they are New York State registered voters.

If a majority of voters approve a consolidation or dissolution, the village or special district has six months to develop a consolidation or dissolution plan. Such a plan must include the disposition of assets and liabilities and in the case of consolidation of two villages, must get ordinances and enforcement of local laws in sync with each other. The wording of the bill states that the local entities must make public a "fiscal estimate of the cost of and savings which may be realized from consolidation."

Public hearings would follow and there would be an opportunity for entities to revise their "plan" after the hearings are completed.

- Abby Luby

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