

*Lawrence N. Gray, Esq.
20 Fireplace Drive
Kings Park, New York 11754*

Councilman Thomas McCarthy
Town of Smithtown
99 West Main Street
Smithtown, New York 11787

April 20, 2009

Re: A Criminal Conflict of Interest?

Dear Councilman McCarthy:

You are aware that the Smithtown Ethics Codes forbids you to take any action – active or passive, vote or no vote – with respect to any matter where you or a business partner of yours have a pecuniary or other interest involving anything of value, tangible or intangible, present or foreseeably anticipated. Those two empty car dealership properties that you own singly or in combination with others known and, as yet, publicly unknown are not the proper subject of any change in any zoning code or other action by the town at the present time. The Planning Department is to continue working on those matters lawfully put before them by other applicants. Your stuff and that of your accomplices is not to jump the line under the guise of speeding things up so that business will flourish and taxes will flow. Save your bovine excrescence for District Attorney Spota. McCarthy, you cannot participate in any manner concerning zoning changes that will benefit you and yours irrespective of whether the same benefits the town generally. In a sentence, you risk criminal liability if you discuss, lead the charge or vote in this zoning change proposal – whether it is at a formal meeting of the town board or at an illegal meeting in Supervisor Vecchio’s office with Councilman Wehrheim present. Let us take apart the bull which you and Vecchio trotted out for the benefit of the *Times of Smithtown’s* Joe Darrow.

You and Vecchiogenarian “emphasized the need to provide jobs and boost diminishing town property assessments, and thus tax revenue, amid a global recession with no end in sight.” By the time any speculative economic-tax benefit becomes reality from an expansion of “the list of acceptable businesses in the wholesale service industrial zone along Middle Country Road in St. James” the world will be square. Your dirty draws are showing, McCarthy, to wit: “to entice entrepreneurs to move into vacant lots left by several folding car dealerships” – like the two you closed last year. Once again, you are looking to your own pockets seeking to leverage your town council seat in their ser vice. Maybe William Keon, Esq. should read you Section 195.00 of the Penal Law in conjunction with the Smithtown Ethics Code. It’s a start.

Deputy Planning Director David Flynn saw right through your self-aggrandizing posturing. “Town planners have been at work on revising Smithtown’s comprehensive Master Plan for years.” Flynn emphasized his department’s bias toward studying dramatic rezoning plans on a wide scale and in the context of the town’s long range goals before acting.” ***The town’s long-range goals are not coterminous with the financial interest of Thomas McCarthy, Inc., which obviously wants to get out from under the financial nut, which are its vacant car dealerships.*** (Pause. Take a breath. Think. Go back and read this sentence again.)

Naïveté is nice. That’s all. If you and Vecchio are sincerely worried about businesses and the tax base one must ask, “where ya been all these years, ya inflated wind bags?” You lived in the Planning and Building Departments as much as Vecchio went to Florida on someone else’s arm until eviction proceedings were brought against you and surveillance was pulled on him at the airport. Start by directing Tax Assessor Hild and the Chief Building Inspector to verify the permit status of all commercial properties in Smithtown to make sure that the permits have been closed out and the properties affected are assessed properly. Have Hild go out and put than “phantom” house at 35 Chestnut Stump Road on the tax rolls.

Sewers?

Any expansion of sewers in Smithtown for parking purposes, as per Councilman “Mortimer Snurd” Wehrheim, must await the conclusion of the ongoing criminal investigation being conducted by the District Attorney’s Office into Smithtown. For but one example, there is Sal DeCarlo illegally knocking down his lumberyard buildings and spreading asbestos. And right across from the octogenarian’s office! ***DiCarlo is a convicted felon.*** He’s in this sewer caper. Wish that he were the only felon you and Vecchio have consorted with. DiCarlo scenario gets worse.

; **Say what, Gregory?**

Tax Assessor Gregory Hild has claimed that the state has opined that DiCarlo must get a \$47,000 per annum tax reduction no matter the fact that it was he who illegally knocked his buildings down. That would be \$47,000 times every year that he continues to own the property. Hild is a liar. The state's *opinion* is not law. In fact, its opinion --as dutifully reported by that lovely lady reporter Stacey Altherr from *Newsday*-- said that tax assessment calls were a local matter. This aside, it is axiomatic that one cannot profit by his own wrongdoing. If DiCarlo doesn't like the fact that he will be assessed at \$57,000 per annum he can plead his case in court where he may prove his own criminality under oath. Detectives from the District Attorney's Office should be in there and obtain a copy of all sworn pleadings in the court clerk's office. Only DiCarlo is competent to swear to anything. DiCarlo's tax assessment on May 1st will be decided by Hild on orders from Vecchio, not because of an inconclusive opinion. Vecchio told the *New York Times* (April 19th) that DiCarlo's criminal conduct "*is a business decision someone makes.*" Vecchio is either an idiot or a scoundrel, or old age has taken a firm hold on him -- a former NYC Detective? Is his statement a hangover from his days in a NYPD Public Morals Division? Or when he was detailed to take Mayor Lindsay's wife shopping at Bergdorf Goodman? Is it traceable to him being **80 years old** as Stacey Altherr wrote?

For his part, Hild should be concentrating on coming up with a more plausible bull story to explain his shilling for Vecchio on that "from-Vecchio's-lips-to-Felon-Lynch's-and-Adrienne Giannadeo's-ears" zoning variance he obtained on March 28, 2000 for 255 Kohr Road, Kings Park --- who did the construction work and if they were paid and by whom being left for the District Attorney.

"The town should appoint czars to oversee top-priority zoning changes," according to you. Who do you have in mind? **Nicholas Cosmo**? He's good at sports facilities and Ponzi schemes. With **John (Leaf Bag) Zollo's** legal acumen Cosmo can move Certificates of Occupancy overnight -- if there's a call from the Supervisor's Office? Ask Planning Director **Frank DeRubeis**. Maybe **Robert (The Vacuum Cleaner) Bonerba**? Now there's a guy who knows how to make zoning pay? How about **Frank Esposito**? He facilitates things. **DeCanio**? No altered maps, please. **Robert Fitzpatrick**? He can be a consultant. (Tell Vecchio to give back all of Esposito's campaign contributions if made under Fitzpatrick's name.) How about former Highway Superintendent **Ed Lynch**? He'll throw in Giant Football Tickets and membership in the St. George Country Club. **Vito Poveromo**? He can coordinate electric utility matters with LIPA. He plugged into the town before. Make sure he has a designated driver? **Nicholas Barbato**? Now there's one who knows sewer districts.

No Need for a Czar—We Already Have his Lordship

The short answer to your proposal, McCarthy, is that the citizenry does not need anyone appointed by you or Vecchio, Wehrheim or the Councilwoman to play fast and loose with our zoning laws by appointing a zoning czar so that you and your buddies -- it is one man's opinion -- can make a quick buck.

The question for you is: **Do you now have or do you anticipate any contract vendees for your abandoned car dealership properties on Middle Country Road that await a zoning change to close any deal that they may have or expect to have with Thomas McCarthy, Inc?** You don't do nuttin' unless there is a buck in it. Will the Republican Party re-designate you for another term on the Smithtown Council? Even more, will it re-designate an **80 year old?** Any adult person in Smithtown that is registered Republican can get a petition with more than the necessary signatures, file it and sit home. They'd have a better than even chance of beating you and Vecchio. **Robert Bonerba** is due in court on **April 22d** to fish or drop his pants. Don't make us come looking for you or Vecchio, or Little Eddie. I am probably in error, but based on past professional experience, I wonder if the DA's Detectives already have a warrant to pick him up in case he doesn't appear. Be careful he doesn't sneak back into the Building Department. Post **David Ambro** as a guard. Have the locksmith, **John Gee** at the ready in case **Bonerba** tries to slip back in. McCarthy, your problem is that you were absent from school that day when you should have gotten it and more on the schoolyard of your youth. On a final note, I trust that Lynch's driveway repair at 121 Browns Road is holding up well and that Vecchio's Bernadine is not bouncing anything.

Yours truly,

Lawrence N. Gray, Esq.

Cc: Sydney Greenstreet
Smithtown Board
Supervisor Vecchio
Times of Smithtown
Newsday

P.S. Tell Wehrheim that the days of his exercising his Miranda rights are long over.