

Ex-Smithtown building chief admits to taking bribes

BY STACEY ALTHERR | stacey.altherr@newsday.com

| April 22, 2009

Smithtown's former building director, Robert Bonerba, pleaded guilty Wednesday morning in a Riverhead courtroom to four counts of bribe receiving as part of a plea deal in which he will be sentenced to 2 years in the Suffolk jail.

After court, Suffolk County District Attorney Thomas Spota called the ongoing corruption probe in Smithtown an "active investigation" and said his office is looking into relationships between developers and town officials.

"We're looking into certain developers and their relationships with certain town officials - whether they are receiving favorable treatment, not only developers but other individuals, and we're looking into certain work sites that we feel some of the activities on the part of the developers and/or the town officials are potentially questionable," Spota said.

Spota specifically mentioned the former Community Hospital of Western Suffolk on Route 347 and a former lumber company site on Main Street in Smithtown, both owned by Salvatore DiCarlo of East Hampton.

Bonerba, 59, was charged with 42 counts last May, including 10 counts of taking bribes.

"He used his position of authority to enrich himself at the expense of taxpayers," Spota said, adding that Bonerba's poor health was considered in sentencing him to local jail time.

Smithtown Supervisor Patrick Vecchio said he had no comment. Councilman Robert Creighton, former Suffolk County police commissioner and Spota's former chief investigator, said he hopes prosecutors move quickly with the investigation.

"I think it's terribly unfair to create the impression that there is widespread corruption in the town," Creighton said.

Wednesday, Bonerba pleaded guilty to receiving "several thousand dollars" in 2003 from builders Frank Esposito and Robert Fitzpatrick to expedite paperwork on a Nesconset home they built. He also pleaded guilty to, while a building official, taking about \$4,000 in carpeting and installation in 2000 for his own home from builder Farouk "Frank" Kiridly, and the installation of a fireplace at his home in 2000, worth about \$1,400, from Fitzpatrick and James Fox, another builder. Bonerba also pleaded guilty to taking \$1,000 in cash in 2004 from Fitzpatrick and Fox in exchange for providing false information in a letter regarding the number of rooms above a Kings Park plumbing business.

Neither Fox nor Kiridly were charged because the statute of limitations has passed, said prosecutor Kevin Ward, but public officials have a longer period to be charged. Esposito and Fitzpatrick have pleaded guilty and are cooperating with the investigation, Ward said. They haven't yet been sentenced.

Bonerba, of Nesconset, was fined \$4,800, which he has already handed over to authorities. His sentencing is July 16.

Bonerba's attorney, Anthony LaPinta of Hauppauge, said it was in his client's best interest to plead guilty to four counts of the 42-count indictment.

"He takes full responsibility for his crime and will pay the price for that," said LaPinta, adding that Bonerba had "long-standing friendships" with the developers named in the plea and those relations meant "a lot of gifts and gratuities given that have not been unlawful."

Bonerba was suspended in December 2006 for not properly filling out his financial disclosure statements, and retired before a hearing was held on whether he should be fired, preserving his \$31,871 annual state pension.