

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) [elena@judgewatch.org]
Sent: Friday, November 20, 2009 2:34 PM
To: 'Andreatta, David'
Subject: Ongoing NYS Senate Judiciary Committee Hearings on Commission on Judicial Conduct & Attorney Disciplinary System
Attachments: sjc-hearing-notice-5-20-09.pdf; nylj-5-21-09-stashenko.pdf; nylj-6-9-09-stashenko.pdf; nylj-9-25-09.pdf

Dear David,

Following up our phone conversation earlier, attached is NYS Senate Judiciary Committee Chairman John Sampson's notice of the initial June 8th hearing – and the subsequent items that appeared in the New York Law Journal on May 21st, June 9th, and September 24th. I am unaware of other press coverage.

It would be a great public service for you and the Rochester Democrat & Chronicle to publicize these historic hearings so that readers who have filed judicial and attorney disciplinary complaints will be informed of the valuable opportunity they have to testify as to their direct, first-hand experiences with the Commission & attorney disciplinary committees.

Call Chairman Sampson's counsel, Tim Spotts, for details. His # is 518-455-2788.

I look forward to helping you in developing meaningful coverage – and much information is posted on our website, www.judgewatch.org, most conveniently accessible via the top panel "Latest News".

Regards,

Elena (Sassower), Director
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From: Andreatta, David [mailto:dandreat@democratandchronicle.com]
Sent: Friday, November 20, 2009 12:45 PM
To: elena@judgewatch.org
Subject: Rochester Suburb Town Justice

Hi Elena - Here is the story we discussed. Thanks again for your interest.

David Andreatta
 Rochester Democrat and Chronicle
 585-258-2419

Sunday, March 1, 2009

Publication: Democrat and Chronicle

Town's squabbles boil over

David Andreatta

11/20/2009

Staff writer

A carefully orchestrated news conference to bolster a plan to move a senior center in Irondequoit was on the brink of unraveling, and Mary Ellen Heyman, the town supervisor, could no longer mask her exasperation.

Flanked by the head of the Monroe County Democratic Committee and a town justice, Heyman abruptly cut off what was to be another pointed question from a resident opposed to the relocation to thank everyone for attending and to remind them to vote in a townwide referendum on the issue in two weeks' time.

The curt exchange was born of two years of friction between Heyman and a handful of constituents over her style of governance, much of it over the fate of the senior center. Indeed, about 40 opponents forced the referendum by gathering the signatures of some 2,000 residents.

"I found myself embarrassed," Heyman said of the incident in a recent interview. "I felt that our community was not a welcoming place to be at that press conference."

The rancor has been played out at heated public forums, in the media, and most notably online, where a Web site, dedicated to exposing what its mostly anonymous contributors contend are examples of the closed-mindedness of town government, has attracted a rabid cult following.

Hardly a day passes that the Web site is not updated with rambling musings of critics who liken the Heyman administration to a Big Brother operation. Posts include sound bites from media reports that contributors claim discredit town officials, and town responses to Freedom of Information Law requests that aim to portray the administration as heavy-handed and hypocritical.

The discord culminated last week when voters handily defeated the town's plan to move the center from its aging building on Pinegrove Avenue, which the town owns, to the Kings Park office complex, where \$1.2 million in federal grants would have paid for a lease and maintenance over five years.

"It was a vote pushed for by the people, for the people," said Kate Comella, 45, who petitioned for the vote. "Silence gives consent. This started as a grass-roots effort, and it ended up with those politically involved trying to influence the decision."

A litmus test

Both camps cast the referendum as being about the welfare of seniors and taxpayers. But it was also a litmus test that had at stake the credibility of opponents, and the ability of Heyman and the Monroe County Democratic Committee to claim they are in touch with the community.

Supporters of the town's proposal were granted the use of the County Democratic Committee's phone banks and bulk mailing permit to reach out to residents. More than 4,000 calls were placed, and two glossy postcards advocating the move were sent to thousands of homes.

A disclaimer on the postcards indicated they were paid for by the Irondequoit Seniors First Committee, whose treasurer, Irena Scoglio, is the chairwoman of the Irondequoit Democratic Committee.

Scoglio acknowledged that the postcards were produced by the county committee but said she expected her group to be billed for the costs. She claimed to not know how many postcards were mailed or how much was spent but dismissed the notion that the county party played any significant role in organizing the effort.

"The (Seniors First) Committee is made up of dozens of Irondequoit residents who were primarily interested in a yes vote," Scoglio said. "This was solely for the seniors' interest, so they could have a voice and a support system."

Assemblyman Joseph Morelle, who represents Irondequoit and is the chairman of the County Democratic Committee, did not return two phone messages left with his spokesman.

Morelle injected himself into the debate when he pledged \$125,000 in state funds to renovate Kings Park at the news conference two weeks before the vote. Supporters saw the pledge as raising the legitimacy of a sound project. Opponents saw his involvement as a veiled last-ditch effort to counter a groundswell against the plan.

Even Town Justice Joseph Genier, a Democrat, got into the act. He spoke at the news conference and later placed a full-page ad supporting the relocation plan in the *Irondequoit Post*. A disclaimer indicated the ad was paid for by the Cooper Delicatessen, which Genier owns. The judge did not return messages left with his clerk seeking comment.

"We were up against enormous odds," said Richard Barone, a former leader of the Irondequoit Republican Committee and ardent critic of the town who was instrumental in forcing the referendum. "The conventional wisdom is you don't win when your opponent has two townwide mailings."

For his part, Barone's organization, Irondequoit Citizens for Better Government, ran its own newspaper ads accusing the town of purposely neglecting the Pinegrove facility to necessitate a move — a claim the town denies.

Heyman acknowledged spending \$500 of her own money on a mailer to absentee voters. She said that while voters ultimately rejected the town's approval of the Kings Park move, she was confident that the town won respect just for having taken a stance on the issue.

The town has been wrangling with proposals for centers for seniors and teenagers for decades.

"I think what it says is that we're not afraid to take action. I don't think it says we don't have our finger on the pulse of what's going on," Heyman said. We could have sat back and said, 'This is going to be controversial, so let's not do it.'"

She said half-truths and misinformation were disseminated by both sides, and questioned the advertising tactics of her opponents.

"There is nothing more offensive than coming out of church on Sunday morning and seeing a flier taped to your car window," she said.

Unfettered agitation

The pushback from so many prominent and politically connected Irondequoit residents may have also been a response to what many in the Heyman administration view as relentless and unwarranted agitation by a small group of people.

Last year, the town received 286 Freedom of Information Law (FOIL) requests from residents. About a third of them were from eight people, according to the town. By contrast, Greece, which has almost twice the population of Irondequoit, received 404 FOIL requests last year, according to the town of Greece.

A *Democrat and Chronicle* inspection of the requests revealed that many appeared to be legitimate queries for information, including salaries of town employees and invoices for a consultant who advised the town on the Kings Park proposal.

Others appeared outlandish. The town has been asked to provide records on how many recycling bins are at Town Hall, the oaths of office taken by Town Board members, and various correspondence dating to the early 1960s.

Some of the requests are from people identifying themselves with pseudonyms such as "Knot for Nothing" and "Moe, Curly and Larry," an apparent response to a town practice, now discontinued, of posting FOIL requests on its Web site, including the personal information of filers.

Town officials acknowledged being overwhelmed by the volume of requests and said many of them cannot be answered because the documents requested do not exist.

"They've taken an inordinate amount of time out of the work day for us on any number of occasions," said Michael Spang, the town's director of Parks and Recreation.

Cheri Evershed, 42, who sits on the town's Planning Board and is one of Heyman's most vocal critics, called such excuses "ridiculous."

"That's what government tries to do sometimes, intimidate and throw as much mud as they can on people who are shedding light on things," said Evershed, who has submitted several FOIL requests to the town.

Evershed, who was appointed to the board after aggressively campaigning for Heyman in 2005, fell out of favor with the administration when she challenged a town assertion that an audio record of a critical board meeting was accidentally erased. She eventually became the subject of an investigation by the administration, which sought to remove her from the board.

"I'm not going to be a board member who nods along complacently," Evershed said. "I think somebody's got to stick up for people sometimes."

Fighting back

The source of the Web site dedicated to skewering the Heyman administration, a blog called "FOILS for Irondequoit," is apparently unknown outside of a handful of people who post to the site.

Heyman said that she was taken aback by harsh criticism of her in her early days in office but now chalks it up to being "part of the job."

Nonetheless, she has gone on the offensive on occasion.

In August, she wrote a scathing letter to a constituent who over the years has offered Heyman and the previous administration various proposals for a community center at limited cost to the town. Heyman administration officials have deemed the plans unfeasible.

Responding to what she characterized as his persistence on the issue, Heyman wrote: "For more than two and half years of listening to you, your ideas, plans and opinion I have come to the conclusion that implementation of any plan you may have thoughts on is impossible. ... I have spent time investigating recommendations only to find no basis in fact."

Two weeks later, the constituent, 63-year-old Timothy Golan, responded. He filed a FOIL request that, in part, asked the town to provide: "Evidence to support the Town of Irondequoit's claim of 'no basis in fact'" and "Overview of the 'listening to you.'"

He has since requested under FOIL copies of the oaths of office of Town Board members. He did so, he said in an interview, because town officials have refused to certify a response on town letterhead to another of his FOIL requests that claimed that the documents he sought did not exist.

"I felt I was being lied to and I'm asking at what point does your oath of office take precedence over your allegiance to your political masters?" Golan said. "Yes, it's probably silly, but if that's the game they want to play."

Opponents have vowed to continue to challenge Heyman, but Heyman said she was undeterred and plans to run for re-election in November.

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