

COUNTY OF SUFFOLK
DISTRICT ATTORNEY'S OFFICE



THOMAS J. SPOTA
DISTRICT ATTORNEY

December 8, 2014

32-count Indictment unsealed, six arrested in illegal dumping of construction debris

Suffolk County District Attorney Thomas Spota today announced the arrests and indictment of six people, including two former Islip town parks employees and a Suffolk trucking contractor and his son, for their roles in the illegal dumping of toxic New York City construction and demolition debris at four locations in western Suffolk.

The crimes outlined in the 32-count indictment “paint a portrait of greed, and the abuse of power that has left the residents of Islip with an environmental catastrophe,” said DA Spota.

For over eight months, investigators and prosecutors in the Economic Crime and Government Corruption Bureaus investigated what the district attorney called “brazen environmental crimes.”

Spota described defendant, and former Islip Parks Commissioner, Joseph Montouri Jr., “as almost wistful” when he told detectives “We wouldn’t be here right now” had the bricks, broken glass, rebar and concrete rubble dumped at Clemente Park been covered with dirt and hidden from sight under topsoil and grass.

Montouri, 61, of East Islip, resigned from his town job last May. ‘It is clear Montouri outright lied to the DEC when he responded to reports of large piles of construction debris in the town’s Clemente Park in Brentwood,” DA Spota said. “Montouri simply replied there was “no problem” in the park.”

During the eight-month investigation, dangerous toxins, including Colbalt, Dieldrin and Asbestos, were found in the dumped material at Roberto Clemente Town Park in Brentwood, at a site at the corner of Route 111 and Sage Street in Central Islip, in a state-protected wetlands area on the Islip-Babylon town border at 175 Brook Avenue in Deer Park, and in material dumped as fill to elevate a berm at an affordable housing development for military veterans in Islandia.

In the 32 count-indictment, Montouri, and his former parks colleague, Brett A. Robinson, 30, are each charged with 12 crimes related to the dumping at Clemente Town Park, including conspiracy, two counts of official misconduct, three charges of reckless release of an acutely

hazardous substance into the environment (for the dumping of material containing Cobalt on the soccer field and recharge basin, and Dieldrin, a banned pesticide on the soccer field), two counts of endangering in the third degree for the reckless release of more than 2,000 pounds of a hazardous substance at Clemente, endangering in the fourth degree for the reckless release of a hazardous substance (for Asbestos dumped onto the soccer field and the recharge basin), and one count of operating an illegal solid waste management facility that causes the release of more than 70 cubic yards of solid waste into the environment (specifically onto the soccer field and recharge basin).

Montouri, Robinson and the four other defendants; Thomas Datre Sr. and his son, Thomas Datre Jr., Christopher Grabe, of Islandia Recycling; and Ronald Cianculi of Atlas Asphalt, pleaded not guilty this morning at their arraignments before State Supreme Court Justice Fernando Camacho. The defendants were released on their own recognizance.

Thomas Datre Jr. faces 29 charges including five counts criminal mischief in the second degree, the top charge in the indictment. Criminal mischief in the second degree is a class "D" felony punishable by a maximum of two and one-third to seven years imprisonment (see the pedigree information below for specific information about the defendants and the charges alleged in the indictment).

The counts against Datre Jr, 41, of St. James, allege involvement in the illegal dumping at all four locations.

Thomas Datre Sr., 68, is charged with five crimes, each occurring, according to the indictment, at the Islandia affordable housing development for military veterans. The charges are criminal mischief in the second degree, two counts of endangering in the third degree for the reckless release of an acutely hazardous substance into the environment, one count of endangering 3rd degree for the reckless release of more than 2,000 pounds of a hazardous substance, and one charge of operating an illegal solid waste management facility.

Christopher Grabe is charged with 17 crimes alleged to have been committed at two sites; Roberto Clemente Town Park and Islip Avenue in Central Islip.

Four Datre family businesses are charged. 5 Brothers Farming Corp. and Daytree at Cortland Square Inc. are charged with 28 counts involving crimes at all four dumpsites, Datre Family Farms Inc. is charged with 11 crimes committed at Clemente Park, and DFF Farms Corp. is charged with criminal mischief in the second degree and five other charges, all crimes committed at the dumpsite at the corner of Route 111 and Sage Street, referred to formally in the indictment as 1625 Islip Avenue in Central Islip. The criminal and environmental law charges against the Datre businesses are punishable upon conviction by substantial fines.

District Attorney Thomas Spota began the probe in April of this year when investigators, informed of a possible dumpsite by DEC police, discovered contaminated fill at the soccer field and a recharge basin at Clemente Park in Brentwood. The investigation soon widened to

include three other locations where contaminated debris was found; a vacant lot at the corner of Sage Street and Islip Avenue in Central Islip, the six-home development for veterans in Islandia, and the lot adjacent to state-protected wetlands on Brook Avenue in Deer Park.

“Each one of these defendants saw an opportunity to make money and ignore the consequences of endangering the health of thousands of people,” DA Spota said.

“They took truckloads contaminated demolition and construction debris from NYC and they dumped it here, in their own county, in places where they thought they’d never get caught. By not going to a landfill or registered waste facility,’ DA Spota said, “they avoided paying dumping costs - and the net gain was pure profit.”

SCDA COMMUNICATIONS

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A criminal charge is an accusation. A defendant is presumed innocent until proven guilty.

DEFENDANTS ARRAIGNED MONDAY, 12/8/14

Thomas Datre, Jr. (DOB: 3/9/1973)

168 Jefferson Avenue, St. James, NY

Criminal Mischief 2nd – 5 counts

Endangering Public Health, Safety, or the Environment 3rd – 14 counts

Endangering Public Health, Safety, or the Environment 4th – 4 counts

Operating a Solid Waste Management Facility w/o a Permit – 5 counts

Freshwater Wetlands Violation – 1 count

Defense Attorney: Kevin Kearon

Thomas Datre, Sr. (DOB: 6/19/1946)

3 Gianna Court, Hauppauge, NY

Criminal Mischief 2nd – 1 count

Endangering Public Health, Safety, or the Environment 3rd – 3 counts

Operating a Solid Waste Management Facility w/o a Permit – 1 count

Defense Attorney: Kevin Kearon

Christopher Grabe (DOB: 9/18/1977)

28 Howard Drive, Coram, NY

Criminal Mischief 2nd – 3 counts

Endangering Public Health, Safety, or the Environment 3rd – 8 counts

Endangering Public Health, Safety, or the Environment 4th – 3 counts

Operating a Solid Waste Management Facility w/o a Permit – 3 counts

Defense Attorney: Matthew Tuohy

Ronald J. Cianciulli (DOB: 10/7/1966)

453 Potter Blvd, Brightwaters, NY

Criminal Mischief 2nd – 1 count
Endangering Public Health, Safety, or the Environment 3rd – 3 counts
Endangering Public Health, Safety, or the Environment 4th – 1 count
Operating a Solid Waste Management Facility w/o a Permit – 1 count
Freshwater Wetlands Violation – 1 count
Defense Attorney: John Carman

Joseph Montuori (DOB: 3/17/1953)

3 Rose Court, East Islip, NY

Endangering Public Health, Safety, or the Environment 3rd- 5 counts
Endangering Public Health, Safety, or the Environment 4th – 2 counts
Operating a Solid Waste Management Facility w/o a Permit – 2 counts
Official Misconduct – 2 counts
Conspiracy 6th – 1 count
Defense Attorney: John Halverson

Brett Robinson (DOB: 7/4/1984)

55 Merritt Street, Lindenhurst, NY

Endangering Public Health, Safety, or the Environment 3rd – 5 counts
Endangering Public Health, Safety, or the Environment 4th – 2 counts
Operating a Solid Waste Management Facility w/o a Permit – 2 counts
Official Misconduct – 2 counts
Conspiracy 6th – 1 count
Defense Attorney: Patrick O'Connell

5 Brothers Farming Corporation

Ronkonkoma, NY

Criminal Mischief 2nd - 5 counts
Endangering Public Health, Safety, or the Environment 3rd – 14 counts
Endangering Public Health, Safety, or the Environment 4th – 4 counts
Operating a Solid Waste Management Facility w/o a Permit – 5 counts
Defense Attorney: Kevin Kearon

Daytree at Cortland Square, Inc.

Ronkonkoma, NY

Criminal Mischief 2nd - 5 counts
Endangering Public Health, Safety, or the Environment 3rd – 14 counts
Endangering Public Health, Safety, or the Environment 4th – 4 counts
Operating a Solid Waste Management Facility w/o a Permit – 5 counts
Defense Attorney: Kevin Kearon

Datre Family Farms, Inc.

Ronkonkoma, NY

Criminal Mischief 2nd – 2 counts
Endangering Public Health, Safety, or the Environment 3rd – 5 counts
Endangering Public Health, Safety, or the Environment 4th – 2 counts
Operating a Solid Waste Management Facility w/o a Permit – 2 counts
Defense Attorney: Kevin Kearon

DFF Farms Corporation

Ronkonkoma, NY

Criminal Mischief 2nd – 1 count

Endangering Public Health, Safety, or the Environment 3rd – 3 counts

Endangering Public Health, Safety, or the Environment 4th – 1 count

Operating a Solid Waste Management Facility w/o a Permit – 1 count

Defense Attorney: Kevin Kearon

