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## Towns Find Field-Building Is Dirty Work

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THE Woodlands High football field is buried deep in the woods of the school's campus; a visit to the gridiron requires a five-minute walk through the woods along a dimpled asphalt path.

When the trees finally part, the perfect artificial turf appears as a revelation of sorts -- a manicured ode to boyhood dreams. But it is all illusion: the site, shuttered abruptly at the beginning of the school year in the midst of a nasty legal fight, has not played host to a single football game this fall.

Derek Jackson, 16, a high school junior who plays on the varsity football team, is none too pleased. "We just got that field like two years ago," he said, "and now it's closed down."

Derek and the rest of the Woodlands High Falcons, who now play their home games across town, are the latest casualties in a seemingly never-ending imbroglio known as "fill for fields."

First reported by The Journal News in the fall of 2003, the dispute centers on the Eastchester town government and three local school districts: the Eastchester Union Free School District, the Valhalla Union Free School District and the Greenburgh Central School District No.7, which oversees Woodlands.

Starting in 2002 and 2003, the town and school districts allowed contractors to run landfill operations on their property. Trucking companies paid for the right to use school and municipal land as dumping sites for dirt and debris from a host of far-flung construction projects.

The contractors who had made the deals paid no fees, but agreed to exchange the favor by building athletic fields. This arrangement yielded eight projects for new or refurbished fields -- only some of which were ever completed. A few ended up atop the fill, creating towering ziggurats in the heart of suburbia; others, like the Woodlands football field, lay on more traditional ground.

School officials saw the deals as the ultimate in out-of-the-box thinking -- a creative way to build fields, at no cost, in an increasingly recreation-mad slice of suburbia. But the dirt, in the end, created a monumental mess.

The "free" fields cost taxpayers millions of dollars, environmental consultants found contaminants in the fill, and lawyers for several of the parties involved have filed a thicket of sharply worded lawsuits clamoring for millions of

dollars in damages.

The fields, meanwhile, remain in various states of completion, creating headaches for athletic directors and soccer moms all over Westchester. And to make matters worse, Alan G. Hevesi, the state comptroller, released a scathing audit last month holding town and school authorities accountable for the mess.

The long-awaited report painted a picture of naive public officials too willing to skirt environmental laws and competitive-bidding requirements to get the fields they had been promised; voters who went unconsulted; and contractors who happily went along for the ride. The comptroller has sent the report to Attorney General Eliot L. Spitzer's office, which is reviewing the matter.

School officials dispute several points in the audit; they also say, with some justification, that they are emerging from the contretemps with relatively low-cost playing surfaces. But they acknowledge that public confidence in the schools has suffered and that voter support for new initiatives will be hard to come by. "Truthfully, I would not want another school board president to live through this ordeal," said Stephanie W. Bellino, Greenburgh's school board president, in a recent telephone interview. "

The woman behind the fill-for-fields concept is Phyllis Fitzpatrick, executive director of the nonprofit Goodwill Sports Association, once based in Eastchester and now headquartered, apparently, in her Yonkers home. Ms. Fitzpatrick did not agree to an interview for this article despite repeated requests.

The association, according to tax filings, once ran amateur baseball tournaments. But after the Sept. 11, 2001, attacks, Ms. Fitzpatrick started promoting something different: donating a new or refurbished athletic field for each of the nearly 3,000 victims of the attacks.

The group had some early successes: a baseball field on the Woodlands campus was renovated without incident in the spring of 2002, for instance. But Ms. Fitzpatrick, who arranged fill-for-field deals with the Valhalla and Greenburgh school districts and farmed out the work to subcontractors, soon saw her grand plans collapse. The nonprofit ran out of money; court documents indicate that she solicited personal loans she could not repay. Most of the "free" fields she promised never materialized.

Joseph DiGeronimo, a principal with DiGeronimo Mikula Associates, a sports-facility engineering firm that worked with Goodwill in Valhalla, described Ms. Fitzpatrick as charming, attractive and clearly well intentioned. But he also saw her as "out of touch with reality" and said her dreams of a sweeping philanthropic enterprise were far-fetched and got her into trouble.

Ms. Fitzpatrick would tell him, for instance, that she had significant backing for this or that project from corporations and foundations, but then never came up with the money to finance the jobs, he said. And her lack of experience in the rough-and-tumble world of construction allowed subcontractors to take advantage of her, Mr. DiGeronimo added. "Phyllis is the type of person who people latch on to and use" was his assessment.

The subcontracting company that figures most prominently in the entire dispute is Dirtman Enterprises of Mahopac. The company, run by Anthony Adinolfi, whom his lawyer described as a distant relative of Ms. Fitzpatrick's, is a "dirt broker," connecting those who would like to unload dirt with those who want to receive it, for a fee.

In exchange for work on Goodwill-run projects, Dirtman was supposed to donate \$10 to \$25 per truckload to Goodwill to defray the cost of the fields.

But the deal quickly fell apart. In a lawsuit now pending before the New York Supreme Court, Dirtman contends that it was fired by Goodwill in a thinly veiled bid for a better financial deal with a new dirt broker -- and that Dirtman was thus deprived of millions of dollars in fees on future jobs. Goodwill claims, in a countersuit, that the firing occurred after Dirtman failed to provide a proper accounting of the source of the fill. Goodwill also accuses Mr. Adinolfi of

dumping loads and loads of excess dirt and debris at the school sites, hiding millions in profits while he was on the job and harassing the subcontractors who took his place, threatening at one point to "shoot them like deer." Mr. Adinolfi, citing the pending lawsuit, declined to comment.

As Goodwill battled with Dirtman, the field projects fell victim. In Valhalla, according to the comptroller's report, Goodwill came through on a baseball and softball field at Kensico School, an elementary, but failed to complete a synthetic field at Valhalla Middle/High School -- forcing the district to pay \$215,000 for its "free" turf. In Greenburgh, the "no-cost" Woodlands football field rung in at \$400,000. And contractors never finished a separate practice field they were to have included in the deal.

In Eastchester, Goodwill itself was never involved. Officials negotiated with Dirtman and other contractors in 2002 and 2003 to renovate Haindl Recreation Park, a popular town-owned pitch, and three school district fields: one at Anne Hutchinson Elementary School, one at Greenvale Elementary School and a third at Eastchester High School.

But these projects ran into trouble too. Haindl Field and the Hutchinson Elementary field are still not complete, and in 2004 environmental consultants reported the presence of a stew of contaminants in the fill beneath all four fields.

Among their findings: elevated levels of metals, pesticides and polycyclic aromatic hydrocarbons, a group of some 100 different chemicals found in crude oil and roofing tar, among other substances. The chemicals "may reasonably be expected to be carcinogens," according to the Web site for the Agency for Toxic Substances and Disease Registry, a division of the federal Department of Health and Human Services.

In the end, the state's Department of Health found that the contaminants were not in high enough concentrations to pose a significant health risk. But the Town of Eastchester, under the terms of a consent order with the state's Department of Environmental Conservation, is undertaking a \$2 million remediation of Haindl field, which will involve the installation of an impermeable cap to cover the fill. Eastchester school officials, meanwhile, have begun groundwater testing at the behest of the agency; thus far they have found no evidence of leaching.

To some critics, what is more troubling than the financial and environmental concerns is the poor oversight provided by town and school district officials. Certain projects began with no written contract, or a half-page note with handwritten provisions scrawled onto it. Officials failed to get voter approval or pursue competitive bidding as required, the comptroller found. And when the projects went sour, some officials turned to lawyers and financiers recommended by Goodwill itself.

"It's somewhere halfway between incompetence and illegality," said Marvin Specter, a consulting engineer from Eastchester and past president of the National Society of Professional Engineers, in a telephone interview, adding later, "If I wanted to put a garden wall up in my backyard and I called up the local landscaper, O.K. For major public projects under government regulation, you don't do this. It's just incredible."

The school districts dispute several of the comptroller's findings in their official responses to the audit, arguing, for instance, that they were not required to get voter approval and pursue competitive bidding for what were supposed to be free fields. But the comptroller maintained that the fields were never truly "free" because the districts' informal dumping grounds were of value to the contractors.

The taxpayers have clearly ended up bearing some of the cost of fill-for-fields; but some individual taxpayers have borne more than that. For the Curran family in Eastchester, the impact of a poorly managed project at Hutchinson Elementary, which abuts their property, got personal. In August 2002, while the family was vacationing in Ocean City, Md., huge mounds of fill slid onto their property and ruined a newly landscaped yard.

Cindy Curran, 48, a disabled stay-at-home mother, said the school district's repairs took three years to complete -- three years during which the yard was unusable. "It was a mess," she said. "It was really, really hard for us, because we have an autistic son and the only place he can play alone, that I feel comfortable, is in the backyard."

Robert Siebert, Eastchester superintendent, expressed regret for the delays in restoring the Currans' yard -- and others in the area. But he ascribed them to the involvement of a slow-moving Department of Environmental Conservation.

And like several local officials, he argued that the fill-for-fields deals have worked out relatively well for the community as a whole. Building a new field typically costs around \$1 million and the Eastchester schools, thus far, have spent just over \$1 million on three fields.

At this point, Mr. Siebert said, the controversy is really old news. "Our community worked its way through this a long time ago and I think our community knows these fields are safe," he said, adding later, "Unfortunately, the comptroller's report dredges it all up again."

But the matter is in fact far from settled. A small army of lawyers have filed a series of lawsuits and countersuits connected with fill-for-fields in recent months, raising the prospect of years of litigation and millions of dollars in settlements or jury awards. And court records show that Goodwill's problems extend beyond Westchester, with contractors filing suits related to projects as far away as Queens and Shelton, Conn.

The dispute that has dragged on for two years, it seems, will not die. And the fate of the Woodlands High Falcons, locked out of their handsome field, remains uncertain.

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**GRAPHIC:** Photos: The Valhalla school district ended up paying \$215,000 for the "free" high school football field pictured above. Woodlands High football field in Hartsdale is shut down, a casualty of legal wrangling, and has not played host to any home football games this year. (Photographs by Alan Zale for The New York Times)(pg. 1) Haindl Field in Eastchester, left, where contaminants were found. The overrun yard of the Curran home abutting Hutchinson Elementary, also in Eastchester, took three years to fix. (Photo by Richard Curran) (Photo by Alan Zale for The New York Times)(pg. 6)

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