

# Wall Of Silence

## Fire district won't explain expenses

BY KYLE CAMPBELL



The Hampton Bays Fire District Board of Commissioners meets at the fire department headquarters on Highway 118. KYLE CAMPBELL

Within two years of being appointed, the treasurer of the Hampton Bays Fire District saw her salary nearly double to more than \$57,000, making her one of the more handsomely paid fire district treasurers in Southampton Town—and district officials have so far refused to explain why.

Brad Pinsky, the head of an Syracuse-based law firm that represents fire districts throughout the state, said upstate fire district treasurers typically earn between \$10,000 and \$20,000 annually, while the high end for Long Island fire districts is usually near \$30,000 for the same position—or less than half what Hampton Bays Fire District Treasurer Christine Kenny is

now earning, according to online records.

Ms. Kenny—the wife of Kevin Kenny, a longtime member of the Hampton Bays Board of Fire Commissioners and a former board chairman—was earning about \$30,000 when she was appointed to the position in 2009. But her salary jumped to \$47,769 in 2010, and then she received another raise of nearly \$10,000 in 2011, during which she made \$57,395, according to [www.seethroughny.net](http://www.seethroughny.net), a website run by the Empire Center for New York State Policy, an independent nonprofit based in Albany.

Ms. Kenny earned \$59,252 in 2012 and \$61,340 in 2013, according to the same website, though her 2014 salary was not yet listed.

“It seems exceedingly high,” Mr. Pinsky said, referring to Ms. Kenny’s current salary. “Getting paid \$60,000 only for the role of treasurer seems exceedingly high.”

When reached last week, Ms. Kenny, who was reelected to a three-year term in December, declined to explain in detail why her job justifies such a high compensation. When reached prior to last month’s election, in which she faced no challengers, Ms. Kenny refused to disclose her salary.

“Believe me, there are reasons why it would go up—it wouldn’t just go up for no reason,” Ms. Kenny said on Friday, adding that other fire district treasurers who earn less than her “probably only work six hours a week, but I work much more than that.”

Ms. Kenny declined to further discuss the reasons for her higher salary, and also refused to say what her duties are within the fire district.

A Freedom of Information Act request filed on December 12 with the Hampton Bays Fire District, seeking the salaries of all fire district employees and information on any other compensation they might be receiving from the district—was rejected on January 14 by Richard Durand, the chairman of the Hampton Bays Board of Fire Commissioners. In his

rejection letter, which is being appealed by The Press on the grounds that it violates access to public records, cites sections of the New York State Freedom of Information and Personal Privacy Protection laws suggesting that granting the request would be an unwarranted invasion of privacy.

“If you are seeking any information related to salary beyond the actual salary amount, that request is denied,” Mr. Durand wrote. “Furthermore, with regard to any district employee’s [sic] whose salary information for the years in questions [sic], have not been publicly disclosed and who have not given a written authorization for the release of the information, the request is denied.”

Also, rather than provide The Press with the requested salary information, Mr. Durand instead directed a reporter to [www.seethroughny.net](http://www.seethroughny.net)—an action that fails to honor the FOIA request, according Robert Freeman, executive director of the New York Department of State Committee on Open Government.

Mr. Freeman explained that as a tax-funded entity, the Hampton Bays Fire District must provide the salary information of its employees upon written request. He also noted that whether a public employee receives benefits also qualifies as public information, as long as the specifics of the coverage plan are not disclosed. The Press request did not seek specific coverage plan information.

Mr. Freeman added that public employees do not have to give authorization in order for their salary information to be released. “Public employees have less privacy than others,” he said. “It has been clear for decades that the salary information for every public employee in this state, from the dog catcher to the governor, is public information.”

No portion of the FOIA request filed last month by The Press was granted by Mr. Durand, who has not returned calls seeking an explanation for the FOIA rejection or the salary collected by the district’s treasurer.

Every fire district in New York State is required to have a treasurer to maintain budgetary controls and report to the board of commissioners. Treasurers are either elected or appointed, and they often are paid, although salaries vary greatly. And, in some instances, a treasurer wears multiple hats, such as also serving as the district treasurer.

Ms. Kenny serves only as treasurer of the Hampton Bays Fire District, which has an operating budget of \$2,930,065 for 2014; the district's operating budget was \$2,933,848 last year. Also, the salary information for Fire District Secretary David Van Scoy and District Manager Stephen Gregory do not appear on [www.seethroughny.net](http://www.seethroughny.net). Their exact responsibilities is also unclear, as Hampton Bays Fire District officials have not returned several calls placed in recent weeks.

In a letter that accompanied the fire district's rejection letter to the FOIA, Stanley Orzechowski, a Nesconset-based attorney who represents the district, asked The Press to disclose "the purpose or purposes for which you have requested this information," as well as "the person or persons who have prompted or suggested that you initiate this request for information." The letter authored by Mr. Orzechowski also asks what "objective or objectives [The Press] intend[s] to accomplish with the information."

The state's laws regarding public documents do not require the person or organization seeking such information to explain why the information is sought or what will be done with it, and rejecting a request for that reason is a violation of the FOIA.

Mr. Orzechowski did not respond to an email sent on Friday seeking specific reasons for the rejection.

During a December phone interview, Ms. Kenny said she was appointed to the position of treasurer in 2009 after having served as deputy treasurer since 2002. She was reelected to threeyear terms in 2010 and again last month.

An audit released by the New York State comptroller's office in early 2011 concluded that Ms. Kenny improperly reserved \$310,940 for purchases that were not made during the time frame allocated for in the district's budget between January 2009 and February 2010. Although some purchases eventually were made, they were done after the end of the fiscal year during which they were intended to be used, according to the audit. That money could have been used to "increase its capital reserves, pay off debt, finance one-time expenses or reduce district property taxes," according to the state comptroller's office.

According to a sampling of salary information obtained from itemized fire district budgets and [www.seethroughny.net](http://www.seethroughny.net), as well as data available online through the state comptroller's office, Ms. Kenny is one of the highest-paid treasurers in the region. In fact, the recent records search shows that only Riverhead Fire District Treasurer Robert Zaweski, who collected \$68,754 in 2013, is above her on the pay scale and he oversees a \$4.67 million budget, which is nearly double that of Hampton Bays. Unlike Ms. Kenny, he also serves as secretary of his district. All fire districts are required to employ a secretary to handle their records and documents, among other tasks.

Those earning slightly less than Ms. Kenny also serve as secretaries of their respective departments, according to public records. For example, Westhampton Beach Fire District Treasurer Nancy Knotoff, who also serves as secretary, made \$59,486 in 2013 while overseeing a \$1.89 million budget. Additionally, Terri Czczotka, the treasurer and secretary of the Montauk Fire District, was paid \$54,563 in 2012—the last year available in online records—and oversaw a \$1.5 million budget.

In contrast, those serving only in the capacity of treasurer earned notably less than Ms. Kenny. For example, in 2012, Amagansett Fire District Treasurer Robert Jensen was paid \$15,818 to help oversee a \$1.6 million operating budget. And the East Quogue Fire District will pay its treasurer, Nancy Knotoff, \$14,100 this year, an increase of \$2,400 from 2013,

according to a copy of its adopted \$1.26 million 2014 budget on file with Southampton Town and published on its website.

East Quogue Fire Commissioner Allyn Jackson explained this week that his district's duties are distributed in such a way that it is unnecessary to pay its treasurer a full-time salary, although he declined to go into specifics.

"It's how they have dealt with the amount of work that their district has to get done each year," he said referring to other districts as a collective. "I'm not going to comment on how they do their business, I'll just comment on how we do ours. I'm not going to pass judgment on how they do things."

Some districts, such as the Southampton Fire District, do not pay their treasurers a salary. Instead, they pay an hourly wage, which also eliminates the cost of offering additional benefits. Southampton Fire District Commissioner Roy Wines said this week that he could not recall the exactly hourly rate paid by his outfit, but noted that they employ such a system because they could not justify paying a full-time salary.

"It's not a fixed a number of hours that they're working—it's based on need," Mr. Wines said. In Southampton's \$1.7 million 2014 budget, \$5,500 has been set aside to pay the district's treasurer, MaryAnn Milton, an hourly wage. The North Sea Fire District, meanwhile, pays its treasurer, Beth Westerhoff, \$23 an hour while Secretary Rosane Cassella-Wilson earns \$19 an hour, according to Fire Commissioner Ed DiMonda. That district's 2014 budget is \$1.39 million.

Mr. Pinsky, whose firm represents about 30 Long Island fire districts, departments and ambulance companies, and approximately 500 throughout the state, said it's not unusual to have individuals collecting salaries for multiple positions. But he did note that, in his opinion, it is odd for a treasurer to collect a salary that's north of \$60,000, as is the case in Hampton Bays.

According to [www.seethroughny.net](http://www.seethroughny.net), the Hampton Bays Fire District, in

2013, paid \$461,678 to 15 different employees, with salaries ranging from \$51 to Ms. Kenny's \$61,340; 10 of the 15 employees earned more than \$24,000 for the year, according to the same website that compiles salary and pension information on employees throughout the state using "official government sources." A disclaimer on the homepage, however, notes that it cannot guarantee the accuracy or completeness of the data it provides.

Ms. Kenny was the highest-paid Hampton Bays Fire District employee last year, according to the online data. The next-highest-paid employee of the district last year was John Urevich, who earned \$60,493, according to online records. He was followed by Michael Burns at \$46,457, Penny Leigh at \$44,437, and Michael Tortorice at \$43,921. Online records did not provide job descriptions for any of those employees.

Mr. Pinsky, who is representing the Bridgehampton Fire District as legal counsel and financial manager, recently helped that district strip longtime Treasurer Charles Butler of his duties, as well as most of his pay and benefits, in November 2013. Mr. Butler had served as district secretary and treasurer for more than 30 years, earning \$30,000 annually for each position, or \$60,000 total. The board of commissioners dismissed Mr. Butler from his appointed secretary position and slashed his treasurer salary to \$1,500, stating that they were unhappy with the level of transparency and accountability in recent years.

Since taking the helm in Bridgehampton, Mr. Pinsky said he has found several suspicious transactions on the district's books and, earlier this month, requested that Suffolk County District Attorney Thomas Spota open a criminal investigation into the actions of Mr. Butler.

Mr. Pinsky said his firm provides financial and legal services at a rate of \$60,000 a year, which he said saves districts money because they don't have to provide him benefits or pay a payroll tax for his services. He added that districts are getting his legal representation at a cost of about \$20,000 annually, which is included in the \$60,000 figure.

“We’re including legal services and all the financial bookkeeping plus tax returns, payroll and comptroller’s reports,” he said. “We’re doing all that for \$60,000.”