

Doubts raised over stalking charges against Lew-Port Board member

Conspiracy, false arrest claimed by Palumbo against teacher's wife and state trooper who had him arrested



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Lenny Palumbo had never been in trouble until he won a seat on the Lew-Port School Board. He was elected in May 2005, along with two other "independent" candidates on a platform pledged to curb the Lew-Port United Teachers Union (LPUT).

Combined with longtime member Ed Lilly, the "independents" had a 4-3 majority and came slashing programs, leading investigations, not granting tenure and trying to limit sick time. And, in a district that has a \$40 million budget — with 75 percent going to teacher compensation — presented a zero budget increase. Palumbo also waged a rhetorical campaign in local newspapers.

Certain LPUT members — including middle school teacher/union activist Richard Sweeney — denounced Palumbo in meetings and the press and threatened to "dismantle the board majority."

The board responded: withholding Sweeney's coaching assignments — which paid as much as \$4,500 per assignment.

Fliers went out anonymously denigrating Palumbo — one with a gay man dressed scantily. Another accused Palumbo of committing lewd acts in front of nuns. Palumbo received letters from dating services, divorce lawyers, psychiatrists and masseurs sent in response to anonymous phone inquiries. Garbage was strewn over Palumbo's lawn. His property was vandalized.

Conversely, Sweeney claimed he had concerns. The two men lived only nine houses apart. Sweeney said he feared for his wife's safety.

On April 3, 2006, Sweeney and wife, Katherine, filed a police report claiming Palumbo was driving past their house revving his engine.

Palumbo explained his 1999 Intrepid had a faulty exhaust, causing it to sound like it had a bad muffler. Palumbo said he was planning to sell the car.

In April, the Sweeneys installed a security camera. In May, Sweeney met with Police Chief Ron Winkley, showing him selected videotapes of Palumbo driving past his house.

On June 14, 2006, Palumbo traded his 1999 Intrepid for a 2005 Buick Century; there were no more allegations of revving the engine and no more video tapes.

A week later, the Board approved every extracurricular appointment for the next year — except Sweeney's — costing him as much as \$15,000. He told *The Buffalo News* he blamed Palumbo for the board's refusal.

On July 5, according to Mrs. Sweeney, Palumbo drove slowly by as she was walking. In a deposition, Mrs. Sweeney said, "He had no reason to go that slow. He was trying to make me afraid."

In the fall, after school began, LPUT filed grievances against the District, accusing it of violating LPUT's contract by not appointing Sweeney coach of the

Vehicle Cash Purchase Agreement		FUCCILLO CHEVROLET, INC.	
DEAL NUMBER: 06/14/06		2000 Alvin Road Grand Island, New York 14072 Telephone: (716) 773-7605 Fax: (716) 775-3711 www.fuccillochevrolet.com	
DELIVERY DATE: 06/14/06		NYS Facility No. 7086093	
BUYER: LEONARD J. PALUMBO		CO-BUYER:	
STREET: 4769 LOWER RIVER RD		STREET:	
CITY: LEWISTON NY 14092		CITY: THOMAS H B'ANGELO	
HOME PHONE NO.: (716) 754-2059		BUSINESS PHONE NO.:	
SALES PERSON:		SALES PERSON:	
I HEREBY AGREE TO PURCHASE FROM THE DEALERSHIP UNDER THE TERMS AND CONDITIONS SPECIFIED THE FOLLOWING:			
<input type="checkbox"/> NEW <input type="checkbox"/> USED <input type="checkbox"/> DEMO <input type="checkbox"/> CAR <input type="checkbox"/> TRUCK <input type="checkbox"/> CANADIAN			
2005 <input type="checkbox"/> MOTOR <input type="checkbox"/> CENTURY <input type="checkbox"/> OTHER TYPE: CTE: M495156 99CR: 826MWS52J451119524 52588R			
DESCRIPTION OF TRADE:		CASH PRICE OF VEHICLE:	
YEAR: 1999 MAKE: CHRYSLER MODEL: INTREPID		THIS FINAL AGREEMENT IS: \$ 11712.00	
MILEAGE: N/A VIN NO: 2C3HH46R0XH535400 COLOR: GR		I CERTIFY THAT THE FOLLOWING LIEN ON MY CAR IS CORRECT. I FURTHER AGREE TO PAY ANY ADDITIONAL AMOUNT OF OTHER LIENS TO THE DEALER UPON NOTICE.	
CLOSE-OUT INFORMATION: MY TRADE-IN IS CURRENTLY FILED THROUGH:		TITLE TO: BUYER CO-BUYER OTHER	
BANK: BALANCE:		REGISTER TO: BUYER CO-BUYER OTHER	
ADDRESS: ACCOUNT # GOOD UNTIL:		PRESENT PLATE #:	
PHONE NO. PER DEM:		EXP. DATE: 09/11/06 TYPE: PAS	
BY:		NEW PLATE: YES NO XX	
PRIOR USE CERTIFICATION (required by Vehicle and Traffic Law 417-A. If principal prior use of the vehicle was as a police vehicle, taxicab, driver education vehicle or rental vehicle):		AGENT: HANFREDI AGENCY	
Customer initials: RP		ADDRESS: 664 NIAGARA FALLS BL N TONAWANDA NY 14120	
		POLICY NO: 22222222222222222222	
		EXP. DATE: 07/25/09	
		DID COMP: N/A	
		ESTIMATED PER RUFFY DATE: 06/14/06	

WHILE STATE TROOPER DANNY CULLEN SWORE THAT PALUMBO STALKED HIM IN JUNE 2008 IN A 1999 CHRYSLER INTREPID, RECORDS SHOW THAT PALUMBO SOLD THE CAR TWO YEARS EARLIER.

The sworn deposition of Trooper Danny Cullen states that Palumbo stalked him in a 1999 Intrepid, which was impossible since Palumbo sold the car two years before. Palumbo has charged that Cullen fabricated the story to add credence to his wife's political allies' stalking claim.

soccer team and ski club adviser. Meanwhile, a Lewiston judge reviewed the tapes and determined unless Palumbo did more than drive past the house, no arrest should be made.

On Nov. 26, 2006, the Sweeneys alleged Palumbo crossed the line: According to Mrs. Sweeney's deposition, she was walking on North 5th Street with her son when Palumbo drove past and stopped in the middle of the road "for approximately 10 seconds."

"Palumbo pulled in front of my house and hit the brakes coming to a stop," she wrote. "I was totally scared and felt unsafe. After a few seconds he took off again. I then sprinted home as fast as I could with my son and dog. I had no idea what he would do ... I was in fear and still am."

According to a source in the Lewiston police department, Mr. and Mrs. Sweeney reported this or another incident similar to it and were asked whether Mrs. Sweeney wanted to swear out a warrant for Palumbo's arrest. According to police, Sweeney said he preferred to await the results of the grievance hearing before deciding whether his wife would press charges.

Sweeney did not receive his coaching

assignment, and, on Dec. 3, 2006, Mrs. Sweeney signed a sworn statement with the N.Y. State Police seeking Palumbo's arrest.

Mrs. Sweeney claimed she feared "for my safety and that of my children."

But one policeman, familiar with the case, said, "When Mr. Sweeney did not get appointed as soccer coach, Mrs. Sweeney filed the report. She was not 'afraid' until Sweeney was not appointed coach."

On Dec. 3, 2006, State Trooper Danny Cullen arrested Palumbo for stalking in the fourth degree, a B misdemeanor.

Coincidentally, at Palumbo's arraignment, as Trooper Cullen was present, Justice Hugh Gee ordered Palumbo to take North Fifth Street to Mohawk Street to avoid the Sweeneys. The route required Palumbo to drive past Trooper Cullen's house.

Perhaps coincidentally, arresting officer Cullen's wife, Danielle, is a leader of the PTA at Lew-Port middle school, where Sweeney teaches. Insiders describe Mrs. Cullen as politically active, penning letters critical of independent board members and supportive of the teacher's union. LPUT awarded her (subsequent to Palumbo's arrest) its "Friend of Education" award, the union's highest honor.

In any event, after three Lewiston judges recused themselves, the case was transferred to Wheatfield. Palumbo and two other independents chose not to run for re-election. Palumbo quietly served out his term.

In August 2007, however, Palumbo ran into Danny Cullen at a store in Lewiston. Cullen claims Palumbo threatened him.

After leaving the store, Cullen wrote in a deposition, "We both pulled out of our spaces and Palumbo's vehicle, a 1999 Dodge, was in front of me ... For approximately 15 seconds he glared at me in his rearview mirror ...

"(Then) he turned left and stopped in traffic and yelled, 'Who's stalking who now? I know who to call.'"

According to Palumbo, Cullen tried to intimidate him when Cullen suddenly came within inches of his face, saying, "Hey, Lenny how

are you doing now?" When Palumbo went to his car, Cullen waited, glaring at him. Palumbo drove off without incident.

In January 2008, the stalking case against Palumbo was dismissed on procedural grounds. The Niagara County DA appealed. Months passed. Then trouble hit again.

According to Trooper Cullen's deposition, Palumbo was now stalking him.

On June 24, 2008, Cullen wrote: "I was outside my residence ... The operator of a vehicle beeped its horn and I immediately looked for my 7 year old daughter, fearing the worst. I could not locate her. I witnessed the vehicle, now known to be me to be driven by Leonard Palumbo, a 1999 Dodge Intrepid, drive slowly east. I ran to the edge of my property and watched the vehicle ..."

"Palumbo slammed on the vehicle's brakes and completed a right-hand u-turn. The vehicle accelerated westbound and came to a sudden stop (then) began to rapidly accelerate as if he was coming down my street. He instead turned abruptly right ... I located my daughter ...

"About 3 minutes later Palumbo slowed by my driveway ... and gestured for me to come towards him. He did this for approximately 10-15 seconds. He was trying to entice me into a confrontation. As he was leaving the boundaries of my residence he yelled, 'Anytime, faggot!'"

There is one significant, maybe chilling point in Cullen's statement that is palpably untrue: He identifies Palumbo's vehicle as a 1999 Dodge Intrepid — the well-known one seen on Sweeney's tapes — with the faulty exhaust system. But Palumbo sold the 1999 Intrepid more than two years earlier and drove a 2005 Buick Century.

In two separate instances in Cullen's deposition, Palumbo — an alleged car stalker — was described driving a 1999 Intrepid. Did Cullen fabricate the story as Palumbo claims? Or was the trained police observer unable to distinguish between a 2005 Buick and a 1999 Intrepid?

Cullen accused Palumbo of driving past his house "hundreds of times" and said Palumbo once spat at him. Palumbo admits he drove past Cullen's residence — in obedience to Judge Gee's orders — but never confronted Cullen.

Nevertheless, in June, Palumbo was arrested for stalking. The alleged victim: State Trooper Danny Cullen.

Then, in August, the original case was reinstated, leaving Palumbo with two stalking charges.

Finally, in a new twist, in July a man anonymously phoned a current school board member's employer, threatening to "ruin his company."

Presently, it is under investigation with the school board; a recording of the call exists. Sources confirmed the voice of the caller has been identified as Rick Sweeney's.

Ironically, after this incident came to LPUT's attention, the Union itself declined to submit Sweeney for any coaching assignments. The board member said he played the tape for the FBI. Palumbo, too, has called for the FBI to investigate his claim of conspiracy between Sweeney and Cullen. Stay tuned for more on this subject.

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RICK SWEENEY