

Two sentenced

By MARTIN TOOMBS

WATERLOO — Two Seneca County men sentenced Wednesday to probation and community service for the theft of nickel ore from Goulds Pumps, Inc. expressed remorse for their crimes.

"I apologize to all the people I hurt and my family," David Grifa, 40, of 28 Swift St., Waterloo, told Seneca County Judge Daniel DePasquale.

His co-defendant, Russell N. Barbieri, said he made a mistake.

"It's something that's never going to happen again. I'm deeply sorry for it," said Barbieri, 47, of 2961 Garden Street Extension, Seneca Falls.

Grifa and Barbieri were sentenced to five years' probation and 500 hours of community service. They also were ordered to pay \$69,600 in restitution — the amount is an estimate of the value of the stolen nickel and will be jointly reimbursed by everybody convicted in connection with its theft.

Barbieri and Grifa were the first persons arrested in the seven-month investigation that led to charges against two other Goulds employees, two Auburn men who own Klionsky Scrap Iron and Metal Co. in Seneca Falls, and Hymen Klionsky of Seneca Falls, former owner of the scrap metal business.

Grifa, who had worked for 20 years at Goulds, previously pleaded guilty to third-degree grand larceny.

"The penalties he's already paid are far greater than the court can levy today," Grifa's attorney, Charles Shaffer of Seneca Falls, stated in a plea for leniency.

His arrest meant "the loss of a good paying job with good benefits," Shaffer said, along with the public disgrace as a convicted felon.

"Those are penalties which were imposed prior to his appearance here today which he must live with for the rest of his life," Shaffer said, noting that Grifa had never been arrested before.

Seneca Falls attorney Nicholas V. Midey Jr. echoed the same themes on behalf of Barbieri.

"Mr. Barbieri has suffered great humiliation," Midey said, "and realizes his crime was the single largest mistake he's ever made in his life."

Barbieri is a Vietnam War veteran who has served his country and been a good community citizen most of his life, Midey said. The 14-year employee of Goulds had a spotless record until his arrest, according to Midey.

DePasquale noted that the loss of their jobs at Goulds Pumps had a major impact on them and on their ability to make restitution payments. He ordered each to make payments of \$100 per month until the debt is paid.

Barbieri and Grifa worked in the foundry at the Goulds plant on Fall Street in Seneca Falls. Barbieri now

drives trucks for a living, and Grifa has been working for a Wayne County industrial firm.

The amount of the restitution was a matter of discussion Wednesday.

District Attorney Dennis Bender noted that John Rogowski, an attorney for the state Organized Crime Task Force, which is investigating the crimes, estimated that Grifa and Barbieri each received \$1,600. That was the amount they were paid for allegedly providing more than seven tons of nickel ore belonging to Goulds to Klionsky Scrap Iron.

But the total loss for Goulds had been conservatively estimated at \$69,600, Bender said, using a low average value for the nickel ore from 1987-90.

The restitution order should be delayed until the cases are concluded against the other defendants, who also should share in the repayment, Shaffer argued.

Bender said there was no need to delay the order, and that he intended to ask that all those convicted would be jointly liable for the repayment.

Two more Goulds workers have pleaded guilty and are awaiting sentencing April 2 in connection with the theft of brass from the company.

Allen Lee Covert, 36, of 1910 Auburn Road, Seneca Falls, and James C. Pemberton Jr., 42, of 81 E. Bayard St., Seneca Falls, have pleaded guilty to third-degree grand larceny in connection with theft of brass, which allegedly had been going on for 14 years when they were arrested last summer.

Frederick J. Kerr, 52, of 1 Perry St., Auburn, and Geoffrey Platt, 42, of 40 Alden Ave., Auburn, the owners of Klionsky Scrap Iron, have pleaded innocent to an indictment charging them with fourth-degree conspiracy, second-degree grand larceny, second-degree criminal possession of stolen property, third-degree criminal possession of stolen property and fourth-degree criminal possession of stolen property. Those charges stem from the thefts of both nickel and brass from Goulds.

Innocent pleas have been entered for Klionsky Scrap Iron and Metal Co. The firm is charged with fourth-degree conspiracy, four counts of second-degree grand larceny, two counts of second-degree criminal possession of stolen property, first-degree criminal possession of stolen property and two counts of third-degree criminal possession of stolen property.

Hymen Klionsky, 72, of 20 Leiland Drive, Seneca Falls, who sold the business in 1987 to Platt and Kerr, has pleaded innocent to fourth-degree conspiracy, three counts of second-degree grand larceny, first-degree criminal possession of stolen property, second-degree criminal possession of stolen property and third-degree criminal possession of stolen property.