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## Winery ferments lawsuit against Yorktown with appeal

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YORKTOWN - Despite earlier hints that he'd let it rest, winery owner Tom DeChiaro is pursuing an appeal of his lawsuit against the town that a judge had dismissed in May.

DeChiaro's attorney filed papers Wednesday with the 2nd U.S. Circuit Court of Appeals, the latest in a flurry of recent activity in the winery's battle with Yorktown.

"I can tell you now we're coming after the town, and we're going to win," said his attorney, Andrew Campanelli of Long Island.

DeChiaro formed a political action committee in May and has endorsed candidates for local office. He also has planned a slate of \$65-a-plate political fundraisers for every Friday and Saturday evening through Election Day, all but daring town officials to shut him down.

DeChiaro, a Mahopac resident, renovated the former St. George's church in Mohegan Lake two years ago but has yet to open. U.S. Magistrate Judge Lisa Margaret Smith in May dismissed a \$30 million civil rights suit DeChiaro filed in 2008 alleging a pattern of corruption and retaliation by town and county officials in opposing his efforts to open the winery.

Campanelli argues the town infringed upon his client's First Amendment rights by actively opposing the winery's entry into the Westchester County Agricultural District, refusing to issue a building permit or certificate of occupancy and citing the winery for violations he holds were unfounded.

"I don't see how the 2nd Circuit Court of Appeals can't agree with me," he said. "This case is in fact bigger than the winery because it affects the right of the public to redress grievances."

Town Attorney John Buckley acknowledged the appeal and said the town is proceeding as usual.

Vishnu Patel, one of the candidates endorsed by DeChiaro's PAC in next month's Democratic primary for Town Board, said he learned of the endorsement after the fact. Republican town justice candidate Sal Lagonia said the same.

Greg Bernard and Terrence Murphy, Republicans running for highway superintendent and Town Board, respectively, both said DeChiaro offered them the committee's endorsement in advance. Murphy said he accepted because he thinks the best outcome for Yorktown would be an agreement that leads to the winery's opening.

Democratic Town Board candidate Dave Paganelli also was endorsed.

It's unclear what tack officials will take with DeChiaro's fundraisers. In response to his frequent open-house events at the winery, the town obtained a restraining order preventing him from hosting commercial events there for more than 25 people.

Buckley said the town notified the court of DeChiaro's plans and awaits a decision.

"He will be in violation if he does hold a public event," Buckley said. "He doesn't have the correct (certificate of occupancy), and to the extent he's serving alcohol he should proceed with caution."

DeChiaro maintains that officials must allow the events he has planned because of their political nature. "We're using (the winery) just like anyone would use a residence for a political fundraiser," he said. "I hope that they operate with restraint and don't violate my civil rights. I have a right to demonstrate my political views."

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