

Rocky to Keep Finger on State's Pulse

By HOWARD CLARK
Associated Press Writer

Although Nelson A. Rockefeller is stepping out as governor, he will continue to be involved in New York and national politics.

Very involved. There is the suspicion that he will be a shadow governor and guide political decisions of his successor, Lt. Gov. Malcolm Wilson. There is also the suspicion, despite vigorous disclaimers, that he is running for president in 1976.

THE REASON given for resignation was Rockefeller's work with two national commissions, principally the Commission in Critical Choices for Americans. He said he can "render a greater public service" by working on the commissions rather than directing state government.

Perhaps, a politician doesn't walk away willingly from a position of power, particularly one as important as the governorship of New York, unless he is confident of controlling the power of the position.

Another thing, Rockefeller has never been known as an altruistic political benefactor. His decisions are based on

one factor: How they affect Rockefeller. Therefore, his pronouncement of Wilson can be interpreted as a sign of his trust in Wilson to keep the state's delegation behind Rockefeller.

IN THE NEWS conference, Rockefeller praised Wilson and said he would support Wilson in the gubernatorial election next fall. Wilson would have his support even in a primary election, Rockefeller said, adding that the Repub-

ANALYSIS

lican party has a history of reaching a consensus without the need of a primary election. In other words, challengers to Wilson will also have to reckon with Rockefeller.

The Critical Choices commission is Rockefeller's brainchild. Started as a state commission, it was expanded into a national study group and includes as members Vice President Gerald Ford and Secretary of State Henry Kissinger, an old political ally.

CRITICS NOTE the nebulous goal of the commission,

which is to study vital issues, and say that it could be a launching pad for a presidential candidate. Rockefeller, who heads the commission, could carry his message to the far corners of the land at commission expense. His family started the commission with the contribution of a few million dollars.

He would be traveling on behalf of the commission, not as a presidential candidate, and thereby escape the strictures of campaign financing.

Rockefeller is disgruntled by the criticism. "This is not a gimmick, this is not a political trick," he said in the news conference.

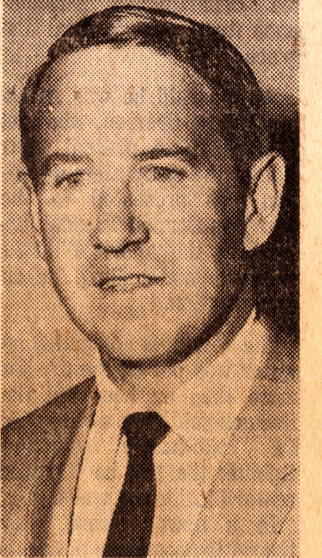
"MY ONLY REGRET is that my undertaking these tasks has been interpreted as a political maneuver to seek the presidency," he said. "I am not a candidate for nomination for the presidency or for any other political office. Whether I will become a candidate in the future, I do not know. I should like to keep my options open."

What will determine his decision. "Events," Rockefeller replied.

Rockefeller has been governor for 15 years. He's leaving the job, but New Yorkers haven't heard the last of him.

Dwyer Says He'll Quit DA Office

By SHIRLEY ARMSTRONG
Assistant Albany County District Attorney Daniel S. Dwyer, who has handled the majority of major trial prosecutions in this county in recent years, submitted his resignation Wednesday. It becomes effective January 1. Nold W. Proskin moves to the position of county judge.



DANIEL S. DWYER

Dwyer, who had expressed a desire to succeed Proskin as DA, apparently made his decision in view of the virtually assured appointment to that position of Ralph W. Smith, now administrative assistant to Proskin.

Proskin said he accepted Dwyer's resignation "with profound regret." He said Dwyer "is one of my original assistants and has served the county well and ably. His departure will be a great loss to the office. I wish him well in private practice."

Smith added his best wishes and said he could understand Dwyer's wish to resume private law practice. "We have," said Smith, also a charter member of the Proskin team, "worked well together for the past five years."

Although he will no longer appear as a representative of The People, Dwyer may frequently return to the county courtroom, henceforth as an adversary of county prosecutors. While his plans for the future are still "somewhat indefinite," he told The Times-Union, he hopes to utilize his experience to serve as a defense counsel in criminal cases.

In a letter to Proskin, Dwyer noted that he joined the staff Jan. 1, 1969, at the start of the district attorney's first term, and remained after Proskin's re-election. "Having advised you I would perform as an assistant district attorney as long as you maintained your position."

In view of Proskin's election to the second county judgeship, he said, he will terminate his staff duties and intends to "teach and practice in the Albany area."

Wrote Dwyer: "I wish to thank you for giving me the opportunity to serve the people of Albany County. During my five years as assistant district attorney, I have had the pleasure and experience of coming into contact with numerous attorneys, citizens of Albany County and of serving on juries and grand juries, and I have had the further pleasure of working with numerous law enforcement agencies, including the New York State Police, the Albany Police Department, and various other law enforcement agencies throughout the county. These associations and pleasant times will remain with me throughout my life."

Dwyer has headed the DA's felony bureau since October, 1970. As chief prosecutor, the graying, 44-year-old attorney with a peppery, two-fisted style, has become a familiar figure in the courtroom. In 1969 he chalked up an opening record of seven consecutive trial convictions and has not lost a case in the past two years. Dwyer resides in Water-vliet.

Wilson Picks O'Donnell as Press Aide

By VIC OSTROWIDZKI
Political Affairs Editor

Harry J. O'Donnell of Slingerlands, first deputy commissioner of the Department of Commerce, will be appointed next week by Governor-designate Malcolm Wilson as his press secretary.

The Times-Union also learned Wednesday that Ronald Maiorana, the outgoing Governor Rockefeller's press secretary, will be named this week to an executive position on the Racing and Wagering Board.

O'DONNELL, CONSIDERED TO BE ONE of the most astute and knowledgeable political strategists in the state, formerly served as press secretary to Gov. Thomas E. Dewey and New York City Mayor John V. Lindsay.

His designation will be Wilson's first major cabinet appointment, at least in the early stages of his administration, since the lieutenant governor is expected to retain most of Governor Rockefeller's cabinet officials and top aides in their jobs when he takes over next Tuesday.

O'Donnell, who served as press secretary in Governor Rockefeller's last two gubernatorial campaigns and was deputy campaign director for the New York Committee to Reelect President Nixon, could not be reached for comment.

But sources close to Wilson said the governor-designate tapped the former political writer and Capitol bureau chief for the Associated Press in Albany to head his press operations as soon as he was notified by Rockefeller that he was stepping down.

Close associates of the lieutenant governor, who hasn't had a press secretary for a couple of years and has operated for the past 15 years with a relatively small staff, said Wilson is aware that he is unknown by the general public and would need a man of O'Donnell's abilities to build his image quickly.

FORMER NEWSMAN O'Donnell was research director for the Republican State Committee in the late 1950s and early 1960s. He has participated in 11 national, state and New York City election campaigns.

Tobin, Norton Fined On Pollution Counts

By SHIRLEY ARMSTRONG

Tobin Packing Co. and Norton Co. of Watervliet were allowed Wednesday to plead nolo contendere in U.S. district court to pollution charges, in view of "mitigating circumstances" surrounding their violations of the Refuse Act of 1899. Each was fined.

Judge James T. Foley fined Tobin a total of \$2,250 for three of 50 counts charging the firm with discharging waste materials into Patroon Creek, which flows into the navigable waters of the Hudson River. Remaining counts were dismissed upon motion of Assistant U.S. Atty. George H. Lowe.

A minimum fine of \$500 was imposed upon Norton for an oil spill which leaked into the Hudson. A second count had previously been dismissed and a third was dropped after the nolo plea was accepted.

Judge Foley took note of Tobin's more than \$1 million investment in a pollution abatement program, including its participation in the Albany County sewer district project, and of the fact that the Norton spill was accidental and the company has taken steps to prevent a recurrence.

However, the judge warned that "even in this day, when we are changing our concerns, we should keep our concern for water and air."

LOWE, who did not oppose the nolo contendere (no contest) pleas for either company, pointed out that despite the mitigating circumstances surrounding the Tobin case, the company did discharge waste into Patroon Creek "from sometime in the 1920's," and said he viewed the case "a bit more seriously than the typical prosecution."

Judge Foley agreed and set the fine for each of the three Tobin charges at \$750, rather than the minimum. Under law, each of the defendants could have been fined \$2,500 for each count.

The Tobin indictment, which followed an extensive investigation by the U.S. Army Corps of Engineers, accused the company of depositing industrial waste into the creek on 50 dates from Oct. 6, 1970 through July 12, 1973.

Atty. John Carter Rice, representing Tobin, told the court Wednesday that its clean-up efforts date back to 1965, that it has cooperated fully with local, state and federal authorities and that facilities necessary to link it to the county sewer system were completed September 18, when waste discharge into the creek terminated.

(Since the county system treatment plants were not, as anticipated, completed in November, Tobin waste is at present flowing from the intercepter line directly into the river, but an Environmental Conservation Department spokesman said this is less damaging than the high concentration of effluent in the small creek. In any event, Tobin has met its obligation, and linkage to an operative treatment plant is expected about the first of the year.)

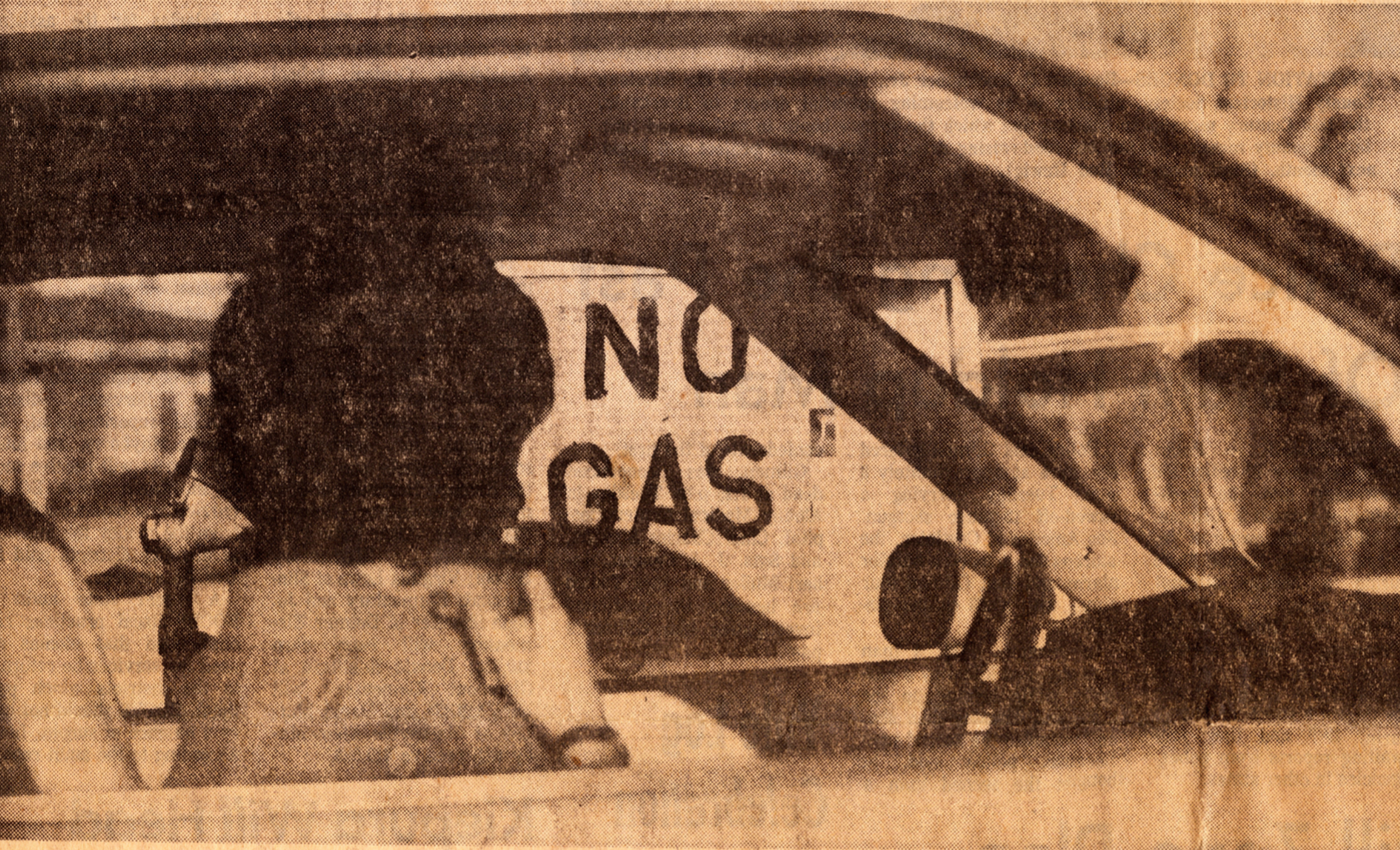
Judge Foley termed Tobin a "reputable and well recognized company" which provides substantial employment, and whose conduct relating to waste disposal was "officially tolerated" in past years.

IN THE NORTON case, Atty. Richard Kohn said the corporation, which employs some 2,000 persons, the largest number working for any company along the Hudson north of Poughkeepsie,

"takes very seriously" obedience to the laws of this country."

Kohn said the spill from a half inch-long rupture in a tube, was accidental and could not have been discovered until the escaping oil was sighted.

Afterwards, he said, elaborate and expensive measures were taken to prevent this from happening again. A few weeks ago, he said, a similar rupture occurred, but the trouble was detected immediately and no oil reached the storm sewer.



FAMILIAR SIGHT — Linda Urrutia of Albany glumly eyes a "no gas" sign at a station at Western and Madison. (Staff Photo by Skip Dickstein)

County Snowplows Can't Work; There's Not Enough Gasoline

Albany County is without sufficient gasoline for snow removal trucks in the event of a heavy storm and even if it were to obtain emergency fuel it does not have tanks in

2 Buildings Hit by Fire

Two two-story buildings, at 225 and 227 Sheridan Avenue in Albany, were heavily damaged by fire late Wednesday night.

Albany firefighters were called to the scene around 10:30 p.m. The blaze apparently started in the 225 Sheridan building, which was vacant, and spread next door. Occupants of the second building, who were not immediately identified, escaped safely from the burning structure.

Firemen took about 160 hours to extinguish the blaze.

which to store it, two members of the county legislature highway committee said Wednesday.

William F. Rice Jr., a Rensselaerville Democrat and chairman of the highway committee said he has been out the last two days attempting to obtain a guarantee of emergency fuel from the small dealers the county buys from but to no avail.

"If a serious storm came now, we'd have an emergency situation because we'd have no way to remove the snow. We just don't have any gas to drive the trucks," Rice said.

Edward Buhrmaster Sr., Colonie Republican and member of the committee said even if the federal government allocated emergency gas as it has pledged it would, there would be no place to store it, since the



WILLIAM F. RICE, JR.

county has no tanks or pumps and has always filled its trucks up at local service stations.

Rice said the county borrowed a gasoline tank from the city of Albany which it

planned to use for emergencies. The tank holds 1,000 gallons, he said, but it is now empty, and "all our local dealers are small people" and they are not able to get the gasoline, he said.

The county explored the possibility of buying on state contract as the city does, but the state is not allowing any new municipalities in on the contract under a stipulation made by dealers bidding on the state contract, Buhrmaster said.

Meanwhile Mayor Corning said the city does not foresee a similar city problem. He said there is undertaking "some system of priorities" in the usage of its available fuel, and "when the time come there could be some reduction in snow plowing," but he doubted if any emergency would develop.

Murder Plot Admitted by Tina O'Hare

Tina Louise O'Hare, 24, of 40 Fairlawn Ave., Albany, pleaded guilty in Albany County Court Wednesday to a plot to arrange for her husband's murder. She told Judge John J. Clyne she now realizes that was "the wrong way" to solve her problem.

"I wasn't thinking straight," said the slender blonde. "What I should have done is go straight to my lawyer." Judge Clyne agreed, "Hindsight is often better than foresight, isn't it?"

At the time she tried to hire two men to kill her husband for \$2,000 and they turned out to be undercover Albany detectives - she had been on a two-week "binge," Mrs. O'Hare told the court. She said she had been distraught because her husband, Dennis, "was not letting me see my daughter."

At the time, authorities said, she was attempting to gain custody of the four-year-old child, which had been awarded to the father.

Mrs. O'Hare was originally charged with criminal solicitation and first degree conspiracy after a July 20 meeting with the officers in Washington Park. They said she gave one of them \$20 to buy a gun and promised to pay the remainder out of proceeds from her husband's life insurance.

During a September court appearance, Mrs. O'Hare was released on pre-trial probation after her attorney, Michael Alvaro, said she had tried to commit suicide at Albany County jail. She will be sentenced December 28.

Pollution Vigilance May Pay Very Well

Peter Van Schaick's persistence as a Patroon Creek pollution watcher may pay off to the tune of \$1,115 - half the fine levied against Tobin Packing Co. Wednesday for dumping industrial waste into the creek, which flows into the Hudson River.

The former State University student, now attending Rutgers University Law School, filed an affidavit with the U.S. Attorney's office in October, 1970 alerting authorities to the Tobin situation, which he said violated the Refuse Act of 1899.

The affidavit was turned over to the U.S. Army Corps of Engineers, which conduct-



PETER VAN SCHAICK

ed an extensive investigation leading to Tobin's indictment on 50 pollution counts. Tobin pleaded nolo contendere to three of the counts Wednesday and was fined \$750 on each.

Under the refuse act, half of such a fine must be paid to the person or persons providing information leading to conviction. Although a nolo contendere (no contest) plea is not a guilty plea, the result is tantamount to conviction.

If the government wishes to contest payment to a claimed informant, it must show that conviction stemmed from a completely independent investigation.

If You Bring in Bags, Store to Chop More

Price Chopper supermarkets will deduct two cents each from the grocery bills of customers who bring in their own large paper bags and one-cent for small bags effective immediately, a spokesman for the chain said Wednesday.

Two factors are to blame for the "severe shortage of bags" used by supermarkets, the spokesman said - a bad harvesting season for wood pulp and (most) paper plants are not up to complete capacity to produce bags "as demanded by the upward trend of consumption by supermarkets."

He said the cashier will deduct two cents for any type of a large container - a plastic bag, cardboard box - which the shopper brings in to carry home his groceries. While the stores, Price Chopper has 30 markets in New York State and three in Massachusetts - are recycling some cardboard boxes for paper uses, others are being used for groceries.