



## Whistleblowers: 'Down and Dirty' Niagara Falls Compost Pile



## Cats and the Councilwoman



# NIAGARA FALLS REPORTER

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# Down and Dirty: DPW Compost Pile Has Become Dumping Grounds For More Than Just Dead Dogs

## Matthew Ricchiazzi

In our business, people frequently come to us as whistleblowers troubled by what they perceive as official misconduct and yet afraid that if they blow the whistle at work they will be retaliated against.

It is necessary for us to protect their identities.

This week two such people came to us to inform us about the so-called composting site on Niagara Falls Department of Public Works managed property near the corner of Porter and New Road which has transmuted into what may well be an illegal dumping grounds for both the city and for private individuals using the site to get rid of all manner of debris that should not be dumped there.

This is a wakeup call.

Our whistleblowers, who must remain anonymous because they work for the city and would risk being fired if it were known that they were telling the public about this mess, came to us because they said they are genuinely concerned about the conditions of this dump site and say that the City of Niagara Falls has been directly engaged in illegal dumping on the city-owned land.

Many residents have become recently familiar with the very site in question after pictures posted on Craigslist of dog carcasses there caused a swirl of controversy earlier this month and significant media attention.

The makeshift landfill – formerly



Illegal dumping of garbage as seen from the air..

wetlands – has not been legally sanctioned and does not have containment mechanisms (like liners or containment walls) that landfills are required to possess.

The property was originally owned by the New York State Power Authority, but was deeded to the City after the 2007 relicensing of the power project. But the DPW began using the site long before – under former Mayor James Gallie.

At the time, it seemed to make sense that biodegradables be diverted from costly

landfills. The dumping of leaves, brush, and dead trees quickly transformed the site from wetlands to a large composting site.

It's funny how things evolve.

In time, DPW's street cleaning unit found it convenient to dump 'sweeper dirt' aggregated from regular street cleaning on the site alongside the composting leaves and other vegetation.

Dirt swept from the streets contain non-biodegradable and/or hazardous waste, such as needles, condoms, drug bags, litter, and

discarded consumer goods. As well as loose millings and/or blacktop.

The New Road dumping ground evolved further, and soon enough it became home to old blacktop and then demolition debris as the piles grew higher.

Along the way more items were added – and it appears that dead animals were tossed there – from dead dogs to dead deer.

Certain members of the public evidently also joined in transforming the site to a general dump; the former wetlands is now strewn with kitchen cabinets, defunct appliances, mattresses, old televisions, and drywall as pictures show.

Even river sludge from the dredging of Strawberry Island was dumped on the site, our whistleblowers say.

"If it gets too high, someone is going to notice it," an official with management responsibilities reputedly told DPW workers as he urged them to spread out piles over a greater land mass and not dump too high.

The sources claim Mayor Paul Dyster is well aware of the operation, and that he regularly drives near or by the site.

"Their standard answer is 'we can't afford to use it,'" says a DPW employee, after he asked why the city doesn't send the waste to a proper landfill.

Allied Waste, which operates a landfill along Interstate 190, could take much of the waste but would charge the city for accepting the debris.

One DPW employee claims to have contacted the State Department of Environmental Conservation in November of

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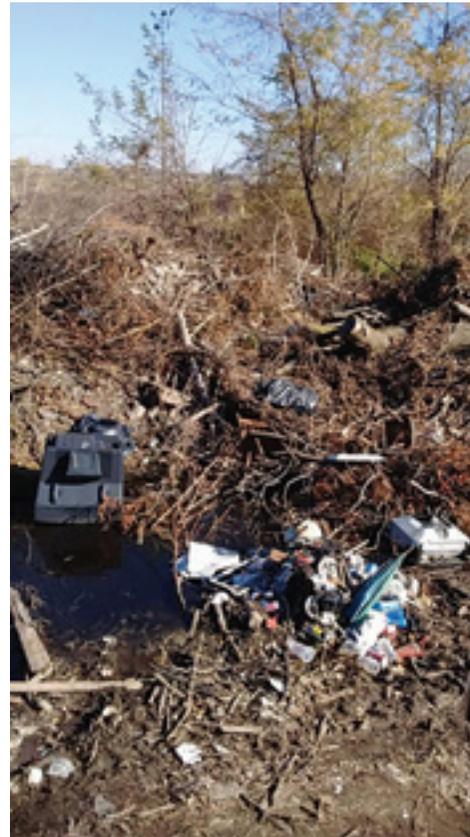
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2014, but was told that the dumping “might not be a violation.”

“There is nobody trained in their specific job functions, that I know of,” says one source, who attributes much of the department’s mismanagement to a longtime policy of nepotism, patronage hiring, and a lack of training in policy and procedure.

Citing the dead dog carcasses found last month at the site – which Dyster blamed on ‘Friday’ laziness inside the DPW – our sources claim there is no training relating to the disposal of dead animals and that dead animals are regularly dumped there.

In the aftermath of the dead dog controversy, Dyster suggested that the dog should have been double bagged then buried.

“We have never buried dead animals,” our whistleblowers said. “There are no training policies or procedures and there is, obviously, a health and disease risk of doing that.”

He says that dead animals are bagged and dumped at the site, without being buried, regularly. Other animal carcasses, like deer, are also disposed of at the site.

John Caso, Director of the Department of Public Works, says the site is not an operating landfill and should only be used as a composting site for leaves and brush. He said that he was unaware that DPW’s street cleaning teams are dumping sweeper dirt at the site.

He told the Reporter that discarded

televisions and couches are illegal dumping that is not attributable to the Department. “People are sneaking onto the site in the middle of the night and weekends to dump,” Caso said. “Then there are fly by night contractors who don’t want to dispose of construction debris properly because it costs money. We realize there are a lot of shingles

on the site.”

Caso promises that cameras will be installed on the site to prevent such illicit activities in the future.

Neither Mayor Dyster nor the DEC responded to a request for comment.

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# Trumping the Left



Double Trump

## Jim Ostrowski

What better topic to introduce my new column in this paper than Trump's visit to Buffalo Monday night? So there I was, in the press pen, literally walled off from the event with no food, no booze, no nothing. What a glamorous life the media lead. Most of the press sat stoically at their laptops, hammering away and rarely even looking up at the speakers. I had intended to schmooze some of them and get some inside scoops but I wasn't feeling the warmth.

I did chat with a few local reporters whom I know. One wanted to know what the libertarians think. I said, some hate him, some support him based largely on his anti-foreign intervention, America First views. How many illegal foreign wars has Hillary started or supported, I asked rhetorically. Only professional spooks know for sure. Keep in mind that the founder of the modern libertarian movement, Murray Rothbard, supported ("cheered for") LBJ in 1964 because he ran as the peace candidate: "We are not about to send American boys 9 or 10 thousand miles away from home to do what Asian boys ought to be doing for themselves."

My own view mirrors that of Antiwar.com editor Justin Raimondo, a libertarian:

"I have never endorsed Trump . . . As I've explained many times, I am rooting for him, which is quite different from giving his candidacy political support. I'm much less interested in him as a candidate than I am in his supporters, many of whom are sympathetic to the anti-interventionist views Antiwar.com is dedicated to advancing."

Raimondo has explained elsewhere that when you endorse a candidate, you are taking upon yourself responsibility for his whole program and its results and consequences. Libertarians are reluctant or loathe to do that as Trump has taken several positions that are not libertarian. Full disclosure: I know several people working for Trump and have occasionally passed along ideas I hope will move Trump in a libertarian direction and I will continue to do so.

Another veteran reporter I talked to estimated that the crowd was as high as 16,000. Other estimates are about 12,000. Did the overhyping of the event scare supporters away? In any event, it was a very large and enthusiastic crowd for a Monday night on short notice. Comparisons to Bernie Sanders crowds are not apt. Bernie has attracted large crowds by promising to give away lots of free stuff without ever explaining how to pay for it all. This is typical of uber-progressives. As I pointed out in *Progressivism: A Primer on the Idea Destroying America*, progressives have no theory of costs, which in the real world, is a bit on the crazy side. Hillary draws micro-crowds even though most of the people there, as in the case of her recent Buffalo event, are hacks who generally make their living off of politics or government.

Trump's Buffalo crowd was far different. These are working class folks, almost all white, with a smattering of minorities, who are seeking to "make American great again" as opposed to getting free stuff (Sanders) or special insider deals (Hillary). Another critical difference between Trump and Sanders supporters: age. Sanders attracts people who recently emerged from thirteen to seventeen

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The protest



Protester being carried out



The media covering the protest



The crowd

years of progressive brainwashing in K-12 government schools or colleges. They still believe that government will solve all human problems—that is all they ever heard. They know little if any economics.

Trump's people are different, averaging maybe 45-50. They have been out of school long enough to realize that most of the stuff they learned in school about government is bull. They have worked hard for decades and

have little to show for it but stress and debt. They know in their bones that the system is rigged and they cheer wildly when their hero pronounces this obvious truth. Much of the crowd was on its feet throughout his speech. I have no hesitation about endorsing Trump's supporters and rooting against Trump's elite opponents including the GOP machine, the Democratic Party, the MSM, the neocons, and the left.

The left was present inside and outside the rally. There was a large and peaceful, even docile group across the street from the arena. They were mostly white. One sign read "Dawn of the Brain Dead." Another read, "Dead Clown Walking." That's how the left shows its "love", a theme on several signs. A few minutes into Trump's speech, a group of protesters right in front of the media section, locked arms and legs to form a human chain and began chanting. It took about five minutes to clear them out during which time, it was difficult to hear Trump and the media's full attention was diverted from Trump's speech. This is just the latest example of the left's accelerating hostility to free speech. The use of physical force and interference to drown out a speaker at an arena he has rented and thus temporarily owns, can best be described as thuggishness. Judging from the perfectly-organized execution of the protest, this is also thuggery that was well-planned and practiced beforehand, indicating a high degree of organization. Who is organizing and paying for all this? Can I FOIL the left please?

The left calls Trump a fascist but uses fascist tactics against him. Notice that Trump's supporters do not reciprocate. They make no concerted effort to interfere with or shut down Bernie's events. Hillary's events of course need no interference as they are rare and sparsely attended. Hacks are lazy I guess. Shouting opponents down is a Freudian slip by the left that constitutes a confession of their essential intellectual bankruptcy. As I demonstrated in my book, progressivism is not a rational system of thought. Leftism is progressivism on steroids, an apt metaphor for emotional infantilism and rage masquerading as an ideology.

Trump spoke for about an hour giving his usual stump speech. I was paying more attention to the crowd as I have heard the speech many times. Except for the part about "New York values" where he looked at notes, he winged it and never stumbled. This is in sharp contrast to professional politicians addicted to speech writers and teleprompters. Love him or hate him, you have to admire the talent and the brains. He has run circles around his opponents and outfoxed the most powerful forces in American life, all the while being outspent many times to one.

The crowd loved his speech, however, near the end, the Monday blues took effect and the energy level declined. Hating Mondays is not the natural state of man. However, after experiencing what life in a peaceful, free, and prosperous society would be like over the weekend, it's depressing to go back to work for the progressive, welfare-warfare corporate state that sucks half your wages away by taxes and inflation leaves you with little to show for it after half of lifetime of hard work. So, yes, the folks got tired but Trump's energetic finale revived them into yet another frenzy, whereupon Trump was mobbed like a rock star for autographs.

Last summer, on my Facebook page, I picked four candidates out of 17 to be the finalists for the GOP nomination. Three of them were Trump, Cruz and Kasich. A few days ago, I made my November pick. Leaving aside the minor parties as the system is rigged against them too, Trump 52; Hillary 48. Call it the defeat of the elite.

*Jim Ostrowski is a trial and appellate lawyer in Buffalo, NY. He is CEO of Libertymovement.org and author of several books including Progressivism: A Primer on the Idea Destroying America.*



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# DOT, City At Odds Over Speed Limit Schoolkids Remain At Risk

## James Hufnagel

It doesn't make a lot of sense.

While the Hyde Park Boulevard speed limit was lowered recently in front of Gaskill Prep, a middle school, from 35 mph to 25 mph, the speed limit past Hyde Park School, serving children Pre-K through 5th grade, remains at 35 mph. The two schools are located a half mile from each other on four-lane State Highway 61, one of the main traffic arteries of the city of Niagara Falls.

In addition to lowering the speed limit in front of Gaskill Prep, The New York State Department of Transportation recently lowered speed limits in front of two elementary schools on Route 31 in Lewiston and Sanborn, and St. Christophers on Niagara Falls Boulevard.

Why was Hyde Park School, with a front door just several feet from Hyde Park Blvd., passed over?

City Council Executive Assistant Bridgette Myles told the Reporter that the Hyde Park School speed limit change was "in the works", and when asked when it would happen, deferred to Council Chairman Andrew Touma.

Touma confirmed that a request to address the speed limit in front of Hyde Park School was under consideration at the DOT, but that they had previously "dragged their feet on Gaskill" and he had to call several times to prod the agency into action. He added that he intends to "reach out again", and keep pursuing the issue to "get it done in a timely fashion."

However, Thomas S. Messana, DOT Regional Traffic Engineer, told the Reporter



According to a 2013 National Highway Traffic Safety Administration report, an estimated 10,000 child pedestrians a year are injured, hit by cars and other vehicles. 81% occur at non-intersection locations, such as exists in front of Hyde Park School.

that no such request was made by the city or school.

"It is the policy of the New York State Department of Transportation (NYSDOT) to establish a school speed limit when it is requested of us, Messana wrote in an email to the Reporter, "and where the school indicates support for the school speed limit.

"NYSDOT received and subsequently approved a school speed limit for Gaskill Elementary School. However, we have not received a similar request for Hyde Park School. Were our Department to receive a request for a school speed limit for Hyde Park School, we would review the request according to our policy and take the appropriate action."

The principal of Hyde Park School did not return our phone call for this story.

Councilwoman Kristen Grandinetti



The speed limit on Hyde Park Blvd has been reduced in front of Gaskill Prep (above) from 35 to 25 mph. Meantime the speed limit in front of nearby Hyde Park Elementary is still 35 mph.



Children of elementary school age, like those attending Hyde Park School, (above) would probably be less likely to exercise appropriate caution along a busy thoroughfare like Hyde Park Blvd, than middle schoolers attending Gaskill. Why then was the speed limit lowered in front of Gaskill, but not Hyde Park School?

stated that the speed limit not being lowered in tandem with Gaskill was a "mistake", and that she would make inquiries to the mayor

and the city's traffic engineering department. An email request to Mayor Dyster's office did not elicit a response.

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# Hamister Hotel Still Dormant if Not Dead

**Mike Hudson**

Buffalo developer Mark Hamister was given “preferred developer” status on a valuable piece of property on Rainbow Boulevard just a few hundred yards from the state park entrance for two reasons.

He could build a luxurious resort hotel for the least amount of public subsidy.

Once he was awarded the contract, it didn’t take long for that luxury Hilton Resort Hotel to change, as if by magic, into a boxy, low rent, Hyatt Place, similar to inexpensive mid-scale hotels that can be found by airports or at truck stops from here to Lincoln, Nebraska.

And the thing about the public subsidy? What was sold as a \$22 million Hilton resort has now become a wildly inflated \$36 million boondoggle.

Over the years, the long delayed project has had a curious history.

Back in 2013, Niagara Falls Mayor Dyster, Gov. Andrew Cuomo and other politicians Hamister had donated generously to, were on the verge of panic, suggesting that any questioning of the deal could lead the developer to pull out, and ruin the reputation of Niagara Falls as a business friendly city.

Sam Fruscione, who led a majority of the City Council and just wanted to know whether Hamister had the money to do the development or not, lost his seat amid myriad attacks by the media and the political elite who control Niagara Falls and, indeed, all of New York.

Cuomo went so far as to endorse Fruscione’s primary opponent in the race, Andrew Touma, over the Hamister issue, and Fruscione lost badly.

Cuomo has been strangely silent ever since.

“With the approval of the Hamister project, the City of Niagara Falls is taking a major step forward in our ongoing work to revive the local tourism industry and economy,” Cuomo said in September of 2013. “This project will support new jobs and tax revenue, spurring economic activity for the whole region. With the magnificent Falls as our anchor attraction, this significant investment will enhance the visitor experience in Niagara Falls, draw visitors to explore all of what the region has to offer and in the long run encourage longer stays, cultivate repeat visitors and improve the city’s image in the global tourism market. This is truly good news for the City, and I applaud the Council for acting in the best interests of the community.”

Asked by the Niagara Gazette a couple weeks ago about Hamister, Cuomo said, “I can get you the exact details on the timeline, I don’t have it.”

One official cheerleader for the Hamister project has apparently changed her mind.

“There’s things you don’t believe in anymore – Santa Claus, the Easter bunny – and I don’t believe in Hamister anymore,” Councilwoman Kristen Grandinetti said. “I’m embarrassed by the level of support I gave the company.”

“This is such a huge embarrassment to the governor, to my colleagues and to the



The valuable downtown parcel which was given to Hamister for \$100,000 remains vacant. In recent years it was used as a parking lot.

mayor because we stood up for them,” she added.

The Rainbow Boulevard parcel where Hamister was supposed to develop his hotel came to the city after it was donated in 2010 by Baltimore developer David Cordish after he failed to develop it despite getting it for free from the city more than a decade before.

It became a parking lot for tourists visiting the Niagara Falls State Park.

Since it was announced in 2012, the Hamister hotel’s price tag grew mysteriously – despite the quality downgrades - from \$22 million to \$36 million, and the original Hilton corporate flag was swapped for a Hyatt Place franchise.

Empire State Development, through USA Niagara, however increased the developer’s taxpayer subsidy as the price increased from \$2.75 million to \$3.85 million.

The rules are such that as Hamister increases/inflates the cost of the project, the subsidy increases by a ratio of 9-to-1.

On top of the nearly \$4 million in taxpayer subsidy, the city property appraised at more than \$1.5 million was gifted to Hamister for \$100,000.

The Niagara County IDA also voted to award the Hamister Group a tax break that would total \$4.25 million in savings over the next decade.

Despite all that, Hamister has been unable to start construction. Sources say he does not have the financing and his contrived inflating of the price of the Hyatt Place has discouraged lenders since they know true building costs.

In June 2015, a building permit was announced and construction contractor R&P Oak Hill Development, LLC was selected by Hamister to build the Hyatt Place.

This triggered a lease termination lawsuit by John Guido, owner of J.D. Gifts, the parking lot operator that occupied the city-owned parcel.

Guido lodged a lawsuit over their lease termination, which was settled by the city. The company’s lease was terminated in August of 2015 with the city donating \$45,000 in “good will” payments to Guido using New York



Developer Mark Hamister announced he had an upscale hotel planned for the site. He later downgraded the plans to a roadside Hyatt Place to be built on what may be the single most valuable undeveloped parcel in Niagara Falls.

“If I were betting on this, I would say shortly after the weather breaks,” Dyster said in March.

Yet this optimism could be compared to his assertions from 2013.

“We’re looking forward to a groundbreaking we hope sometime in the spring [of 2014],” Dyster said in 2013.

“We have nothing new to report,” Hamister Group spokesman Christopher Leonard told The Buffalo News by email recently.

Successful hotelier Michael DiCenzo has offered to take the project over and build the same hotel for \$18 million – half of what Hamister says he needs – and with half the taxpayer subsidies.

State taxpayer funds through USA Niagara Development Corp, a state agency.

Now the construction season is here and Hamister still does not appear to have the funding. But officials are hopeful.

“I think 2016 is the year he has for construction,” said Christopher J. Schoepflin, president of USA Niagara Development Corp. “Most of the time, it’s recognizable when a transaction has exhausted itself. I don’t think Hamister is there yet.”

A couple of weeks ago, Dyster expressed optimism.

## Carm Rotella

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# Dynamic Dicienzo Sharp Contrast To Dull, Plodding Hamister Here

## Mike Hudson

It is a tale of two developers.

One is a nursing home operator who at the time he was awarded the contract to build a Niagara Falls hotel had never developed a hotel in his life. His financial situation is sketchy and says that the cost of building a hotel in downtown Niagara Falls will approach \$36 million.

The other heads up a company that has successfully developed a dozen hotels in the U.S. and Canada and invested more than \$850 million of its own money over the past two decades. He says he can build the identical hotel the first developer has proposed for half the cost -- \$18 million.

Who would you choose to build your hotel?

New York Gov. Andrew Cuomo and Mayor Paul Dyster chose the first guy – Mark Hamister. They have thus far rebuffed the second developer, Michael DiCienzo, even though Hamister is nearly four years behind schedule on the project and still lacks the financing to begin construction

Niagara Falls Reporter readers know plenty about Hamister. We had him pegged early on and have doggedly pursued the missed deadlines, financial fumbles, and

shapeshifting plans and cost estimates that have characterized his botched proposal.

But who is Michael DiCienzo?

All told, DiCienzo owns eight hotels in Canada — seven in Niagara Falls — including various attractions like the Rainforest Cafe, Planet Hollywood and the building housing Casino Niagara. He estimates his company has spent \$800 million on Canadian development.

In Niagara Falls, Ont., his company owns and operates one of Canada’s largest entertainment resorts, a 20 acre complex that features four first class hotels – including the Crowne Plaza Fallsview and the Sheraton at the Falls, the Hard Rock Café, Perkins Pancake House, Planet Hollywood, a Rainforest Café, the Fallsview Indoor Water Park, Hershey’s of Niagara Falls and more.

On this side of the river, his company subsidiary, NFNH Hotel Management, owns the Days Inn at the Falls and the Sheraton at the Falls. Thus far, DiCienzo has plunked down \$50 million on hotels and attractions here.

“That could easily double,” he said.

Last fall, the Niagara Falls City Council agreed to sell a landlocked half-acre city owned parcel to Sheraton at the Falls owner NFNH Hotel Management for \$190,000.



DiCienzo confirmed that the intentions are to add a water park to the hotel that has in recent years developed a T.G.I. Fridays, Rainforest Cafe, a candy store, and a Starbucks Cafe. The parcel has been used as short-term parking by the hotel for several years with few redevelopment opportunities available due to its size and location.

DiCienzo opened a 90,000 square foot water park in 2006 attached to its Sheraton on the Falls hotel in Ontario which has proven successful over the last 10 years of operation. While the proposed water park here would be smaller, at 25,000 square feet, it will be a welcomed addition to downtown Niagara Falls, an additional attraction to extend visitor’s stay and spending.

The Rainforest Café, which opened last year, was his most recent upgrade to the Sheraton property.

The 14,000-square-foot downtown location can seat 238 in the dining room and another 60 on the patio.

The restaurant cost \$3.5 million to build, with \$150,000 of that coming through the city’s NFC Development Corp.

DiCienzo said the Rainforest Café is a step toward returning the city to the family destination it once was.

“There needs to be more family entertainment. (The Seneca Casino) is great, but there needs to be more,” he said.

While DiCienzo and his companies have been described in the media as “dynamic,” Hamister is involved in management and has a style that can best be called plodding.

Hamister’s primary business is running assisted living facilities and apartment buildings for senior citizens. The nursing home and senior apartment business might

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## Choice seems obvious



Developer Michael DiCienzo says he can build the Hyatt Place for \$18 million. How come Mark Hamister says it will cost \$36 million for the identical hotel? Could it be that for nine dollars Hamister claims to spend he gets \$1 dollar of state taxpayers' money?

Rochester billionaire Tom Golisano stepped in and bought the team with his own money.

Earlier, in 1998, Hamister founded the Buffalo Destroyers arena football franchise, which lost \$5 million in five years before he sold the team and moved it to Columbus, Ohio.

Aside from the fact that DiCienzo is a highly successful hotelier and Hamister runs a string of old folks' homes, and that DiCienzo said it would cost \$18 million to build the hotel Hamister says will cost \$36 million, there is one other difference between the two that may help explain how Hamister snagged the coveted title of "preferred developer" here.

He has donated more than \$20,000 to Cuomo over the years, given thousands to Rep. Brian Higgins and even backed Dyster financially.

On top of that he had a hand in raising more than \$800,000 that was donated to a PAC that bought ads supporting Gov. Cuomo.

Asked how much he had given to Cuomo, DiCienzo shrugged his shoulders.

"Not a dime," he said.

not be as glamorous as the hotel and restaurant business, but they seem more suited to Hamister's abilities.

In 2003, he pulled out of a bid to buy the Buffalo Sabres hockey franchise after state and local government refused to subsidize the purchase to the extent he demanded.



## LIUNA Leaders From Across US Lobby Congress



This week, nearly 100 leaders of LIUNA – the Laborers' International Union of North America – spread out across Capitol Hill, and visited 200 Congressional offices as part of the North American Building Trades Union Legislative Conference. Participants, who represent workers predominantly in the construction industry, discussed key issues, including:-

Defending the family-supporting Davis-Bacon Act, which protects workers and taxpayers by preventing tax money from being used to drive down living and construction standards on federal projects.

- Supporting the jobs-creating clean energy boom driven by the use of natural gas as a bridge fuel to renewable energy forms. Leaders told members of Congress that natural gas extraction and pipeline work is a lifeline to the middle-class for thousands of workers, while also reducing climate-changing carbon emissions.

- Repealing the so-called "Cadillac tax," which unfairly undermines the healthcare plans of millions of Americans. Late last year, Congress passed a delay in the 40-percent tax, which employers and health fund officials predict would ultimately effect 82 percent of healthcare plans, driving up costs and reducing coverage.

- Blocking premium increases for the Pension Benefit Guarantee Corporation. The increases, rather than strengthening pension plans, will weaken healthy plans and further damage struggling plans. In 2014, Congress hiked the premium by more than 100 percent and it is expected that the PBGC will ask for another increase.

- Increasing investment in the nation's deteriorating infrastructure, including in water resources and transportation. Leaders urged members of Congress to build on the multi-year Highway Bill passed in 2015 to fix the nation's roads, bridges and transit systems. They pressed members to increase investment in water resources, including waterways used for transportation and energy, and investment to improve the supply of safe drinking water.

Fixing our roads and bridges, ensuring an adequate energy infrastructure, defending healthcare and pensions, and enacting comprehensive immigration reform are not partisan problems. The people expect members of Congress to do their jobs and address these issues.

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# Crackdown On Renting Rooms Makes Little Sense In City Where Money Is Tight

**Mike Hudson**

Airbnb is a website for people to list, find, and rent lodging. Founded in August 2008 and headquartered in San Francisco, California, the company is privately owned, and in the business of matching vacationers and business travelers with locals who want to rent out a room, apartment or house.

It has over 1,500,000 listings in 34,000 cities and 190 countries. But typically, in Niagara Falls, this highly successful Mom and Pop business has become the center of controversy. A 2011 New York State law prohibits renting residential units for less than 29 days, with certain exceptions. The law was put in place because private individuals renting out their spare bedroom for a night or a week don't pay bed taxes.

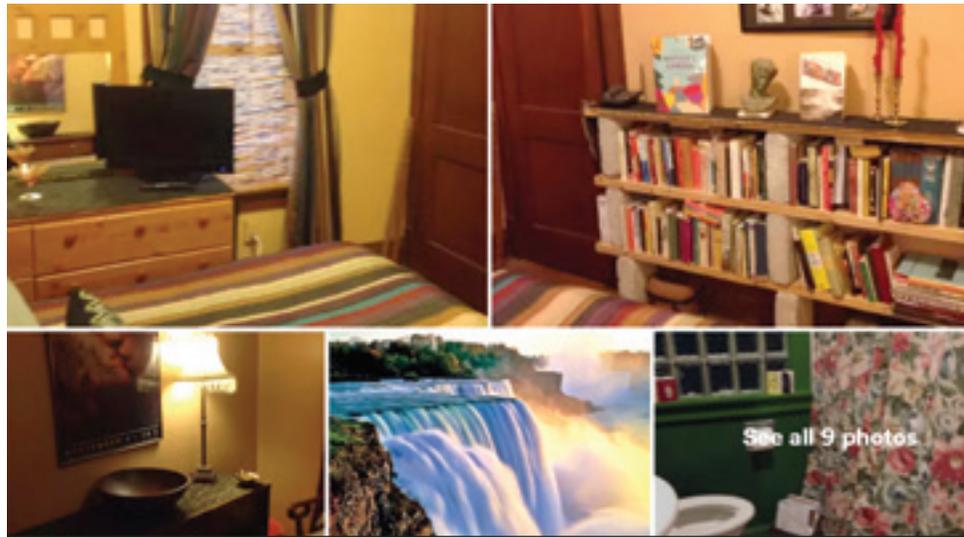
In Niagara Falls, virtually all of the bed tax money – around \$1 million a year -- gets handed over to John Percy and his Niagara Tourism and Convention Corp. What happens to it then is anyone's guess. Percy is famously secretive about how he spends the taxpayer's money.

According to the Airbnb website, there are more than 300 people in Niagara Falls offering accommodations. It is a way to bring in a little extra cash here in the most heavily taxed municipality in the most heavily taxed state in the country. Nobody's getting rich, nobody's even making a living, but every little bit helps in the city's moribund economy.

Perhaps the best known of the Airbnb hosts in Niagara Falls is city Councilwoman Kristen Grandinetti, who – according to the reviews given by lodgers in her Airbnb profile – does a bang up job of providing hospitality, Niagara Falls style.

Eduardo, a visitor from Ciudad Nezhualcoyotl, Mexico who was here in March, sang Grandinetti's praises in broken English.

"I think this is one of the best host in Niagara Falls, I recommend stay with Kristen to anyone who visit Niagara Falls. You can go walking to Niagara Falls, it takes you around 20 minutes, all you need is very close to the



On Kristen's airbnb listing she posts nine pictures of the room she rents in her house on Orchard Parkway. The reviews have been favorable. There about 300 other property owners in Niagara Falls who also list rooms or apartments for rent by the night to tourists. If Kristen rents her room out for 60 nights per year she earns about \$3,000 which will make a small dent in the super high property taxes she [and everyone in Niagara Falls] has to pay. In a free society, we are trying to find anything wrong with this free enterprise.

house, a bus stop, a convenience store. Kristen is a very nice person and help you as she can. I liked very much my stay with Kristen," he wrote.

Likewise, Rahul, from Albuquerque, who stayed at Grandinetti's Orchard Parkway home in January.

"Thank god for Kristen. She is literally a godsend the other day. We were running late due to snow and couldn't be at the house till late in the night. Kristen was waiting for us till we were there and we couldn't be more grateful. The house was charming and exceptionally neat. We got a good night's sleep and Kristen made us tea in the morning. All in all, the stay and Kristen's hospitality were unmatched and we would gladly be back another time," he wrote.

For her part, the city Councilwoman and schoolteacher seems to very much enjoy her sideline as a hospitality provider.

I am very active in local politics and the community," she writes in her profile. "I spent many years in the hospitality industry, including 15 years as the assistant manager of a local B and B. I love Niagara Falls and I want to showcase its beauty."

Not so fast, says Mike Kirsch, of the Niagara County Department of Health.

"Keep in mind anything other than a hotel, motel, hostel or bed and breakfast is illegal," he said. "This why vacation rentals are often referred to as Illegal bed and breakfast or illegal hotels. So if you want to rent a room, or part of a duplex you must be a bed and breakfast."

It's not as easy as it sounds.

According to Kirsch, to run a legal bed and breakfast you must meet fire codes, have a licensed architect sign off on fire code, receive an inspection from city code enforcement and get a certificate of compliance, have a Niagara County Health Board inspection, register in Lockport as a business, obtain a state tax number and register to pay the city bed tax.

"If you have not followed this you are an illegal bed and breakfast. The Niagara County Health Board refers to anything other than a BNB as an illegal bed and breakfast," he said.

"I am a teacher in the local school system.

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**Hey, I'm Kristen!**

Niagara Falls, New York, United States · Member since April 2015. You can rent a room in the councilwoman's house for \$55 per night, which, the councilwoman points out, is cheaper than nearby hotels which cost at least \$75, plus bed tax.

Do 300 city property owners trying to offset some of the most onerous property taxes in the country by occasionally renting a room to a tourist constitute one of them?

Airbnb regularly receives thousands of emails from people who are on the brink of losing their homes through foreclosure due to financial hardship from the economic recession; these people said that they depended on their continued ability to sublet rooms in their residences.

In May 2013 a New York City judge penalized Airbnb user Nigel Warren with a \$2,400 fine. In April 2015, Airbnb asked the state legislature for legalization in return for the collection of hotel taxes.

In Niagara Falls, more than 300 homeowners like Grandinetti pick up a few extra dollars and pump it right back into the local economy, eating out at a restaurant, buying food at the supermarket or making a car payment.

Putting them out of business would mean a few extra dollars for John Percy – who pays himself a salary of \$140,000 a year – plus \$200,000 in travel and expenses - and the NTCC, which already benefits from nearly \$2 million annually in taxpayer money.

In a city that is constantly trying to portray itself as "business friendly," this would seem to make no sense at all.

But then, this is Niagara Falls, where making sense is often the last thing on anyone's mind.

"You would also need a special use permit in most zones in the city of Niagara Falls. They have done some research on this subject in Niagara Falls. Contrary to popular belief you cannot rent apartments in a commercial apartment build short term. So as can be seen on Airbnb this is a huge problem in the city." There are many "huge problems" in the city.



**If the whole world stands against you sword in hand, would you still dare to do what you think is right?**



"Such was the will of the Father that his Son, blessed and glorious, whom he gave to us, and who was born for us, should by his own blood, sacrifice, and oblation, offer himself on the altar of the cross, not for himself, by whom "all things were made," but for our sins, leaving us an example that we should follow his steps."

St Francis of Assisi

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Cannot be used in combination with any other coupon, discount or promotional offer. Tax not included. Valid for up to party of 6 at participating Steakhouses.

# Grandinetti's Cat Plan Could Apply to Her

**Ali Hansen,  
Niagara Falls  
Guest View**

In reading about Council member Kristen Grandinetti's boneheaded idea about fining or jailing people who are taking humane steps to manage the area's feral cat population, I couldn't help but think that it's too bad we can't trap, spay and release Grandinetti somewhere other than Niagara Falls. That way she won't be such a nuisance to her neighbors. And by the way, if anybody bothers to keep feeding her, be sure to slap them with a fine and throw them in jail.

Seriously though, Grandinetti needs to look at root causes here. Feral cat populations tend to grow in communities where there are lots of abandoned factories, empty houses and boarded up storefronts. The business-killing City policies Grandinetti is always so eager to support are largely responsible for creating the garbage-laden, rat-infested environments that attract the feral cats. Maybe if she'd stop texting during public meetings and tune-in once in a while, she'd know that.



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# Your Weekly Horoscope

By Jean Topascani



**Aries: (March 21 - April 19)**

Attractive, but wall-eyed Libra seems to be staring at you. Neptune in 8th house prompts sudden job-related travel to exotic locale with plenty of money. Avoid extradition. "I can't wait any longer!" is something you will shout through a random keyhole at 3 a.m. later this week in a motel that is rented by the half hour.



**Cancer: (June 21 - July 22)**

Polar square brings discipline needed to stick to all-pasta diet, as seen on Oprah. Mercury brings new wardrobe caused by sudden weight gain. You will experience happiness and success in every area of your life, unless there is something irreversibly wrong with you, which is likely. Fri: Two words: fat pants.



**Libra: (September 23 - October 22)**

You finally learn that being mean is what makes you happy. Do the world a favor: Wear burgundy nightgown, to get the color combination right. Then hold .45 against head, when cold steel touches temple, pull the hair-trigger. The funny thing about next Monday won't seem funny to you. LOL.



**Capricorn: (December 22 - January 19)**

Love troubles clear up when gracious Gemini, with warm smile and toothy dentures, invites you to spend the night. While you'll never really understand, accept, or tolerate homosexuality, it's admirable that it hasn't stopped you from having sex with people of your own gender. AM: Apply sunscreen when lying on beach for more than eight hours.



**Taurus: (April 20 - May 20)**

The planets Moon, Mercury and Neptune are afflicted. Also, the 6th, 8th and 12th houses have played a role. One misfortune follows another but persistence can give the illusion that you are not a total moron. The three most common elements in your body are hydrogen, oxygen and stupidity. Smile today; tomorrow will be worse.



**Leo: (July 23 - August 22)**

You meet an attractive Aries with round, maroon cheeks, who gazes into your eyes and notices infestation of eyelash mites, tiny deodicids burrowing into your follicles eating the greasy sebum, each female laying up to 25 eggs in a single follicle, causing inflammation. You finally realize there are no stupid questions, just stupid people.



**Scorpio: (October 23 - November 21)**

Halitosis works magic. New trailer park lover describes your kiss as similar to a sea barnacle; your breath like wet feet marinated with the fat of ham hocks- salty and delicious. Years of backbreaking work and "brown-nosing" finally pay off when your manager, walking hurriedly down the hallway, nods faintly in your general direction.



**Aquarius: (January 20 - February 18)**

Ugliness, combined with innocent mistake, proves troublesome as your smiling, ear to ear picture, posted sideways, is flagged on Facebook as friends report you as "mooning" camera. Solitude in 7th house indicates people around you finally appreciate intelligence in someone so ugly. Sat pm: Finger food does not include human fingers.



**Gemini: (May 21 - June 20)**

New lover's table manners will remind you of the practices of certain cannibalistic tribes in New Guinea that consume meat stew with dried apricots and couscous. Eating a lot this week may supply much-needed nutrients. Awkward picture of you with fire hose and boots is posted on internet. Wed. Finish long overdue sewing project.



**Virgo: (August 23 - September 22)**

The stars reveal you will get an unexpected visit from the vice squad. The two lesser charges will be dropped. The voices in your head return singing an old tune by the Shirelles. Throw out pens that don't work. Fri am: A "Corpulent" person will sit on your lap.



**Sagittarius: (November 22 - December 21)**

Capricorn in 11th house. Your new lover, who you told you were single, and your spouse arrive at Denny's at the same time. Moons Over My Hammy overdone. Nickels fished out of a public fountain provide main source of income for you. At home, your goldfish jumps out of tank and does break dance on carpet.



**Pisces: (February 19 - March 20)**

Major achievements, new friends, and a new way to make a lot of money are coming to a lot of people this week, but you will not be one of them. You will meet a passionate and tender Taurus built like a '70 Dodge pickup (with that "Adventurer" styling package) with busted headlights, a bumper knocked loose and tailgate dragging. Keep spare tire in the trunk for quick getaway. You'll need it.

## Letters to Topascani

### Let's be frank.

"There is no way this horoscope stuff is true. How can it be? It would mean every Scorpio has Halitosis. Yet it is uncanny. I am a Scorpio and I have halitosis. So it does kind of give u the creeps. And I am a fat person and I did sit on my lady's lap who happens to be a Virgo. Just like U said. Only I am not sure that reading it here first didn't make me wanna do it. I mean I might not have sat on her lap except I read her horoscope and so I sat on her lap. I mean I normally don't sit on her lap because I am a corpulent person. Are the stars guiding me or am I just acting the way the stars are telling me? Can you help me Mr. Topascani? You're the only one who seems to know the truth...  
John

**Hello. I am a Sagittarius and**  
Hello. I am a Sagittarius and boy was this ever wrong. I was arrested just like the horoscope said, but the two lesser charges were NOT dropped. Why don't you fire this guy. In my case he was plain dead wrong!!!! Harry

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