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Lawmakers Willing to Talk About Hamister Project

Tony Farina

It looks like the proposed Hamister hotel project, backed by the Dyster administration and USA Niagara Development Corp., may be able to make it through the Niagara Falls City Council if the mayor and USAN are willing to meet with the council majority and work through their concerns.

"This proposal is doable and I think we can get it done," Council Chairman Glenn Choolokian told the Niagara Falls Reporter. But while Choolokian sounded a positive note about the project that the council majority tabled at its July 8 meeting, he reiterated that the three-member council majority does have concerns and questions about the resolution as presented.

"We have legitimate questions and concerns," said Choolokian, "but we believe that working with the mayor and USA Niagara, we can make the necessary adjustments to the resolution and move this project forward and protect the taxpayers at the same time."

Council member Sam Fruscione, who along with Choolokian and council member Bob Anderson made up the three-person majority, met with Corporation Counsel Craig Johnson last week to go over in detail the concerns of lawmakers, which include the oversight power of the council potentially being diminished, the price of the price of the parcel at 310 Rainbow Blvd. (\$100,000), wording that allows affili-



ates to enter the agreement and what lawmakers believe is a clause that hurts the city financially if the land reverts back to the city.

"I shared our main concerns with the corporation counsel," said Fruscione, "and hopefully the administration will work with us to arrive at a beneficial package for taxpayers."

Mayor Dyster could not be reached for comment.

Fruscione and the council majority believe language in the land sale authorization and project resolution needs work before it can be approved, citing specifically stronger guarantees about what kind of hotel is going to be built, how many rooms, more detail about the planned retail space and apartments and an analysis as to the effect of the New York tax-free zone on the project, including bed tax. They also discussed some kind of local hiring clause, full transparency on tax



breaks including PILOTS, and a guarantee that should the land be put to use at any time as a parking lot, the revenue would go to the city.

John Destino, a lawyer and former candidate for mayor, said he shares some of the concerns of the council majority, saying the resolution as written gives complete control to the administration to negotiate the final deal.

"My question is: why isn't this project a little more concrete at this stage of the game?" said Destino in an email. "Hamister was selected over a year and a half ago. Why isn't the council being asked to approve a more definite plan? The only thing for certain is the purchase price will be no less than \$100,000 and that there is a possibility of a reverter if the 'project' isn't completed."

Destino, citing the failed Rainbow Mall project, said he would like to see the city's future interest in the site protected by making sure that it will remain in use as a hotel and retail operation or else the city could take it back.

Andy Touma, who is making his first run for public office in this year's council elections, says he believes even if the project winds up tax free (for Hamister), he favors going forward because "the city needs to revitalize."

Touma believes "you do what you have to do to open up your door. If you have to give the land away for

\$100,000, you do that to get this place developed. We are underdeveloped, there's no work, there's no jobs. We have mass exodus. The people feel change is never going to happen here. We have to think out of the box and go after change."

While Touma says he would like the contract to be written to protect the city, overall he trusts the mayor and the [city] lawyers to do that.

Fruscione emphasized to the Reporter that he, too, favors growing the city and downtown, but believes lawmakers must also move ahead in a way that respects and protects the taxpayers.

Anderson believes the differences between the council and the administration are not insurmountable calling the two sides "inches apart, not yards. If these differences are solved, we can all take a step back and watch the project come to life as a construction site."

It would seem with their latest comments that city lawmakers want to try and find a way to find a meeting of the minds on the hotel project and come up with an agreement that they believe will get the project moving and also protect the city's future interests in the prime downtown parcel.

The council is in recess until next month so there is plenty of time for discussion between the parties to see if a deal can be reached that would allow the project to move forward. Stay tuned!

NIAGARA FALLS REPORTER

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Hamister Site Appraisal Surfaces, Pegs Value Much Higher Than Sale Price

As part of the proposed Hamister hotel project now stalled in the council, the city of Niagara Falls would sell the prime downtown parcel at 310 Rainbow Blvd. to the developer for \$100,000, a number that some city lawmakers see as closer to a giveaway than a sale given the initial estimate of a market value of between \$1.5 million and \$2 million by City Assessor James Bird.



property's unencumbered market value at \$1.53 million, right with Bird's numbers.

Bird later waffled on his initial appraisal, saying it was just a rough estimate and the city should have a professional appraisal done to have a better idea of the property's market value. This newspaper has learned that a professional appraisal was done on the property not long ago and it is in line with Bird's unofficial estimate.

While the sale price was only one of the stumbling blocks that caused the council to table the proposed sale at its July 8 meeting, the council's position on the value of the land is bolstered by the discovery of an appraisal commissioned in 2011 by Guido, who currently leases the property from the city.

The Niagara Falls Reporter has learned that a professional appraisal was done in June 2011 by Real Property Services, L.L.C., of Williamsville, for the current lease holder on the property, John Guido, who had been considering a retail and Niagara Falls-themed museum attraction for the site, which is now operated as a parking lot. The professional appraisal pegged the

Guido says he met with Corporation Counsel Craig Johnson and Council member Sam Fruscione to discuss his idea for the site, but while both of

them thought it had potential, Guido says that by that time, the administration was already moving forward toward the RFP process that eventually led to the selection of the Hamister Group as the developer.

Guido never showed the city the appraisal he had commissioned, but this newspaper has a copy of the signed document prepared for Guido, who told the Niagara Falls Reporter that he had been willing to develop the property with his own money, without public subsidy, if the talks with the city had gone any further. They did not, and now the city is considering selling the property to Hamister for \$100,000.



Kristen Grandinetti has faith in the Hamister deal.



The Council Majority, Robert Anderson, Sam Fruscione, Glenn Choolokian alone have had the guts to question the Hamister proposal.

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Follow the Money

Frank Parlato

The Niagara Falls Reporter has learned that Mark Hamister, CEO of the Hamister Group, selected as the preferred developer for a hotel project in Niagara Falls by Empire State Development, USA Niagara and the city of Niagara Falls, was formerly on the board of directors of Empire State Development, the very group that selected him.

Hamister was also a large and recent donor to Gov. Andrew Cuomo who controls appointments to both Empire State Development and USA Niagara.

On top of that, one of Hamister's business partners, Paul Ciminelli, currently serves on the Empire State Development Board.

In October of 2011, USA Niagara issued a RFP for development of the city owned property at 310 Rainbow Blvd. in Niagara Falls.

In response, USA Niagara, a subsidiary of Empire State Development, the governor's lead development agency, received seven responses to develop the property.

One of these was from the Hamister Development Company, LLC, a Delaware limited liability company.

In early 2012, after a series of closed-door meetings among representatives of the city, USA Niagara and Empire State Development, Hamister was selected. The process was confidential and to this date the public does not know details of any of the other half-dozen proposals that were made.

When the Niagara Falls City Council questioned the transparency of the deal, they were severely criticized in many quarters, including by the media, for being obstructionists.

Hamister said he planned to build an upscale, 100-room hotel, 24 apartments and 8,000 square feet of retail space.

The company owns 10 "select-service" or low amenity hotels in various states.

Hamister is also on the Board of Directors of the Buffalo Niagara Partnership and was formerly its chairman.

Over the years he has made sizeable campaign contributions, mostly to Republicans, with four notable exceptions.

Among Democrats, Hamister has been most generous to Gov. Andrew Cuomo who, as governor, appoints the Board of Directors of Empire State Development with the consent of the State Senate. The chairman is appointed solely by the governor.

USA Niagara is a subsidiary of



It may be coincidence, but how is it that everyone connected to this deal, and with the selection of him as the developer, seems to have a prior relationship with Mark Hamister?

Empire State Development and is also under the governor's direct control.

The president of Empire State Development is Ken Adams and the regional WNY president is Sam Hoyt, who was appointed by the governor to his \$139,000 per year salary.

Hamister has made at least one campaign contribution to Hoyt, in 2002.

Adams earns \$175,000 per year.

Both Adams and Hoyt serve at the pleasure of the governor.

But the connections between Hamister and the various men who picked him show that, if nothing else, he was well known to them.

USA Niagara's president is Chris Schoepflin who also serves at the pleasure of the governor. He earns \$105,908 per year.

Before joining USA Niagara, Schoepflin was senior director for planning for the Buffalo Sabres during the time when Hamister was trying to buy the Sabres franchise.

Hamister failed to complete the purchase because his demand for \$40 million in public assistance did not come through. At the time of the offer, in 2002, Hamister was chairman of the Buffalo Niagara Partnership.

When Schoepflin left the Sabres, he came to USA Niagara.

Sometime afterward, Hamister was appointed by Gov. George Pataki to the Board of Directors of Empire State Development Corporation for a term commencing in 2005 and expiring in 2009.

Hamister is listed by www.ranker.com as among the top 16 "most notable" Empire State Develop-



Gov. Andrew Cuomo (above): Got campaign donations from Hamister. As did Congressman Brian Higgins.



ment Employees of all time.

He was also the only Western New York representative at Empire State Development on its seven-member board. Meanwhile, as Hamister got to the Empire State Board, Schoepflin, a senior project manager, was promoted to president of USA Niagara. When he won the appointment, Schoepflin thanked the Empire State Development chairman "and the Board of Directors in my selection."

While at the press conference announcing Hamister's selection in 2012, Hoyt, Schoepflin and Dyster posed with a representative of the Hamister Group.

They did not disclose details of how they reached their decision, but Hoyt told the Reporter that "the team"



Lawyer Tim Loftis has worked with Hamister for years. Somehow his law firm was on the selection committee that chose Hamister.

picked the Hamister Group after a thorough review.

It wasn't until July 2013, that USA Niagara Development Corp. finally released information concerning the extent of the public financing and revealed the names of some of the other companies that made proposals without revealing what the nature of their proposals were.

Uniland Development of Amherst, DHD Ventures, Rochester, North Carolina Eastern Hospitality Advisors, Buffalo, and LMK Realty Associates were said to have submitted proposals. Two other bids were submitted, but were deemed "non-responsive" by the agency and their names were not publically mentioned. Neither was the reason why they were deemed "non-responsive."

According to Schoepflin, five firms were interviewed by a five-person committee: The committee members were Schoepflin; Paul Tronolone, senior planner at USA Niagara; Steve Gawlik, attorney for Empire State Development; Craig Johnson, corporation counsel for the city of Niagara Falls; and Thomas J. DeSantis, the city's sen-

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Connecting the Dots Behind the Hamister Selection As Preferred Developer for Niagara Falls Project



Chris Schoepflin became president of USA Niagara about the same time that Hamister became a board member of Empire State Dev., 2005.



Sam Hoyt got a financial contribution from Hamister.



Paul Ciminelli is on the board of directors of Empire State Development, the lead agency, that selected Hamister over other developers. he is also Hamister's business partner.



Sen. Charles Schumer went on the record that he supports the Hamister project. He did not bother to mention that Hamister is a campaign contributor.

ior planner.

USA Niagara admitted the firms received scores based on a subjective interview process and rated as to which would "best achieve the objectives as stated in the RFP."

The exact nature of the rating system was never explained.

The Hamister Group was given the high core of 529; Uniland 470; DHD 448; Eastern Hospitality 410; and LMK 233.

Dyster denied the council majority's assertion that the process leading up to the selection of the developer was less than fully transparent. He also said he was not personally involved in negotiations with Hamister and added a new name to the list of those involved in the selection process. Attorneys from the law firm, Jaekle Fleischmann, who worked on the agreement on the city's behalf.

Tim Loftis, a partner in Jaekle Fleishmann, like Hamister, was a former chairman of the Buffalo Niagara Partnership. In fact, Loftis was secretary for the board when Hamister was chairman. Both men sit on the Board

of Directors of the partnership today.

Meantime, Sen. Charles Schumer, D-N.Y., and Rep. Brian Higgins, D-Niagara Falls and Buffalo, both weighed in on the project.

Schumer told the Niagara Gazette that the Hamister project is "exactly the type of work that Niagara Falls needs." And told WGRZ that to not make the Hamister deal "makes no sense....I will be urging all parties to allow this to happen."

Higgins said the Hamister proposal is a "serious proposal" from a "serious developer... It's an exciting project" and called the project "absolutely essential to the revitalization of downtown."

Hamister has donated \$4,400 to Higgins since 2010.

Hamister donated at least \$2,000 to Schumer since 2009.

While Cuomo elected to not comment on the Hamister deal, he is the one with the final say.

Hamister has made at least \$10,000 in donations to Gov. Andrew Cuomo recently, according to <http://www.elections.state.ny.us>.

On top of that, the Buffalo Niagara Partnership helped Cuomo, according

to the Buffalo News, "funnel \$800,000 in contributions to a Manhattan-based nonprofit organization that critics called a front for Gov. Andrew M. Cuomo's political and policy agendas."

On www.whitehouseforsale.org, Mark Hamister is listed as one of the nations "mega-donors," for his contribution of \$28,500 to John McCain and many thousands more to other candidates, according to published reports.

In addition, when Mitt Romney visited Buffalo last year, Hamister was co-host of a party that charged attendees \$10,000 per head to attend.

In a 2003 profile in the Buffalo News headlined "A Matter of Pull," Hamister is described as having strong influence in the Buffalo Niagara Partnership, called Western New York's "most influential business organization."

In a more recent article, the News wrote that the Partnership served as "the gatherer" to transfer nearly \$1 million in contributions from various business interests in Western New York to the Committee to Save New York... a group that has helped Cuomo

— through millions of dollars in ad campaigns — push everything from a property tax cap to spending cuts opposed by labor unions but backed by business interests."

Finally, only one of the six members of the current Empire State Development Board Paul F. Ciminelli, CEO and President of Ciminelli Development Company, is also a partner in Mensch Capital Partners — a development group that includes not only Ciminelli, but Paul Kolkmeier, Andrew Shaevel and Mark Hamister.

As quoted in the Buffalo News. "Ciminelli CEO Paul F. Ciminelli said he's excited to partner with Hamister.

"Mark and his company bring tremendous credence to our hotel component and to the project overall; they bolster our existing experience on this type of development," Ciminelli said in a written statement."

One has to wonder, is Ciminelli the affiliate named in the proposal?

Is he the money behind Hamister?

Was his name not mentioned because he is on the Empire State Board?

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Hamister Deal: Reverter Clause A Stinker

So-Called Take Back Provision Would Allow Hamister to Walk Away with Property

Frank Parlato

Much has been made of the "reverter" clause, Niagara Falls Mayor Paul Dyster says, which was inserted in the Hamister hotel proposal to protect the city.

Like many things said by government officials, the truth is far different from what the public is told.

A "reverter" clause is not unique in real estate deals.

It is a real estate term and is used when a seller wants to retain the right to get the property back if certain conditions are not met.

In this case, the city owns 310

Rainbow Blvd. and is proposing to sell it to the Hamister Group to build a hotel.

The reverter clause is intended to insure that Hamister builds a hotel or the city gets the property back.

If that was all it said, it would be a good clause.

But it is not what Dyster's proposal really says.

The reverter has another clause, called a subordination clause.

It reads that the reverter will "be subordinated to the lien of any construction mortgage which the developer places on the property in

connection with its development financing."

This makes the reverter clause worthless in the real world of business.

In short, should Hamister fail to complete or even start his hotel, but borrows against the land (mortgages), the city will have to pay off Hamister's mortgage if it wants the land back.

This is because the city is "subordinated" to the mortgage.

The subordination clause in Dyster's proposal makes any new Hamister mortgage "superior" to the reverter clause.

Let's say, for example, the Hamister Group borrows \$5 million against the property, from a bank or a loan from an affiliate company, from a brother-in-law, or even from the CEO, Mark Hamister himself.

All of this is perfectly legal.

Then, if the Hamister Group fails to build the hotel as promised, the city could still take the property back, but it would have to pay off the \$5 million mortgage. Since the land is not worth \$5 million, the city might decide to let Hamister keep the land even though he did not build the hotel.

It might make economic sense to do it that way too.

The parking lot presently in use there is earning about \$500,000 per year for its operators, John and Debbie Guido. Hamister could operate the land as a parking lot and enjoy pure profits for years to come.

Or Hamister could downgrade the

project to one far different than the one he proposed that got him the deal. But the mortgage on the property would stop the city from taking the land back.

Hamister could then effectively build anything he wants and the city would be powerless.

We are not suggesting Hamister plans to do this. We are saying that he can do this and it would be perfectly legal.

The right way to make the reverter clause a true safeguard for the city would be to require Hamister to get the city council and the mayor to approve any mortgage before agreeing to subordinate the reverter to it.

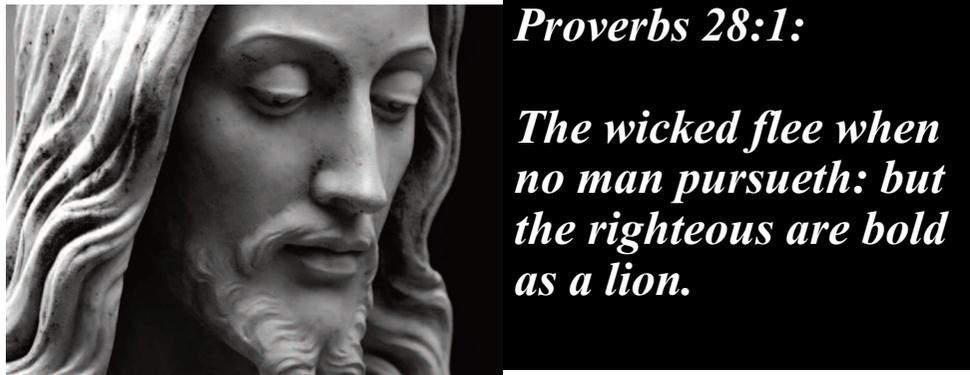
This would protect the city from bogus mortgages and over financing.

And if Hamister honestly intends to build what he has promised, he should not have an objection. Most legitimate construction loans will never give the developer all the money at once but rather in installment draws, based on the progress of the construction.

Hamister would then be held to the same standard any businessman dealing with an intelligent seller would require.

Since the reverter clause as written gives carte blanche to Hamister and could leave the city with nothing, it shows me that the mayor and his people negotiating for the city know nothing about development.

They are rubes ripe for swindling.



Proverbs 28:1:

The wicked flee when no man pursueth: but the righteous are bold as a lion.

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The poor, unbusinesslike way Dyster included the reverter clause in his proposed agreement with Hamister at 310 rainbow Blvd. leaves the door open for the property to become a Hamister parking lot.

Dyster Long Nosed Protecting Hamister



One is reluctant to compare an elected official to the characters of fiction, even one as marvelous as Calro Colodi's Pinocchio, but a comment that Niagara Falls Mayor Paul Dyster made last week, as reported in the Niagara Gazette, had me wondering if the Gazette reporter happened to notice that as Dyster spoke, his nose, long though it is, must have become at least two inches longer.

In defending the murky language and lack of council oversight in his Hamister proposal, Dyster said "should any aspects of the proposal as pre-

sented need to be changed for whatever reason in the future, those changes would be required to be authorized by the council itself."

Pinocchio is a wooden puppet who dreamed of becoming a real live boy.

Dyster is a real live man who dreams of being a puppet of Buffalo interests.

This Hamister "proposal as presented" gives the council zero say in any changes the mayor makes in the future deal.

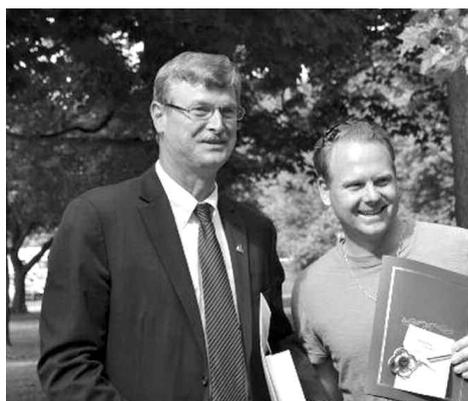
Anyone can go online and read that for themselves. Just go online and read it.

The proposal reads that the Mayor can: "negotiate the proposed development agreement" and change "terms and conditions as the mayor (deems) appropriate."

And after he makes a deal it may "be amended from time to time."

And while there is no formal deal with Hamister, if the council approves Dyster's proposal as presented, they will have no say about any changes or what that final deal will be.

The proposal asks the council to waive the section of the City Charter that specifically requires them to approve all formal agreements:



After doing his best to halt the Wallenda walk, Dyster posted this picture with Nik on his Facebook.

"The adoption of these resolutions shall satisfy any condition or requirement contained in the City Charter or elsewhere for approval of the Proposed Development Agreement . . . and that no further approval by the City Council of the fully signed Development Agreement shall be required."

And this, the man says, means that "should any aspects of the proposal as presented need to be changed for whatever reason in the future, those changes would be required to be authorized by the council itself."

He said it, but it was a lie.

Most unfortunately, in the lives of puppets, there is always a 'but' that spoils everything.

Dyster Takes Credit for Success He Originally Tried to Kill

Take the budget. It is late 2012 and Dyster proposes his 2013 budget.

The budget was 30 days late because, as Dyster explained, he was looking "under every stone" for ways to save city jobs without raising taxes.

But he couldn't do it, saying, "The overall package is far better and a less painful product than what we started with in late summer and early fall."

Dyster came up with an 8.3 percent tax increase for city residents and 20 layoffs in the city's work force.

Dyster's rubber stamp backer on the City Council, Kristen Grandinetti, was pleased.

"To be honest with you, I'm pleased with the outcome of the budget," she said of Dyster's tax hike that would cost the average homeowner more than \$100 per year. "It's been a long struggle to get this far."

The council majority of Sam Fruscione, Glenn Choolokian and Robert Anderson, however, were not pleased.

"We don't accept what we see right now," Fruscione said, "not at all."

By Dec. 10, Fruscione, Anderson and Choolokian came up with their own cost-cutting budget, which cut 42 items and would take Dyster's 8.3 percent tax increase down to zero and re-

store the 20 jobs.

Dyster opposed it.

He vetoed 42 of their cuts. If he prevailed, he would have kept the 8.3 percent tax hike in place. At the heart of the cuts were Dyster's Buffalo consultants and the \$3.1 million the city was paying USA Niagara, which was by far the largest expenditure.

To override the veto of the mayor, the three-man council majority needed a fourth vote.

Grandinetti sided with the mayor, which left only Charles Walker, who normally sides with the mayor.

Possibly, because Walker did not want to face voters this year after approving an 8.3 percent tax hike, he sided with the three-man majority and they overrode 27 of Dyster's 42 vetoes, including cutting \$3.1 million to USA Niagara.

"We balanced the budget without raising taxes," Fruscione said at the time and every homeowner in this city saved around \$100.

One hundred dollars is not much, I can hear the pro-Dyster people saying.

I agree and just to allow you to prove it, I would like you to take a one hundred bill and flush it down the toilet.

But the point is not the budget; it is how Dyster spun it.

It was seven months later: the news of the casino settlement was just in.

Dyster held a press conference to talk about a casino-spending plan.

And taking praise for himself, Dyster recalled the tough budget last year.

"Our financial planning kept us out of harm's way," he said. "We avoided layoffs, tax increases and the need for increased borrowing."

We, Mr. Mayor? He would have furloughed 20 people and raised taxes 8.3 percent.

He was overruled by the council. But that didn't stop him from claiming he did it.

"While there are plenty of critics out there, facts are facts," Dyster said.

And you can almost hear him saying under his breath, "What facts matter? We can have facts tomorrow. Whether we have a fact more or less, the people of Niagara Falls shall always remain the same donkeys."

And a little later, in a more reflective mood, "Would it be possible to find a more ungrateful boy or one with less heart than I have!"

Saying one thing and doing another: a Dyster trademark

Take Wallenda for instance.

Dyster was dead set against Nik Wallenda crossing over Niagara Falls on a tightrope.

That everybody who followed the history of the event knows.

Dyster gave every conceivable reason except the real one: that his nemesis state Sen. George Maziarz made the Wallenda deal.

Dyster said the Wallenda walk will make the Falls look like a "sideshow" (New York Post, 7/5/2011); there will be bad "repercussions" (CKTB News 6/ 23/2011); that he was afraid of "copycats" (LA Times 6/23/2011); and that the event showed a lack of "respect" to the Falls.

Dyster was the sole voice of negativity among all officials, raising the specter of lawsuits, unfair treatment of other daredevils, too much cost, too many people, not enough time to prepare, the wrong date, the wrong time, Olmstead would be unhappy and even that Wallenda might fall to his death.

"If Mother Nature wins (against Wallenda)," he told the Buffalo News, "maybe, in a way, that heightens the mystery of the Falls." Catching himself, he added quickly, "I'm not saying I'm rooting against him."

After absenting himself from planning and press events and carping constantly on how bad this was — while an estimated one billion people heard about the Wallenda walk and consequently were reminded of the grandeur of Niagara Falls on the night of the event; as 16 million watched it on television; and 300 reporters from around the world descended on this city — it suddenly struck Dyster that the momentum of the whole world was against him.

So what did he do? Stuck to his guns, like any honest man would do?

Dyster hopped in front of any camera and spoke now with glowing pride of how he and Wallenda worked together to create this magical night.

And Dyster — the very next day — organized a press conference and presented Wallenda with the key to the city and said the city might erect a permanent memorial on Goat Island to memorialize Wallenda's feat.

"We did it," he said. "You and me, Nik."

To make his hypocrisy complete, on June 22, the mayor changed his Facebook profile photo. He took one of himself alone off his main page and posted a picture of himself standing alongside Nik Wallenda.

Rats Invade Quiet Neighborhood Surrounding Covanta

Frank Parlato



There is a problem with rats. Near the Covanta Energy Plant.

And neighbors are complaining.

What would you do if it happened to you?

We drove to the neighborhood and stopped on Stephenson Avenue near 56th Street .

Right near Covanta. This is a quiet, modest neighborhood. But to live in it now, now that rats have taken over, is disquieting. The black rat, the brown rat. The Norway rat.

Since 1980, Covanta Niagara, L.P., a subsidiary of Covanta Energy Corp. of New Jersey, at 100 Energy Blvd. and 56th Street in Niagara Falls, has been converting municipal waste into renewable energy, which, it is said, benefits the power needs of local businesses like Occidental, Goodyear, Norampac, Niacet and Praxair.



Their incinerator burns 800,000 tons of garbage each year. It comes from various places as rotting, festering, stinking garbage and they burn it.

And sky borne, the smoke fills the air.

They burn garbage from as far as Toronto . And turn it into steam.

Every day 300 trucks come loaded with garbage and rats come along for the ride.

We walked by a few houses and down the alley between 57th and 56th Streets.

There were dead rats.

Some were so far decaying they looked brown and rotting, lumps of carcass, hair and bones sticking through like little chopsticks. Sur-



This dear rat and many others are part of the new landscape on the streets near Covanta.

rounded by flies and maggots.

They were eager to talk this Thursday, early Summer evening.

Neighbors came out when they saw us.

All, it seems, are aware of the problem.

One of the neighbors, Rhonda Grose has lived on Stephenson for 14 years,

"They ruined my pond, dug trenches in my gardens, under my porch and my shed. I watched them from the dining room lifting lids on metal garbage cans in my driveway to get at the garbage. Rats," she said.

"My house smells like a dead rat," said a man who was with her. "They are all over the place."

"I've seen them in my backyard literally like a parade," said Maureen, a resident of 20 years.



"My kids used to put up a tent in the backyard. No way now," said Darlene, a resident of 57th Street .

Was anyone bitten?

No. Not yet.

It's only a matter of time.

A woman said a rat bit her nephew's dog, on 68th Street .

And rats have large teeth and painful bites. Bleeding often occurs.

When cornered, rats will lunge and bite to defend themselves.

Although infection is rare, rodent bites should be cleaned and disinfected.

As we walked with neighbors, we saw more dead rats.

Some were killed in traps. Other poisoned. Others shot by pellet guns.

Neighbors have taken into their own hands.

Pity the poor rats. In a warm nest of garbage, on a garbage truck. Maybe it was Toronto or Amherst . The truck moves. The rats are riding, plump in their garbage, from Amherst to Niagara .

Now it comes to Covanta. Dumped. Soon to be burned. The rats flee.

Avoiding a midnight burn.

Out into the streets. Down Stephenson, running, seeking a place to hide. Up the alleyway.

To live, to find food. The humans, their enemies, if they find them, they'll kill them.

This, they know. If only they could rest. To find warmth, to find a home, someplace safe, anywhere, to hide and find a place of refuge.

Food.

Borrow under this garage. Sneak into this home and eat and live.

Here is a garbage can. But to the rat, it is food.

Like every other creature, rats have a desire to live, to breed, a will to survive.

The average lifespan of a rat varies; two to three years, many live only a year because of predation.

We stopped and stood in the alley now, a dozen people with us now.

"I lived in my home for 15 years and, until two years ago, I never had anything but an occasional field mouse," a woman said. "Last night I found a feral cat hiding in the tree behind my property. I think it's because it's safer there than being on the

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Some 248 Neighbors Up in Arms Sign Petition Charge Covanta with Bringing Rats



They didn't ask for this.... But they now have a neighborhood infested with rats....

ground. Rats roam at night. When I sit on my back porch I tap my feet the whole time to keep the rats from coming and running across my feet."

"A rat chewed a hole through the

siding on my home just above the foundation to get in and steal dog food," said a man.

"Yeah, I noticed a hole walking down the basement stairs. I could see



Covanta's businesses in garbage. Rats are a mere byproduct,...

my neighbor's house," someone said.

A woman: "They run across my feet. I am afraid to go in my back yard at night. I'm petrified to go to work. I work late at night when it is dark."

A woman: "One day I went down in my basement to do laundry and a rat ate a hole through my wall. I could see my neighbor's house next door so I put a trap out and killed it. Then I had to fix the damage."

Man: "I had dead rats in my backyard, about a dozen dead, because I laid poison down."

Woman: "They dug holes in my yard. I can't plant a garden anymore," and she showed us her lawn and the holes rats made borrowing under her garage.

Man: "I'm afraid to go to my backyard at night anymore. They are all over. You can hear 'em. It's crazy."

A woman: "I had one laying in my garden the other day, halfway hung over, dead."

Man: "For 22 years, I've never even had a mouse in my home. Now they got holes in my yard. I can't plant a garden anymore."

Who do you think it is?

"Covanta," they all said at once.

Lady: "I got a friend that worked over there. They personally called him in to do work, because the rats were up in the ceilings, and he had to remodel the ceilings of the Covanta building."

A lady: "The man next door put multiple traps out there every night and



Covanta has been in Niagara Falls for years....

catches them every day. There are probably some lying there in his garbage right now. I've never even had mice in the 20 years I've been here, before this..."

A man: "How about the other night where I had my two dogs fighting over the one that they kicked up in the air and I ended up stopping them so they don't get bit. There was one near the garbage can the other night, that I killed stopping them. The last six months, we've had them like crazy. There's one right there smushed in the alley."

"I have a weak stomach. I have a hard time with them. The other night I had to kill it. The gentleman over here is trapping them like crazy. I can't put traps up on my yard because of my dogs. I can't rat poison my dogs. It wasn't a big deal, until these people started bringing garbage from all over the place. I don't know. One of these gentlemen here, actually saw the rat coming out of the garbage truck, coming down the street. ... I have a 6 six year old grand daughter that I'm raising. I have concern over her getting bit. Me, I'm a big guy. I can take care of a little rat, maybe. I have to have somebody out there all the time with my granddaughter."

A woman: "She is not allowed in the night. I think about this all the time. I saw a dead rat in my front yard."

Man: "I have custody of my six year old granddaughter and if she got bit and anything happened to her, it would kill me."

Man: "I was sitting in my kitchen



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Dead rats all over the streets and sidewalks



Once a quiet neighborhood, where quiet people lived and made their way in life. Today they are challenged by a strange new world. One where rats are brought in and are sought out, poisoned and trapped.

the other night, eating, and one ran right across the floor. Yeah 6 -8 inches big."

Woman: "You can hear the rats in the backyard. There's no way you can put a tent in the backyard and let your kids sleep there now. I used to sit in my backyard all the time, dinner parties and I haven't even lit a fire this year. I put dirt in the holes where they dug. They ate a hole on the side of my house."

Man: "I have seen them at night, come across the street. In this property, which is a rental property now... What was happening was they were actually chewing through this asphalt and they have an asphalt floor all the way in that garage."

Man: "You see trucks drive long distance with garbage. I was talking to the drivers, and they said they find rats in them a lot. My cousin is a heavy equipment operator and union hall would send them up here. And he had the job of pushing the garbage out of the truck to the dump here, in a pile, where they get ready to burn it. And in the winter time especially it was worse, because rats are looking for warmth."

Garbage trucks are warm inside when they sit overnight. and there'll be at least five rats in almost every truck. Now imagine how many trucks are coming in and dumping here every day. And they don't come from just here. They come from Tonawanda , Amherst , Kenmore , Canada . So you know there are rats in that stuff. Now it's summer. They are running all over the place. They are chewing holes in the walls. I went to the basement to do laundry and I see the hole. I set a trap and caught it. I had to put new siding, mortared the sill, put in a new sill, new wood, put the siding back up to keep them out. I found a rat as big as my shoe. About a foot. Tail to head."

Another man: "I've seen them jump off garbage trucks...."

Last Friday, Grose petitioned their neighbors from 57th Street and Stephenson Avenue to 63rd Street , collecting 248 signatures. The petition read: "We would like to stop Covanta from bringing in more garbage and rats. We would like Covanta and the New York state DOT to end the current rat infestation in our neighborhoods



and help us control the rat population in the future."

On Monday they brought that to City Hall.

And Rhonda Grose called every politician she ever voted for.

She tried contacting Covanta.

Only City councilman Sam Fruscione responded.

He, in turn, contacted Dennis Virtuoso, acting director of the code enforcement department. He came with a Board of Health official and Covanta's Plant Manager, Kevin O'Neill, last Friday.

They found a half dozen rats. Two were in a swimming pool.

Virtuoso said he's not convinced the rats are coming from Covanta.

They might be coming from the Buffalo Avenue construction site.

"Why would the rats leave Covanta?" Virtuoso said. "They have a smorgasbord right there."

O'Neill expressed a similar comment, it is said.

"We heard the concerns and we are trying to address it," Virtuoso said.

Grose and her neighbors - maybe all 248 of them - will be attending an informational meeting about the Covanta Niagara expansion at 6 p.m. on Aug. 14 at City Hall.

Imagine how it would be, if it happened to you.

You hear the scratching 20 seconds of, "pfft-pfft-pfft," followed by silence ...

The noise comes again. As soon as darkness descends, you hear them. You become convinced you can smell them too.

A distinct odor. Sweet, acrid, vile.

You find some droppings. They are too large for a mouse.

Looked like coffee beans.

The baby developed sniffles - what if it was caused by the rats.

Then you make visual contact. One rat, then another. There are three, each a good six inches long, scuttling across your kitchen.

One heads behind the fridge, another disappears under the dishwasher.

You came and put down poison, but can't find where they are getting into the house.

Rat traps with a sickening "snap" and every night you load them with peanut butter or cheese. Within a week, eleven dead. Go get 'em out.

A stinking, blood-spattered rat slides out.

You awake in the small hours of the night and hear them, gnawing at the woodwork underneath the floor boards. One dies down there: You smell it for months.

Anxiety, dread , panic, irregular heartbeat, sweating, nausea, dry mouth shaking.

That's how people feel when they confront rats.

The people near Covanta are confronted.

248 of them signed a petition.

Having your life invaded by them, finding them eating your food, being surprised when they jump from a trash can, smelling them, getting sick from them. As fear can be triggered by the mere presence of a rat in a room. Some are repulsed by how rats feel. A startled response, occasional fright.

What would you do, if it happened to you?

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Start-Up New York Creates Unlevel Playing Field in Highest Taxed State

One of Gov. Andrew Cuomo's latest initiatives for the people of New York is called "Start-Up NY," a program that will attempt to attract out-of-state and start-up businesses by giving them a tax-free advantage over established New York businesses.

Start-Up NY will permit tax-free zones around state universities and certain colleges.

The plan authorizes Albany-appointed university "leaders" to propose creating tax-free zones and choose new businesses to have the tax-free status, subject to the governor's approval.

The juicy, press-friendly element is that the new businesses will aid, promote and work synergistically with the universities, offering employment to their graduates.

The competitive edge these new businesses will enjoy will extend to employees and various incentives will last from five to 10 years.

After that, businesses and their employees will be taxed at the same rates other businesses and individuals in New York pay, which, according to the Tax Foundation, a Washington, D.C.,

foundation that studies taxation policies in the U.S., are the highest in the nation.

New York State has the most "penalizing tax system, in the nation," according to the D.C. foundation.

State Assemblyman Joseph Borelli (R-Staten Island), a critic of Cuomo's plan, said by its very premise, Start-Up NY "acknowledges that New York's tax structure is crippling business and ... allows a politically connected panel to pick winners and losers."

The losers, he said, "are every one of the state's 2 million existing businesses."

It has apparently not been determined how many existing businesses will leave New York for states with lower taxes during the same period Start-Up NY affords new businesses tax-free status.

Cuomo's idea, he says, is that by letting select businesses launch tax-free businesses and allowing their employees to pay no state taxes, it will help people establish roots in New York, especially young college graduates likely to be hired as part of the uni-

versity-centric plan.

"If we keep them for 10 years," he said, "they'll develop roots in the community. They [will] buy a house. Their kids will be in our school systems. But we have to get past that initial one-year/ two-year period where they're leaving now for more competitive states."

Of course the last statement is stupid. An example of all that's wrong with government meddling. An unlevel playing field, favoring new businesses over old, is the ruse needed to hook young people. The bait to hook the fish. Once into the nest of family life, it will be hard to go to a better state where government is friendly and consequently, the quality of life is better.

But wouldn't it be better — not to mention more honest, if one really wants to keep people from going to more competitive states — to make New York a competitive state for all businesses?

To reduce taxes and to have less government meddling?

Start-Up NY will undoubtedly

boast its share of success stories. These will be paraded in the press as proof that the plan is a success. What we will not see is the number of established companies that will leave New York because Start-Up NY gives new businesses an unfair advantage. What we will also not see is the continuous loss of businesses, not only mid-sized companies, but existing small businesses that New York State is losing every day because it is not competitive.

What we will also not see and have no way to track are businesses who would have come to New York if it were a competitive state, but will ignore Start-Up NY. Businesses that decide the long term advantages of moving to a low-taxed state or offshore, where their business can enjoy a low-tax environment, is better than the temporary advantage of moving to New York to take advantage of plan that expires in five or 10 years, then afterwards puts them in a penalizing tax system which, through uniquely poor, inept and corrupt governance, New York state provides for its businesses and its people.

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Smart Start-ups will avoid NY

START-UP NY FACTS:

Tax-Free: Participating companies in START-UP NY will not pay any taxes (business/corporate taxes, sales taxes and property taxes) for 10 years. Employees in participating companies will pay no income taxes for five years. For another five years, employees will pay no taxes unless they earn more than \$200,000.

Eligibility: A business will need to align or further the academic mission of a college or university in some sort of hazy fashion. Businesses must: Be a new start-up company or a company from out-of-state relocating to New York or an existing New York State company that is creating a brand new line of business.

Bans competition, but not really: START-UP NY program says businesses that compete with other "local" businesses outside the tax-free area would be ineligible to participate. There is apparently no ban on competing with other

New York State businesses that are not local.

Empire State Development, which is under the governor's complete and exclusive control, can determine who is and who is not eligible.

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Letters to the Editor

In reading last week's Reporter regarding police blotter? Who cares about the police blotter? I would rather see letters to the editor in that space. We never see them, only online. We want to know what the people think.

Nancy

Don't Blame Yvonne for Trying

I read an article today about Yvonne's Bakery. I was offended how the owner was portrayed as some woman who took grant money from the city and squandered it. Recently I took a business class that said more than 50 percent of small businesses don't make it past the first year.

You can't blame Mrs. Strong for trying or for the fact that money was given to her without educating her properly on what it takes to run a small business. Much of what was said was true, but don't make her to look like some type of criminal. She tried, it failed. and I pray that she learned something from it. Hopefully she will regroup and begin again. This city is already seen by it's citizens as a negative place to be. Let's stop crucifying people and deal with some real issues

without degrading our neighbors.

Ecia Parmer

I Enjoyed Reading Dog Days of Summer Memories

Mr. Editor, I enjoyed reading Mr. Farina's page on "Dog Days." I fully agree with his view of summertime memories. That's the time to not only remember but to make new ones for the future. I remember years ago (many) when I was coaching a baseball team for the North Tonawanda National Little League. As the days went by, I had noticed a gentlemen always standing by himself along the third base spectator area. Seemed odd. He showed up sometimes at practices, but mostly at games... wearing a white shirt, tie and jacket, even in the hot days of June.

Sometimes no jacket and the tie at half-mast. Being curious, one day I asked him who he was. He was none other than Tony Farina. His son, Matt was on my team.

He came to watch his son play as often as he could. He stayed by himself because people might recognize him, and it would take away from the enjoyment of watching Matt play. My

team wasn't all that good, but they never quit on the game or themselves, especially his son. He taught Matt to be fair, play hard, and to be kind to others and to hold his head up, win or lose. He taught me something much more important that I still stick to. He taught me that it's the little things in life that can be the most important

and after all, aren't our children part of the little things in our lives.

To you Mr. Farina, A very Happy Birthday and many more for your memories and for those you give others.

Respectfully,
Dennis J. Barberio
Certified N.Y.S. baseball Umpire

Governor Should Not Use Casino for Press Conference

I think it is extremely insensitive of the Chamber and the Governor to hold his press conference at the casino. Everyone in the business community knows that local businesses are struggling because of the casino having unfair competitive advantages. While the property owners in the city of Niagara Falls pay the highest property taxes in

the nation, they pay no tax, they allow smoking, they give free drinks away, they don't pay for city services, they were given the best location in the city for \$1 and most of all they don't have to comply with the sea of red tape that envelops all other businesses in the State of NY.

Furthermore, their goal is to keep as much of the business inside the casino as possible without sharing or working cooperatively with the rest of the business community. Wouldn't City Hall, the Conference Center, the Sheraton or the Rapids Theatre have been much better choices? In fact although it will sound trite and self-serving, I believe it would have been very enlightening for the event to have been held at the Rapids Theatre so the City of Niagara Falls can showcase where the economic development dollars really need to be spent!

I must respectfully decline your invitation and tell you how disappointed I am at your decision regarding the venue for this highly publicized event in which you and the Governor are supposed to be showing your support for local business.

John Hutchins

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Erie County Jury Awards Three Million Dollars to Former Ashland Oil Employee in Mesothelioma Case Represented by Lipsitz & Ponterio, LLC

BUFFALO, NEW YORK – The law firm of Lipsitz & Ponterio, LLC is pleased to announce that, after a two week-long trial presided over by New York State Supreme Court Justice Hon. Jeremiah J. Moriarty, III, an Erie County jury delivered a verdict in favor of the family of Lee Bernard Holdsworth in the amount of three million dollars. Mr. Holdsworth was diagnosed with mesothelioma in February 2012 and died on January 17, 2013, in the care of Hospice of Buffalo. He is survived by his wife of over fifty years, three children and ten grandchildren.

Mesothelioma is a rare and generally incurable form of cancer caused by exposure to asbestos.

Lee Holdsworth began his career at the Ashland Oil facility in Tonawanda, New York, in 1956, and he was promoted to the position of Lab Tester in 1959, which he held for nearly 20 years. Beginning in 1963, Mr. Holdsworth was required to partic-

ipate in “shutdown work,” which took him out of the lab area and into the refinery where he removed asbestos gaskets from valves manufactured by Crane Co. This work required him to grind asbestos gaskets from valves, creating visible dust in the process. Despite its knowledge of the harmful effects of asbestos since the early 1930s, Crane continued to incorporate asbestos into its products without warning the user.

The jury assigned 35% of the responsibility for damages to defendant Crane Co. for causing Mr. Holdsworth’s injuries and the remaining percentages of responsibility to other entities, including those defendants which settled before trial. The jury also found that Crane Co’s actions were taken with reckless disregard for the safety of others.

“The jury sent a strong message to Crane Co. that it cannot market hazardous products without providing any warnings,” said Michael A. Ponterio, a

partner at Lipsitz & Ponterio who, together with Lipsitz & Ponterio attorneys John P. Comerford and John I. LaMancuso, represented Mr. Holdsworth during this trial.

This case was filed in New York State Supreme Court for Erie County, Index No: I2012-1161.

About Lipsitz & Ponterio, LLC:

Lipsitz & Ponterio, LLC, established in 1995, concentrates its practice

in the areas of asbestos disease and lead poisoning litigation, medical malpractice, insurance liability, personal injury and worker’s compensation matters. The Firm has achieved thousands of settlements and numerous verdicts on behalf of its clients harmed by toxic substances. For more information, visit Lipsitz & Ponterio’s website at www.lipsitzponterio.com.

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Warshaw Won't Return Calls But Continues Sending Invoices Here

Mike Hudson

International man of mystery Robert Warshaw continued to elude diligent Niagara Falls reporters last week, failing to return numerous calls and emails asking him to explain why in Oakland, Calif., Detroit, Mich., New Orleans, La., and Puerto Rico, his company calls itself "Police Performance Solutions," while in Niagara Falls it calls itself "Warshaw Associates."

The team players are all exactly the same, as are the hourly charges of \$200 an hour per man. What's different is the name of the company.

Many have speculated that the name change has to do with campaign contributions given to Gov. Andrew Cuomo or his running mate, Lt. Gov. Robert Duffy, who used to be Warshaw's underling in the Rochester police department, but the Reporter has been unable to uncover any such contributions in a search of the New York State Board of Elections online database.

"Our department's administration was forced to sit through three conference calls with prospective monitors in order to hire one," a high-ranking NFPD officer told the Niagara Falls Reporter. "We wanted to hire a gentleman from Pittsburgh, but when this was told to the Attorney General's office, the department was told basically to 'pick again.'" At that time, Andrew Cuomo was still attorney general.

Warshaw's presence in Niagara Falls is an anomaly. In Detroit, Oakland, New Orleans and Puerto Rico, he operates under consent orders issued by the United States Department of Justice. In Niagara Falls, he is here under the auspices of former state attorney general and now Gov. Andrew Cuomo, whose running mate, Lt. Gov. Robert Duffy, has a longstanding personal relationship with Warshaw dating back to when both men served on the Rochester city police department.

Niagara Falls Mayor Paul Dyster, a strong supporter of Cuomo's and no friend of the police, agreed to have an outsider oversee the NFPD in the run-up to the 2010 election.

Unlike the federal consent orders, which require proof of actual criminality on the part of police officers performing their official duties, the Niagara Falls deal was based on a small number of unsubstantiated complaints solicited by then gubernatorial-hopeful Cuomo, who was hoping to make headlines on the Niagara Fron-

tier in order to offset the perceived threat posed by the maverick candidacy of Buffalo developer Carl Paladino.

Paladino carried Niagara County and Warshaw's presence in Niagara Falls, along with the recent "settlement" between the state and the Seneca Nation of Indians centering on the Seneca-Niagara Casino, is widely seen as payback to a disloyal populace here.

Dyster and Cuomo both failed to investigate a single one of the complaints to see whether or not they were true. One source who has seen the complaints said one of them involved the child of a police officer who kicked a football into her yard. City police brass and union representatives were not even made aware of the consent agreement prior to it coming up for city council approval.

And if the experiences of Oakland and Detroit are any indication, our cash-strapped city may be paying for Warshaw's alleged services for decades to come.

A recent article in the Detroit Times, where Warshaw has been overseeing the police department since 2009 and billed more than \$1 million, shows that in his estimation, the force is 91 percent compliant with the various regulations it is his job to institute. But that's not good enough, he said.

"We acknowledge the long road that brought us to this point, but we must also articulate our concern with the fragility of the achievement and the ease with which it can slip away," Warshaw wrote. "The devil – of course – is in the details, and the details make clear the fragile nature of compliance and the need to stabilize and institutionalize the reforms."

In other words, he's been working there for four years, but isn't leaving anytime soon. Why should he? He gets paid by the hour.

When Mayor Dyster presented the Warshaw contract for approval to the council, he promised the probe would take just six months and the cost to city taxpayers would be no more than \$57,000.

He was either misinformed or just lying. Three years later, Warshaw has invoiced the city for almost \$150,000 and there's no end in sight.

The Niagara Falls consent agreement is set to expire in November and Warshaw is already lobbying hard in Albany to have it extended. With the mealy-mouthed Dyster serving as little

more than a water boy to Cuomo, that's bad news for city cops.

Warshaw has no interest in seeing his Niagara Falls gravy train come to an end this fall, and it is believed he has enough juice in Albany to make sure it doesn't.

Police sources have said Warshaw's directives conflict with the Civil Service code, union contracts and state law and are largely unenforceable.

In recent weeks, the Reporter has detailed the sexual harassment accusations that Oakland City Administrator Deanna Santana made against Warshaw and the claims of his own brother, former Miami police chief Donald Warshaw, concerning a land swindle involving their aged mother in

North Carolina.

Again and again, this newspaper has reached out to the mystery man in the hope of getting some on-the-record comment about these scandals, his presence in Niagara Falls or anything else.

But he has steadfastly refused to return any telephone calls or emails, creating the impression that he is above having to answer to the taxpayers who foot his exorbitant bills.

We can only hope that, come November, the city council majority finds enough backbone to buck the Dyster-Cuomo combine, say no to Albany cronyism and refuse to fund the continued presence of Robert Warshaw in Niagara Falls for three more years.

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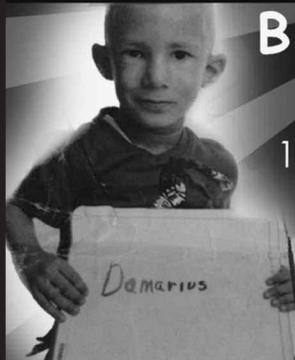
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Senecas Pushing for Master Development Plan



Ross John wants to make plans.

What's ahead for downtown development in Niagara Falls now that the possibility of a new casino has gone up in smoke with the settlement of the gaming impasse between the state and the Senecas?

Well, the Hamister hotel project remains up in the air over the council's concern about the wording of the resolution that would authorize the sale of the land to Hamister to start the ball rolling.

As for the other potential players, the only stakeholder willing to talk on the record about development possibilities is Ross John, chairman of the Seneca Nation's Commission for Eco-

nomie Development.

"What we need is a master development plan," John told the Niagara Falls Reporter when asked to comment about development possibilities in Niagara Falls.

John said the Senecas have had discussions with various people about possibly working together on a major entertainment/tourism project, but so far nothing has come together.

"We're hoping that these talks we're having will lead to something that makes everybody whole," said John, but he emphasized that all the parties eventually need to come together on a master plan that will inject

new energy and excitement in the downtown area.

"We would like to do something to help Niagara Falls," said John, "but we have other interests [Salamanca, Buffalo] and eventually we'll have to make a decision. Right now, our talks in the falls are just get-togethers to see where things are going."

John did sound optimistic that progress on a master plan could come in the near future, but he also warned that if things don't work out in Niagara Falls, the Senecas will turn their attention to their other interests in the region.



Another Road Plate About to Fall Off

As of press time, the Niagara Falls Reporter observed a road plate on 10th Street and Buffalo Avenue that was not pinned down and had slipped some two feet from its original position.

A road plate keeps motorists and pedestrians safe by covering holes dug under roads as part of road construction.

Without them, a mishap may be fatal.

In July 2011, Kevin Johnson, 44, of Niagara Falls, died after he fell into an uncovered catch basin on 17th Street between Pine Avenue and Elmwood while riding a bicycle.

Contractors working on the road said the road plate used to cover the basin was stolen.

Road plates have four holes on the outside corners so they can be pinned

down into the pavement. Then they won't be stolen and won't slide away.

This simple, obvious, safety procedure would have prevented Johnson's death.

As one can see from the picture, the road plate has moved.

The rust stains on the road show that. One can also see there are no pins holding it down. This could quickly become a dangerous situation.



LABORERS' LOCAL #91 HAS PROVIDED FOR AND ACTIVELY PARTICIPATES IN A PROGRAM KNOWN AS LECET

LECET - the Laborers Employers Cooperation and Education Trust. From the beginning, Laborers' Local #91 LECET has instituted programs to ensure a safe jobsite and to bring contractors and the unions representing their members together in cooperation to advance and deliver quality construction projects to the business owners utilizing their services. Such cooperative programs are authorized and encouraged by the Federal Management Cooperation Act of 1978. Joint meetings between labor and management explore and develop innovative ways to promote the industry to the decision-makers who need to be aware of the benefits of building union. These sessions have been well attended and valuable input has been provided by both parties. The Local #91 LECET Trustees are always open to new and innovative ideas to accomplish the goals to advance the mutual interests of the contractors and Laborers' Local #91 in this current challenging economy. Each individual participant in our industry is encouraged to provide input through the Local or the Trustees. Improved relations between employers and the unions representing their employees produce jobsite benefits to all parties including project owners. Construction market share increases when the parties come to understand and appreciate their respective roles in the industry. The health and safety of the regional public is promoted through the combined effects of labor/management cooperation in concert with the second-to-none Skilled Laborer and Apprentice Training Program overseen by the Union, contractors and the NYS Department of Labor. Public relations and advertising campaigns utilizing radio, public television, billboards and bus card displays were designed to educate the public on the positive role construction labor and management play in the regional economy. There can be no question that the Local 91 LECET is a highly positive factor in the Niagara County economy and beneficial to all parties involved.

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Second Court Decision Spills Bloomberg's Soda Ban

New York City Mayor Michael Bloomberg's "soda ban," which sought to restrict certain establishments from selling soda cups larger than 16 ounces, was struck down a second time last week.

The New York Statewide Coalition of Hispanic Chambers of Commerce brought the lawsuit and the state appeals court ruled it an unconstitutional abuse of the city's power.

Bloomberg promised to appeal.

Bloomberg proposed that restaurants, delis, fast-food chains and movie theaters not sell "sugary drinks" larger than 16 ounces — arguing it would help fight obesity and bring health costs down.

Failure to comply could have led to a \$200 fine.

The city's Board of Health adopted

the proposal without council approval.

The state Supreme Court's Appellate Division determined that Bloomberg's effort exceeded the city's authority because it was enacted without legislative approval.

The decision affirms a ruling earlier this year by a lower court to put the policy on hold.

Nearly 80 percent of sugar-sweetened beverages are sold in supermarkets, big box stores and convenience outlets, according to Beverage Digest; these types of establishments would not be covered by the Bloomberg size limits.

The ban did not apply to pure fruit juice or fruit smoothies, drinks that are more than half milk, calorie-free diet sodas or alcoholic beverages. Milkshakes were exempt.

"Keep in mind, we're trying to save the lives of these kids," Bloomberg said. "The state should do exactly the same thing in stores."

The argument for banning large sodas is that it will save people from themselves.

The issue is the ability of the government to dictate what we can and cannot eat or drink.

Should government decide food choices?

Should people continue to eat fatty foods while not being required by the state to exercise?

Should large orders of fries and double-meat cheeseburgers with bacon be banned?

"We cannot continue to have our kids come down with diabetes at age 6," said Bloomberg.



St Paul to the Thessalonians:

"For even when we were with you, this we commanded you, that if any would not work, neither should he eat."

Council Recognizes Laborers' Local 91

The Niagara Falls City Council issued a proclamation at the Wednesday July 24, 2013 council meeting recognizing Laborers' Local 91 for their: contribution to the labor movement; building an education and training center; commitment to Niagara Falls and Niagara County.

"Local 91 is a partner and an asset to our city, county and region," said Council Chairman Glenn Choolokian. "Local 91 has worked cooperatively with the private and government sectors to create jobs and build our community, their education and training center is a state of the art facility that is known across the country."

The Armand E. Sabitoni Education and Training Facility - located at the 4500 Witmer Industrial Estates - is owned and operated by Laborers' Local 91. Local 91 is a member of the Laborers' International Union of North America (LIUNA). The community



Dick Palladino, business manager of Local 91.

training facility provides workers with an opportunity to acquire the skills and knowledge to compete in today's workplace. Building construction, heavy equipment operation, environmental remediation, demolition, weatherization and green construction



are some of the education and training subject areas.

"Local 91 and Dick Palladino, their business manager, have generously offered to assist our city workforce in receiving training in a number

of areas. That offer is much appreciated," said Glenn Choolokian. "I have consistently found this union to be responsive and sincerely interested in working to make our city and county a better place to live, work and do business."

The City Council proclamation recognized Mr. Palladino "...for his tireless efforts in representing Local 91, for his unending drive to develop the training and education capacity of Local 91, and for his sincere work to build the American labor movement and the Niagara Frontier."

Award Winning!

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Lockport Candidate Has Agenda For Change

Paul Black

Republican candidate for Lockport Town Council.

In the course of collecting 336 signatures, I found that many of the voters of Lockport have come to the same conclusion as I have — that our Town Board seems to have more in common with a privileged clique than a representative body and that needs to change.

At public meetings, resolutions are made and passed with no explanation; documents that might aid public understanding are absent; "public comments" are solicited and then ignored; and, despite well-presented public objections, the board always votes as it previously intended.

At its 7:30 p.m. "monthly board meeting," the Town Board never discusses what was transacted at its 1 p.m. "work sessions" — while you and I were working. As a result, 7:30 p.m. meetings have become little more than a meaningless public performance.

I am running for town councilman because: 1) I am offended by what I see, and 2) I have an agenda for change

— two referendums to be voted by the people at the November 2013 ballot:

1) Change our "at-large" Town Board to one of four "wards." The obvious benefit is that your councilman will be required to live in and be elected from your ward. It's my hope that this will make our council members more representative (of where they live), and if not, more easily replaced.

2) Establish public meeting bylaws that respect the owners of government — the people. Of the five proposed bylaws — meetings, voting, documents, control of meetings and legislative authority — no bylaw is more important than that which moves all Town Board meetings to evening hours. The current practice of holding one to three meetings per month at 1 p.m., while the town's largest audience is working, will cease.

In these referendums, I find hope: 1) for a town board that is representative of the people and 2) for a town board that is respectful of the people. Change is long overdue and I will work, tirelessly, for the people of Lockport to achieve this end.

Niagara Purple Eagles Travel Softball 2014 Tryouts

U10 U12
U14 U16

The Niagara Purple Eagles are looking for motivated, competitive, hard working, team players to complete our 2014 rosters. The Purple Eagles program provides a complete "year round" training regimen on campus at Lew-Port High School that includes weekly team practices and also weekly pitching and hitting clinics that are designed and supervised by qualified and experienced coaches at no additional cost to the player.

The Purple Eagles are teaming with the Town of Lewiston to create a first class program here in Niagara County and would love to have you come out and compete for a spot on one of our teams. Tryouts are as follows;

10U/12U Wednesday August 14th and Thursday August 15th at

6:00pm
14U/16U Friday August 16th and Sunday August 18th at 6:00pm

All try outs will be held at the brand new softball complex at Kiwanis Park in Lewiston. Registration begins at 5:30pm and a non-refundable \$50 deposit will be required to hold a roster spot if a player is selected to one of our teams.

For more info go to our website at www.leaguelineup.com/purpleeagles or contact Thomas Deal at 940-0155 or email Baddeal@yahoo.com.



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North Tonawanda History Museum a Spectacular Success

Frank Parlato

The North Tonawanda History Museum, 54 Webster St., is a 10,000-square-foot, remarkably comprehensive museum, almost unparalleled in scope for a city of 31,000 people.

The museum was established in 2004, in a 19th century storefront where the Misses Balance once made dresses, and Eddie Pickard had his furniture store and old John Schulmeister operated his dry goods store until 1926.

Many may remember the building from its days as Murphy's 5 & 10, established in 1928 and closed in 1997.

In place of the old lunch stand is the museum, created and sustained by a grassroots group and not funded by government subsidy.

Inside it are an amazing collection of artifacts of a city that never surpassed 35,000, even in its heyday.

North Tonawanda's history is intricately bound with the Erie Canal, whose terminus lies there at the Niagara River and a significant part of the museum is dedicated to that.

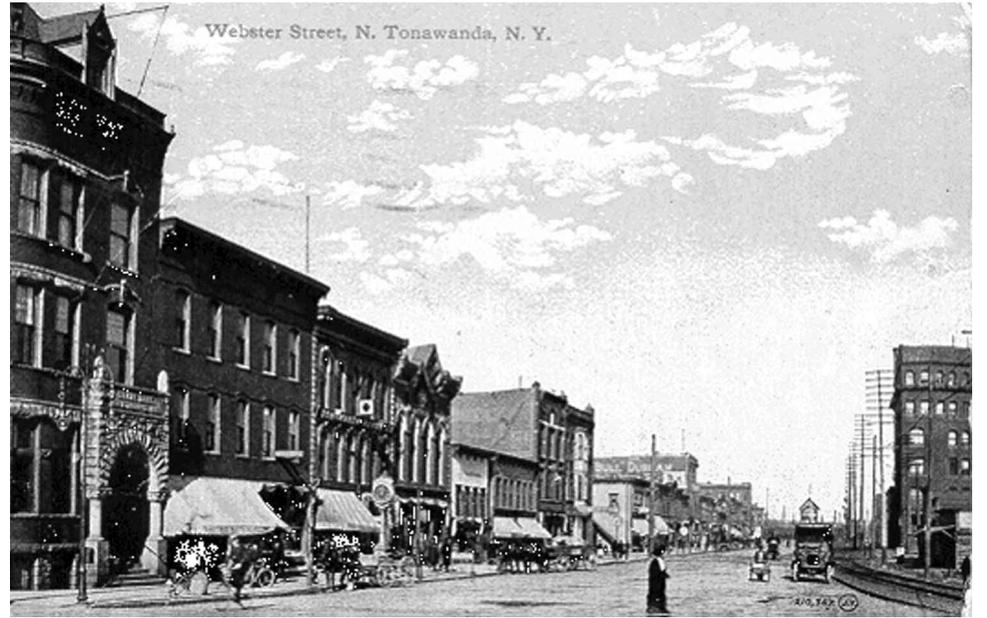
From 1850 through the 1970s, the forwarding of lumber made North Tonawanda one of the country's largest ports and attracted more than 150 lumber companies, earning the name, "the Lumber City."

As you visit the Lumber Heritage exhibits, you feel you almost know the lumber barons, whose mansions lined Goundry Street. Albert B. Williams or Alexander Granger Kent, and their banker and neighbor, James DeGraff and old Daniel Webster, a partner in a lumber company, often visited here.

The name museum comes indirectly from the Latin, by way of the Greek, and was originally a temple to the Muses, a building set apart for study.

The Muses loved to inspire the honest heart.

Inside the North Tonawanda History Museum, everything was gathered clean and honest. It was either donated directly or purchased with funds donated by the community, not poached by subsidies of a government that cruelly takes the bread away from the mouths of working people only to



When it was The Lumber City...

spend as wastrels.

"When we began planning a history museum in the fall of 2003, we assumed we would have to resort to virtual reality to tell the history of North Tonawanda," explained Donna Zellner Neal, executive director of the museum. "But those who wanted their own history museum in North Tonawanda

have given us what they wanted us to build."

Beyond the Main History Hall is the Erie Canal Exhibit Hall and exhibits, in turn, display more than a glimpse back in time of the once great business enterprises alongside the canal.

There is The Payne Avenue Heritage exhibit, The Oliver Street Her-

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Museum will take you back in time, and show you ... this community as it once was...



How it is now...

itage room, the Tonawanda Island-River Road Heritage room.

Exhibits of the Richardson Boat Company, Remington-Rand, Herschell-Spillman/Armitage-Herschell, Niagara Motor Boat, Doby Marine, Bison Shipyard, Benson and Meyers Coal all catch the eye and speak to a bygone era, not long ago when anyone who wished to work could get a job.

There are the Military Exhibits. From the War of 1812, to the Korean

War, there have been men of this place, like any place, who served and died. Here they are remembered.

Over here are the tools used by a farmer in his 18th century cornfield. Here, an exhibit of soda fountains and penny candy shops.

There's the William C. Wittkowsky Exhibit room, with the war-hero-turned-mayor's antique cameras and his wife's wedding gown.

It was more than 60 years ago when the former Miss Wilma Kuhn of Kenmore left her mother's home to marry a man and make North Tonawanda her home.

Over there, there is more: a wall covered with wedding photos.

People are meant to go through life two by two. 'Tain't natural to be lonesome.

At the beginning, He made them male and female.

A step beyond, and into a room: a room full of wedding photos and wedding gowns.



1930's Burroughs Comptometer.

Here is the wedding dress of someone long in the grave, but on that wonderful day, she wore that dress; they celebrated life, and she was the center of all attention.

Names of the past, like rains and distant whispers, are alive in this museum.

The Clarks, the DeGraffs, the Van Voorhees, the Kohlers.

Peter Porter, Geneva Thompson, Frederick and Ruth Robertson, Milton Praker, Frank and Lottie Piwowarczyk Mroz, Joseph Labarbera, Susan Gelose, Adam and Mary Gondek, Benjamin Long, Mary Hershey Long and the Rands: Benjamin Long Rand, James Henry Rand, Nancy Rand, George Franklin Rand, Calvin Gordon Rand and Almira Hershey Long Rand.

Over here is the Wurlitzer Exhibit Hall with its 1840 pump organ and 1880s organ from the First Methodist Church.

This organ played so many times, "Softly and Tenderly Jesus is Calling."

And you can hear the Reverend Watson preaching, "There's something way down deep that's eternal about every human being" and leading them in song, 'Into the woods my Master went.'"

Clean forspent, forspent...

On a small hill opposite the Akropolis, a man named Musaeus, philosopher, historian, polymath, hierophant, prophet, seer, priest, poet, musician and of all men most advanced in lore, would go each day and sing on the hill to the delight of all the truth seekers, the mystic and oracular verses, the most sweetest to mortals, of all things.

He grew old and died on the hill



Robert and Mary Nowark on their wedding day, September 17, 1931.



Mary Nowark's wedding dress, 82 years later... at the NT Museum.

and was buried on the hill.

It is said that the first museum, Plato's in Athens, was named after Musaeus.

This tells us much about the true meaning of museums.

The North Tonawanda History Museum is an open door to the past, a gateway to learning, in a sense, an oracle on a hill.

It should be heralded for its signal accomplishment.

Admission to the year-round museum is \$5. Seniors and veterans pay \$3 from 10 a.m. to 4 p.m. every day except Sunday through Labor Day.

Phone: 716-213-0554

Visit their website: www.nthistory-museum.org.



Early 1900's wood and gas cooking stove... One of thousands of artifacts found at the North Tonawanda History Museum.



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The Addams Family Reruns Airing on WBBZ-TV



The original Addams Family is now on WBBZ

WBBZ-TV (Channel 5) announced last week that episodes of the original television series "The Addams Family" are now airing weeknights at 11 p.m. from now through Sept. 6.

The Addams Family aired from 1964 to 1966.

While not entirely successful in its original run, it became popular in syndication.

Of the original four lead actors, Carolyn Jones (Morticia), 1930 – 1983; Jackie Coogan (Uncle Fester), 1914– 1984; Ted Cassidy (Lurch), 1932 – 1979; and John Astin (Gomez); only Astin, born in 1930, is alive and

currently teaches acting at Johns Hopkins University.

Felix Silla, who played Cousin Itt, made a recent appearance at the Marilla Car Show, where Silla filmed a spot promoting the show on WBBZ.

Among the enduring elements of the show is its theme song. Written and arranged by Hollywood composer Vic Mizzy (1916 – 2009), who sang the quirky lyrics and played harpsichord while finger-snaps were used as percussion, the song has been licensed for other television shows, used in merchandise, commercials and at U.S. sporting events.

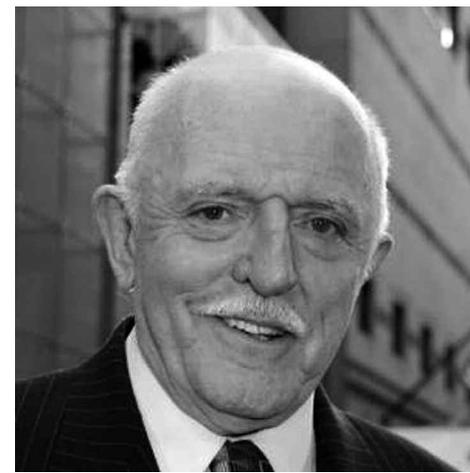


Vic Mizzy at his home in Bel Air. "Two finger snaps and you live in Bel-Air," Mizzy once said, referring to his success with the "Addams Family" song.

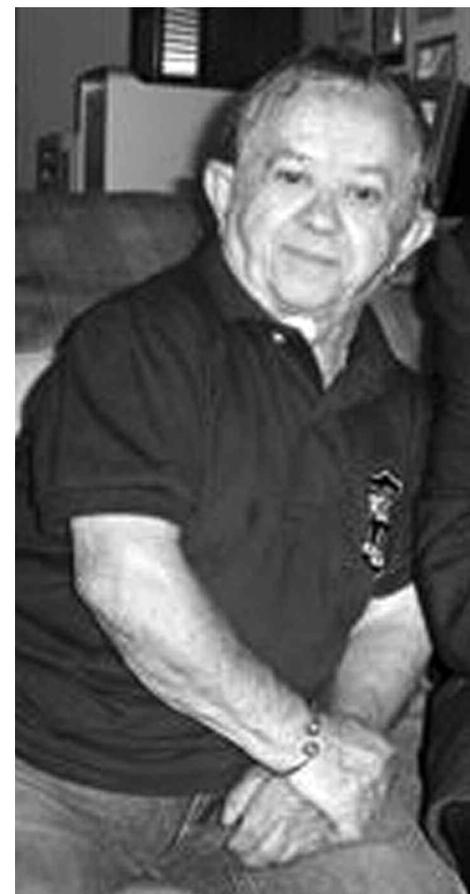
Mizzy was one of the first composers to retain publishing rights to a TV theme.

The season after "The Addams Family" made its debut, Mizzy composed the title song for "Green Acres," a rural comedy starring Eddie Albert and Eva Gabor that ran from 1965-1971.

"Green Acres" is also seen regularly on WBBZ.



John Astin teaches acting now.



Felix Silla played Cousin Itt.



John Astin standing on his head.



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Haitian Celebrity's Visit to Niagara Falls Makes National News in Homeland



Famed Haitian Singer-songwriter Fenner Pierre-gilles, known popularly as Fefe, comes to Niagara Falls this week.

The visit of Fenner Pierre-gilles, better known as Fefe, one of Haiti's top musical stars, to Niagara Falls this week to work with Niagara Falls Re-

porter publisher and businessman Frank Parlato, made news in Haiti last week.

A feature story entitled "Féfé au Niagara Falls: plus qu'une visite touristique" appeared Aug. 2, in Le Nouvelliste, Haiti's largest newspaper. (Fefe was going to Niagara Falls for more than sightseeing).

The story reports the Haitian headliner's upcoming trip to Niagara Falls is to meet with Parlato to sift potential offers to record and tour in America and Europe.

Le Nouvelliste is a French-language daily, printed in Port-au-Prince, and distributed throughout the country, particularly the capital and 18 of the country's major cities.

The article, by Dorine Jeanty begins, "Le chanteur-compositeur-interprète Fenner Pierre-Gilles, connu sous le nom de Black Féfé, devrait se rendre le mardi 5 août à Niagara Falls pour signer son premier contrat américain. Il est l'invité de Frank Parlato, éditeur de Niagara Falls Reporter et homme d'affaires qui a travaillé avec le regretté

Pete Bennett, directeur de promotion des quatre membres des Beatles de 1967 à 1977. Frank dit qu'il envisage plusieurs possibilités pour promouvoir le populaire chanteur haïtien à travers les États-Unis."

Following the publication of the article, the story was picked up by radio and other media.

The fabled name, Niagara Falls, undoubtedly added to the story's tableau.

"Niagara Falls excites the imagination," Pierre-gilles told the Reporter. "It is a place that people all over the world have dreamt about. It symbolizes power, of nature and by extension, of man. It symbolizes, through the wondrous example of nature, that man too may unlock his infinite potentialities. For me, to land here on American soil first in Niagara Falls is poignant and poetic. For, to me, Niagara Falls transcends nationality; it belongs to the world."

Le Nouvelliste, founded in 1898, is not only the largest, but also the oldest newspaper in this island nation of

10 million. Le Nouvelliste also publishes Haiti's premiere entertainment magazine, "Ticket Magazine," which covers film, television, music, theater, books and popular culture.



What I want is muscles of iron and nerves of steel, inside which dwells a mind of the same material as that of which the thunderbolt is made.

~ Swami Vivekananda

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Cuomo's DEC Ignores Endangered Snakes in Rush to Complete Maid Boatyard

James Hufnagel

Numerous sightings of endangered Eastern Massasauga rattlesnakes in the vicinity of the new Maid of the Mist boatworks at the bottom of the environmentally-sensitive Niagara Gorge are insufficient to warrant a site investigation, according to a state DEC response to a story that appeared here two weeks ago.

The day after we reported several eyewitness accounts of the elusive, though deadly, rattlesnakes in close proximity to the Maid of the Mist, an inquiry was made to the local office of the NYS Department of Environmental Conservation, the agency in charge of protecting endangered and threatened species. It went unanswered for two days. Another request was submitted before business hours early Friday morning, this time copying DEC commissioner Joe Martens among other high-ranking Cuomo bureaucrats. It too was ignored.

What eventually elicited a response from the DEC, which gave Gov. Cuomo passes on State Environmental Quality Review Act (SEQRA) regulations for both the Niagara Falls State Park Landscape Improvements Plan and Maid's new Schoellkopf construction, was a third urgent communication over the weekend, this time copying the National Wildlife Federation, Sierra Club, Audubon Society and the Defenders of Wildlife.

According to DEC Regional Attorney Marcia A. Brady, "Although there is no record of this species at this site, we asked our wildlife biologists to review the issue. They are unaware of any verified sightings of any rattlesnakes in the Niagara Gorge. The Eastern Massasauga species referenced in your article is known to exist at just two sites in New York... However, we would be happy to review any photos or other evidence that you may have."

The government lawyer continued: "In fact, the 2009 blogger you quoted in your article shared his findings with Dr. James Gibbs, herpatologist (sic) at NYU who reported as follows: 'Very interesting... but I am at a loss to suggest what you saw. The Massasauga is strictly a wetland animal in NYS and never recorded from dry outcrops/cliff sides nor near there although not so far away on the Ontario side. The copperhead's range is restricted to SE NYS. And the timber rattler is highly unlikely. There are lots of escaped/re-



Milk Snake

leased animals in the environment now. Also several NYS species rattle their tails as a form of mimicry - e.g., milk snakes. If you pass there again a photo would be extremely valuable!"

Tony Wagner of Lockport, a past President of Buffalo Audubon Society who has for decades worked for the protection and preservation of local wildlife, has a different take.

"These snakes can be found on the rocky shores of the Bruce Peninsula so it is conceivable they would be here. I have received two reports of Massasauga rattlers in the gorge in the past 15 years from knowledgeable people. One around Artpark and the other in the Glen area on the Canadian side... (There were) rattlesnake roundups early in the last century. Also they reportedly let pigs range in the gorge to kill the snakes... I was struck in the boot by a Massasauga in Byron-Bergen years ago."

The DEC, of course, has the final say, and as DEC attorney Brady channeled from her carpeted office in downtown Buffalo late last week, "The snakes are most likely Eastern Milk-snakes or watersnakes, neither of which are threatened, endangered, or of special concern in New York State."

The ironic twist to all this is that Gov. Cuomo is a Democrat, the Democratic party supposedly the party of good environmental protection and stewardship.

Yet it was Gov. George Pataki who greatly expanded the acquisition of parkland in New York State, including the setting aside for posterity of one of the only old growth forests in an urban setting in the United States at DeVeaux Woods State Park. It was Pataki's agen-



Eastern Massasauga rattlesnake.

cies that signed a memorandum of understanding with the city of Niagara Falls to begin the scoping process on removal of the north Robert Moses Parkway and naturalization of the Niagara Gorge rim. It was Gov. Pataki who signed the Niagara Greenway legislation, directing hundreds of millions of dollars over and above the standard NYPA relicensing package towards improvements for the Western New York waterfront.

In contrast, Andy Cuomo wants to upgrade the south parkway so tourists can more easily park, dine, sightsee, buy souvenirs and then exit the Niagara Falls State Park without having

need or reason to enter the city. He's spending \$25 million of those Greenway dollars to pave more parking spaces and ruin Three Sisters Islands so that James Glynn and Albany can grow richer at our expense, breaking both SEQRA laws and the federal Clean Water Act in the process. Cuomo shelved the National Historic Preservation Act so that, in addition to the obtrusive Observation Tower, even more Glynn infrastructure can clutter up the Niagara Gorge at Schoellkopf. And the north Moses Parkway? Who the hell knows what's going on with that.

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Memorial announces Premier 2014 co-chairs



Renee Taefi Baughman, M.D., and Lucy and Dominick Muto have been named co-chairs of The 2014 Premier, Niagara Falls Memorial Medical Center's annual black tie dinner and entertainment gala.

Dr. Baughman, a physician with Women's Medicine of Niagara, is chief of obstetrics and gynecology at Niagara Falls Memorial Medical Center. Ms. Muto is Vice-President of M & T

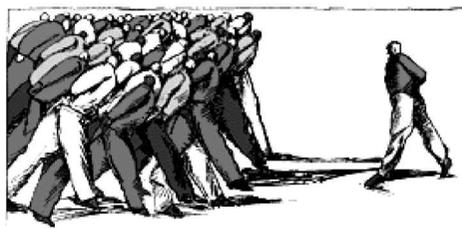
Bank and Branch Manager of the Main and Cedar branch in Niagara Falls. Mr. Muto is employed at Sicoli & Massaro and is the owner of Reliable Property Service, LLC.

The Premier will honor Dr. Sujatha Addagatla and Nancy Gara. Dr. Addagatla is a dedicated physician specializing in nephrology who has served Memorial patients since 1997. A highly regarded Western New York

banking executive, Nancy Gara was a founder of the The Premier and a member of the Memorial Medical Center Board of Directors at the time of her death in May.

The Premier will be held Saturday, Jan. 18 at the Seneca Niagara Casino and Hotel, 310 Fourth St., Niagara Falls. For information and sponsorship opportunities, call (716) 278-4570 or visit www.nfmcc.org/ThePremier. Proceeds will benefit Memorial's Cardiac/Stroke Care Center campaign.

Pictured, from left: Lucy Muto, Dominick Muto, Renee Taefi Baughman, M.D.



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Memorial Scholarships



From left, Antonio Guerrucci, Stephen Zafuto Mark Grozio, Adam Stanczyk.

chanical engineering, and Zafuto will attend Canisius College as a psychology and business major.

The NJPE Gary Hill Memorial Scholarship is awarded to graduating high school students, both male and female, who exhibit evidence of dedication to the Niagara Junior Purple Eagles

The Niagara Junior Purple Eagles Gary Hill Memorial Scholarship Committee is pleased to announce Mark Grozio, Antonio Guerrucci, Adam Stanczyk, and Stephen Zafuto as the 2013 scholarship recipients.

Grozio will be attending University of Buffalo majoring in accounting, Guerrucci will attend D'Youville College pursuing a career in physical therapy, Stanczyk will attend Rensselaer Polytechnic Institute majoring in me-

Hockey League (formerly Grand Niagara Hockey League), extracurricular activities, humanitarianism in the community and academic achievement.

It is awarded in memory of the late Coach Gary Hill, who served as a positive role model and exemplified all of these attributes. As a coach and friend to young hockey players Mr. Hill was well respected and to this day lives on in many hearts.



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