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THE NIAGARA REPORTER

FREE

September 30th, 2020 - October 13th, 2020

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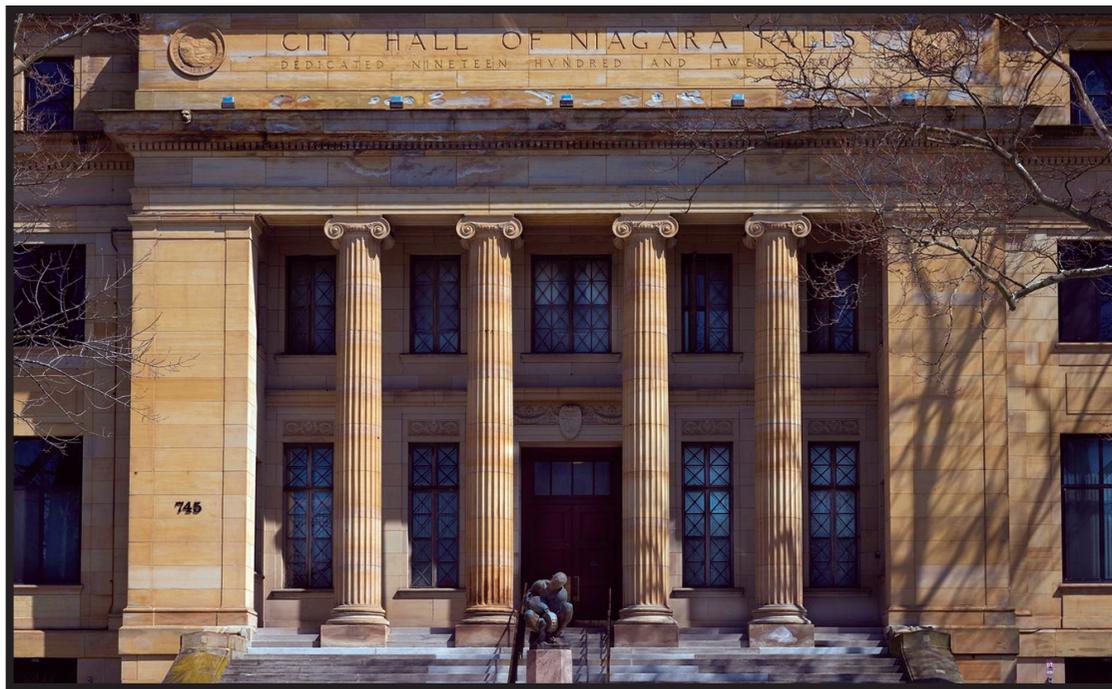


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Previous Administration to Blame for Budget Disaster?



(Cont. on pg. 6)

Overton Seeks to Withdraw Guilty Plea Amid Epidemic of Prosecutorial Misconduct

By: Staff Reporter

After the belated disclosure of clearly exculpatory evidence, Marcellus Overton, the popular barbershop owner in Niagara Falls, will move to vacate his guilty plea, after being charged with "sex trafficking of a minor and transportation of a minor to engage in criminal sexual activity".

The Overton case is an unusual sex-trafficking case.

Instead of multiple victims, several abusers and a myriad of events, it hinges on two isolated

(Cont. on pg. 3)

Phony Campaign Mailer Advocating Gun Control Sent to Pro Second Amendment Voters in Niagara County

What is a dirty trick in politics and when do you know that one has crossed the line?

Negative campaigning is not a dirty trick.

One candidate openly telling voters about another candidate's position, qualifications, misdeeds and so on in a most unflattering manner is not a dirty trick.

No, a dirty trick is about deception, often pushing the limit of campaign laws and often crossing that line into illegal activity.

Such a dirty trick may have been played here in Niagara County during the June Special Election for

(Cont. on pg. 6)

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THE CRIME PAGE 4

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NIAGARA FALLS

\$20,000 Gun Buyback Initiated by Niagara Falls Woman Jill Shaw



Ken Hamilton

A crying 19-year old Jada Kennedy crawled into her mother's bedroom and uncontrollably wept. Less than an hour before, while gathered at a popular north-end Niagara Falls nightspot, a bullet had rushed within inches of her own head and then lodged itself into the head of a dear friend of hers. She was less than an arm's length from him. It could have killed either of them.

As it turned out, fate and the Trauma Center at the Erie County Medical Center had been good to both of them.

Nonetheless, Jada was horrified. Notwithstanding that the stray slug could have taken her life; but instead, the chilling event was the year's 10th tragedy that had befallen a close friend of hers. Moreover, it was the 5th, she said, in the last 2 to 3 months.

How can one person stand the shootings and the overdoses that were taking out her generation?

A bigger question: How can such a small city stand for such big crime events, and what can be done to reduce what many say is the worst homicide rate due to drug use and gun violence with which the city has been rocked with in recent history? Most importantly, what can any one individual do to take a major role in, at least, reducing the gun violence?

How can you stand it?

Because much, if not most, of the gun violence and overdoses have taken place in Legislator Owen Steed's Niagara County's 4th Legislative District – the minority-majority district that former Legislator Renae Kimble had established and carved out to be a Black District, wherein the last redistricting in 2010 yielded a thin margin of 50.5% minority and 49.5% white, the problem shouldn't be universally black, but it appears to be.

As Black citizens, how can we stand for that? Someone has to take a stand and do something. It seems that the someone is Jada's mother, Jill Shaw, whom herself, like the legendary Rose in Spanish Harlem, has grown in the streets and through the concrete, and apparently matured enough to take a bold stand to protect both the victims of gun violence and their young shooters.

Shaw says that she believes that what is needed is a make-sense gun buyback program, one that provides better incentives to young people to

turn in their weapons by paying more than the standard \$100 per weapon. She says that some of the things that might be spiking the city's gun homicide rate is the COVID19 pandemic and the accompanying unintentional consequences of unemployment and stimulus check payouts, giving idled young people the time and them money to purchase and use the guns in the first place.

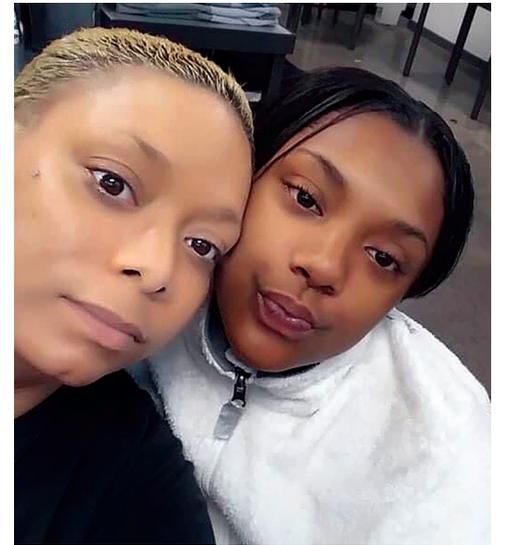
As a result, she has started a GoFundMe page in her attempts to raise \$20,000 to be turned over to the Niagara Falls Police Department for that purpose.

Initially, Shaw's contention admittedly makes little sense to people like myself, who really don't know "the streets"; that is, until she further explained that the stimulus checks have dried up, and that the guns may be worth less to the holder than the \$500 that they'd get from the buyback.

Shaw indicated that she doesn't believe that the program would get all of the guns off the streets; but had it been done earlier; it would have gotten some of them. It might have even gotten the one that fired the bullet that almost grazed her daughter's face, but did alter forever the life of a friend.

Jada agrees with her mother, but she takes the solution into another realm, one of learning to love each other and of personal self-control.

This is the first in a series on 'What African-Americans Think of Crime in Niagara Falls,' wherein we will be inter-



Pictured is mother Jill Shaw (left) and daughter Jada Kennedy (right).

viewing all views of the inflicted people and those who are doing the inflicting. Identities will be protected.

NOTES: According to research by Niagara Falls businessman Jeffery Flach, the estimated population for Niagara Falls in 2020 according to world population review is 47,606. With 13 murders year-to-date our per capita (per 100,000) rate is 13/47606 is 27.3. The same source cites Chicago's population at 2,694,240 and their murders year-to-date as of 28 September at 576; resulting in their per capita rate per 100,000 is 21.38, actually lower than Niagara Falls'.

NIAGARA



REPORTER

Frank Parlato, Jr.

Publisher & Editor in Chief

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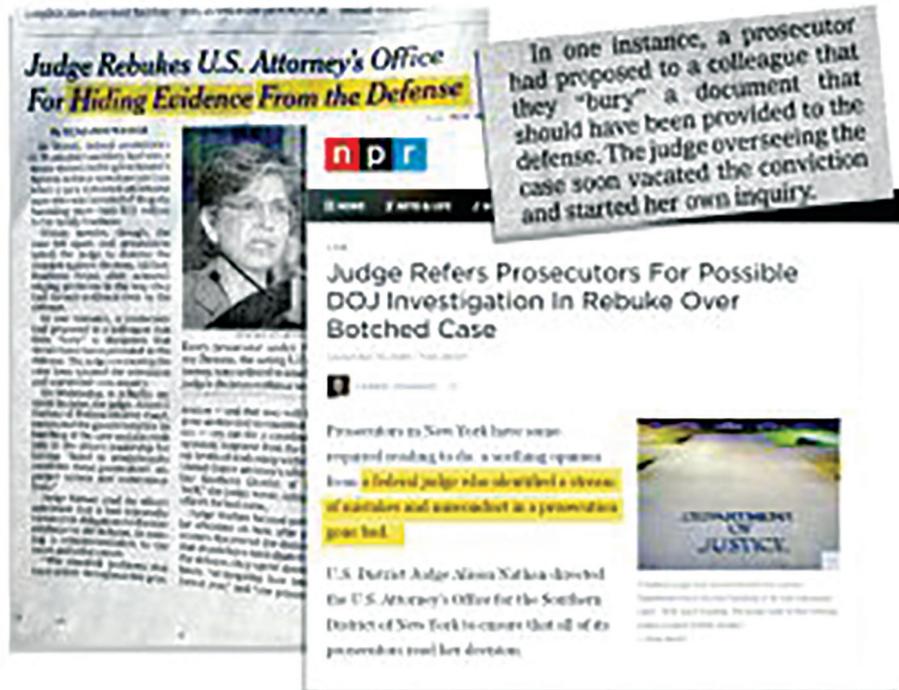
North Tonawanda: Bishop Gibbons, Broadway Hotel, Budwey's Market, Carousel Park Apartments, City Hall, DMV, Kimek's Tavern, Lou's Diner, Platter's Chocolates, Public Library, Olympia Restaurant, Tops, Roman Café & Save-A-Lot

Sanborn: Smokin Joes (gas station and store) & Tim Hortons

Wilson: Lakeside Market

Youngstown: Anchor Spirits & Wines, Bandanas Bar & Grill, Public Library, Rite Aid, Village Diner

Overton Seeks to Withdraw Guilty Plea Cont.



the Defendant: "A guilty plea is not knowingly and voluntarily made when the Defendant has been misinformed as to crucial aspects of their case".

The precedent of 'Brady v. United States' governs this question, and it affirms that "A guilty plea must not only be voluntary, but must be a knowing intelligent act done with sufficient awareness of the relevant circumstances and likely consequences".

It has been ruled by multiple courts in the US that a plea made in the absence of withheld exculpatory material is not "voluntary" or "intelligent".

Marcellus Overton has always maintained his innocence up to the eve of trial, when – he believes – he was tricked into pleading guilty.

"The Government's main witness/victim makes a statement to the case agent absolving the Defendant of wrongdoing," Frank LoTempio, III writes in his court filing.

"The information in those notes directly controverts the Government's theory of the prosecution and the charges against Mr. Overton. This is a material fact that if elicited and proven at trial may result in an acquittal."

Of the 2.2 million Americans in prison, an estimated 2 million are there because of plea bargains. If the 10 percent estimate is accurate, then some 200,000 persons are in prison for crimes to which they pleaded guilty to but did not in fact commit.

Overton was slated, it seems, to be another statistic, another likely innocent man who took a plea deal because he had no money to fight and was misled about what the alleged victim really told law enforcement.

What does this all mean for Marcellus Overton?

By now, we have evidence that shows that the FBI investigation and the subsequent overreaching WDNY prosecution were built over a shaky foundation, to say the least.

The Government's main witness is unreliable, and has reportedly cleared Overton of any wrongdoing.

MORE: this victim/witness happens to be the only underage girl [she was 17 at the time] involved in the case – she, actually, is the government's whole "sex trafficking" case. Without her, they ap-



Marcellus Overton became a target of the feds.

parently have nothing.

Consider that this is a sex trafficking case, with only two dates and apparently no actual sex activity. The prosecution is not known to have a single 'John' or any evidence that the victim actually engaged in sex with anyone. When she was arrested for attempted prostitution, she apparently admitted that she did sex work on her own and told that to Special Agent Wisniewski who made notes of the interview.

The government "knew the [exculpatory] notes existed before the trial and, more importantly, before the plea," writes LoTempio. "They attempted to hide that by taking [Special Agent] Wisniewski off the witness list."

"That is the definition of prosecutorial misconduct. This is the definition of a Brady Violation. This is the exact reason the Courts allow for a withdrawal of a plea in this scenario: so the government is not rewarded for hiding information or not providing all the information to the Defense".

The government opposes Overton withdrawing his plea deal and seek to have him sentenced as soon as possible.



"Individual prosecutors can sometimes become headhunters, consumed with taking down their target," Barr said. "Subjecting their decisions to review by detached supervisors ensures the involvement of dispassionate decision-makers in the process."

events in 2012 and 2013, involving one 17 year-old-girl.

Overton is accused of driving the underage alleged victim to a motel where she was to meet a man for paid sex, and also making an overnight trip to Georgia with her and two other adult women, two instances in which the government alleges the minor tried to engage in paid sex under the direction of Overton, a charge he has always denied.

Now it has surfaced, in the investigation notes from the Department of Homeland Security Special Agent Karen Wisniewski, who was initially part of the federal investigation, that statements from the prosecution's main witness, the then-underage girl, cleared Overton of any wrongdoing.

She apparently told Agent Wisniewski that Overton had nothing to do with her decision to engage in an act of paid sex in order to earn a little money for herself. She was evidently a sex worker before and after the two isolated events.

The prosecution did not tell Overton's defense this important information, declaring instead that the victim was going to testify otherwise – prompting Overton to believe the deck was stacked against him.

He knew the alleged victim did not identify him as her trafficker and that the prosecution was covering this up. Still, knowing the case was rigged against

him, and with an inexperienced assigned counsel, he decided that the only way he might avoid life in prison was to take a plea deal that could see him spending up to 9 years in prison.

In a fiery court filing, Overton's new assigned counsel, Frank LoTempio, III, reminds the court that "The Defendant stated in his declaration that he would not have taken the plea had he been in possession of the evidence he knew existed."

"The Defendant went to the eve of trial before succumbing to the pressure of taking a plea".

"Is this a Brady violation?" LoTempio questions in his filing, citing the judicial precedent that governs the release of exculpatory evidence by prosecutors. "Of course, it is. In fact, quite frankly it's prosecutorial misconduct".

All evidence shows that Marcellus Overton always protested his innocence, and wanted to go to trial even without the Brady evidence.

It will be in the hands of Judge William M. Skretny, in the United States District Court for the Western District of New York, to decide whether to permit Overton to vacate his guilty plea.

Under Federal Rule of Criminal Procedure Rule 32, "Courts will permit a Defendant to withdraw a guilty plea prior to sentencing, only if the Defendant shows a fair and just reason."

Frank LoTempio, III., attorney for

Jenelle Faso Announces Bid for City Court Seat

Staff Reporter

A private practice attorney since 2011 focusing mainly on criminal matters, Jenelle L. Faso is launching her campaign for next year's election to fill the seat of retiring Niagara Falls City Court Judge Mark Violante.

"I pledge to help the people of Niagara Falls as a sitting judge just as I have served them as a private practice attorney in a wide variety of cases in local, state, and federal court," said Faso, announcing that she will seek the support of all political parties in her bid to win the judgeship.

"Just as I have as an attorney, I will work tirelessly to bring honesty, fairness, and objectivity to the bench," said Faso, "and I am con-

fident that with my experience not only in the law, but as a court clerk and Sheriff's Department dispatcher, I have the background to be a credit to the court and to serve the citizens of Niagara Falls in the best possible way."

Faso earned her criminal justice degree at Niagara University, going on to earn her Master's Degree in education and her law degree at the State University at Buffalo, all while working full time as a dispatcher and dispatch supervisor at the Niagara County Sheriff's Department.

In addition to her work as a private practice attorney with the majority of those cases in Niagara Falls City Court, she is a member of the Niagara County Public Defender's Office where she represents indigent defendants in often very challenging

legal matters.

Jenelle, the daughter of Town of Niagara Justice James J. Faso, Sr., and the sister of City Court Judge James J. Faso, Jr., resides with her husband Hugh, a funeral director at Lane Funeral Home, and her youngest son.

The hard-working wife, mother, and private practice attorney also finds time to serve as a member of several charitable and civic organizations including the Niagara County Bar Association, the American Legion, and the Niagara County Judges and Police Conference.

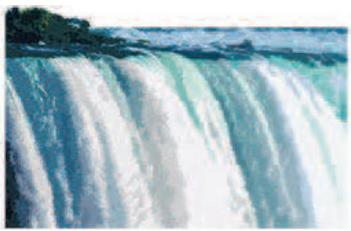
Jenelle is a board member of the Phi Alpha Delta professional law fraternity, the largest one in the nation, and supports the Lord's Day Dinner and other non-profit organizations.

This experienced and well-qual-



Jenelle Faso, Esq.

ified young lawyer asks for your support in her bid to become a judge on the Niagara Falls City Court bench.



THE CRIME

WEEKLY HEADLINES

-Niagara Falls Police responded to the 800 block of Lincoln Place in the morning hours of Monday, September 14th, 2020, after reports of a trespass. According to the complainant, a homeless man has been harassing people in the neighborhood, making threats toward them, and breaking into condemned buildings.

-Niagara Falls Police responded to the 2700 block of Whitney Avenue in the afternoon hours of Monday, September 14th, 2020, after reports of illegal dumping. According to the complainant, seven mattresses, three chairs and five couches were dumped onto the property off of the alley.

-Niagara Falls Police responded to the 1000 block of South Avenue in the morning hours of Tuesday, September 15th, 2020, after reports of a criminal mischief. According to reports, the complainant reported a smashed vehicle window with roughly \$120 in damage.

-Niagara Falls Police responded to the Family Dollar on the 8700 block of Niagara Falls Blvd. in the afternoon hours of Tuesday, September 15th, 2020, after reports of a larceny. According to a store employee, an individual placed multiple packs of bed sheets inside a tote before he left the store without paying. The estimated value of the property is \$200.

-Niagara Falls Police responded to the 100 block of 57th Street in the afternoon hours of Thursday, September 17th, 2020, after reports of a criminal mischief. According to the complainant, his tires were slashed overnight.

-Niagara Falls Police responded to the 2300 block of Pine Avenue in the afternoon hours of Thursday, September 17th, 2020, after reports of a vehicle theft. According to reports, a vehicle that was parked in front of Mario's was left unlocked with the keys inside. When the complainant came back outside - after a minute elapsed - the vehicle was gone.

-Niagara Falls Police responded to Target in the evening hours of Friday, September 18th, 2020, after reports of a shoplifter. According to a store employee, the suspect allegedly took 39 pieces of merchandise, concealed them in bags and then passed all points of entry without paying. The estimated value of all items was \$437.25.

-Niagara Falls Police responded to the 500 block of 10th Street in the early morning hours of Saturday, September 19th, 2020, after reports of an assault. According to reports, the complainant stated that he was assaulted while walking home from an unknown attacker who knocked him out with a beer bottle. The complainant sustained injuries to his face that resulted in blood loss.

-Niagara Falls Police responded to the 7200 block of Niagara Falls Blvd. in the evening hours of Saturday, September 19th, 2020, after reports of an assault. According to reports, an argument escalated inside of a vehicle causing a passenger to "lean[] over from the passenger seat and bit[e] [the complainant] on his nose and the inside of his lower lip." According to reports, this caused multiple lacerations on both sides of his nose and the inside of his lip. Individuals who witnessed the incident said that the dispute arose from money. One individual was arrested as a result of the incident.

-Niagara Falls Police responded to the 400 block of Memorial Parkway in the evening hours of Saturday, September 19th, 2020, after reports of menacing with a weapon. According to the complainant, he was walking down an alley with a vehicle pulled up beside him and brandished a black firearm. The complainant further stated that the individual in the vehicle then picked up the weapon and pointed it at him. After the complainant told the suspect that he was not the person he was looking for, the suspect drove off. The complainant stated that he had no idea who the suspect was but did give a description to police.

-Niagara Falls Police responded to the 2400 block of Linwood Avenue in the early morning hours of Sunday, September 20th, 2020, after reports of shots fired. According to a nearby homeowner, two groups of individuals shot at each other after an altercation.

-Niagara Falls Police responded to the 2400 block of Fairfield Avenue in the late evening hours of Sunday, September 20th, 2020, after reports of an arson. According to fire investigators, the fire was deemed suspicious in nature due to the main source of the fire - a vehicle - being parked and not



having a battery in it.

-Niagara Falls Police responded to the 7-Eleven on the 7600 block of Buffalo Avenue in the early morning hours of Monday, September 21st, 2020, after reports of a shoplifter. According to an employee at the store, the suspect grabbed a merchandise rack of cell phone chargers off the front counter and ran out of the store. The total value of stolen items were \$40.

-Niagara Falls Police responded to the 2100 block of North Avenue in the morning hours of Tuesday, September 22nd, 2020, after reports of a stolen vehicle. The complainant said that her vehicle was stolen from the driveway of her residence while the keys were in the ignition.

-Niagara Falls Police responded to the 700 block of 66th Street in the morning hours of Tuesday, September 22nd, 2020, after reports of a stolen bicycle.

-Niagara Falls Police responded to the 1500 block of 18th Street in the late hours of Wednesday, September 23rd, 2020, after reports of an arson. According to reports, surveillance video shows what appears to be an individual throwing a Molotov cocktail into some rubbish in the allow causing a fire.

-Niagara Falls Police responded to the 8400 block of Niagara Falls Blvd. in the afternoon hours of Thursday, September 24th, 2020, after reports of a shoplifter. According to a store employee, the suspect took two bottles of liquor and exited the store. The suspect was later captured and arrested.

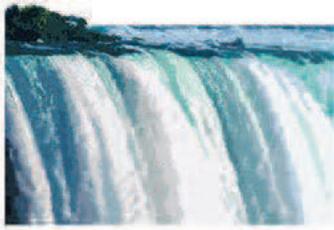
-Niagara Falls Police responded to the 7200 block of Niagara Falls Blvd., Tops International, in the early morning hours of Friday, September 25th, 2020, after reports of a subject with a gun. According to reports, after being pulled over by police for suspected DWI he attempted to flee. It was at this time police found a fully loaded firearm in the center console. The suspect was arrested.

-Niagara Falls Police responded to the 1700 block of Pierce Avenue in the early morning hours of Friday, September 25th, 2020, after reports of shots fired. No one was injured as a result of the incident.

-Niagara Falls Police responded to the 2200 block of Hyde Park Blvd. in the early morning hours of Saturday, September 26th, 2020, after reports of a fight. According to reports, fifty individuals in front of 2619 Ontario Avenue were in the middle of the street arguing and yelling at one another. However, due to the number of individuals police could not stop a physical altercation from ensuing. Once more backup arrived, the group dispersed and there were no injury complaints made.

-Niagara Falls Police responded to the 1300 block of Niagara Avenue in the morning hours of Saturday, September 26th, 2020, after reports of shots fired. According to reports, the shots were fired at a home but no injuries were reported.

-Niagara Falls Police responded to the 100 block of 56th Street in the morning hours of Sunday, September 27th, 2020, after reports of a criminal mischief. According to the complainant, he awoke to find his rear windshield smashed.



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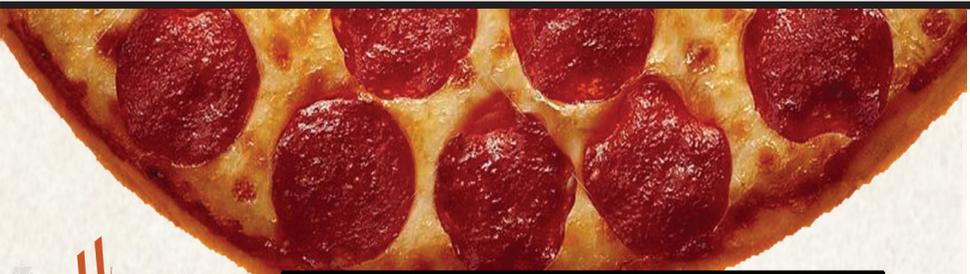
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COUPONS CANNOT BE COMBINED

Investigation Underway on Illegal Mailing Pretending to Support Wojtaszek, McMurray Cont. from Cover

Congress and the primary for County Court judge.

Sources have told us complaints have been filed with multiple levels of government and investigations are currently underway.

Let's first define the deception:

During the primary campaign, a mailer was sent to areas of the most pro-Second Amendment and gun rights communities in Niagara County from an organization that is decidedly in FAVOR of gun control.

This pro-gun control organization touted the gun control credentials of Congressional candidate Nate McMurray and judicial candidate Carole Wojtaszek. It mentioned how these two candidates won the group's endorsement because they support a robust agenda to essentially take gun rights away and keep our kids safe.

This mailer, authored by Safe Schools Coalition, and sent to pro-gun rights voters, read:

Dear Niagara County Parent:

Our children are our most precious resource. We listen to their tiny voices and hear the lion's roar of their wisdom! They know that pervasive guns are the real problem in America today. If they could act, is there any doubt that our young people would take action to get guns out of our schools, off our streets, and out of the hands of extremists?

Our children don't have the power to act, but WE do. We can make a positive change, and demand the government enact the Parents for Safe Schools commonsense gun reform agenda: uniform gun safety laws across all communities in New York State, mandatory background checks on gun owners, mandating guns be safely stored, locked and unloaded in homes, banning the sale of military style Assault Rifles like the AR-15, restricting the sale of dangerous "hollow-point" bullets, and outlawing high-capacity clips.

VOTER ALERT -- URGENT VOTER ACTION NEEDED -- VOTER ALERT

Before we can enact our commonsense gun contra! agenda, we need to elect the right people.

In Niagara County, as a registered voter you may vote in primary elections on Tuesday, June 23, 2020. Your gun reform



Candidate for NY27 Nate McMurray.

vote is needed in the following contests:

US Congress 27th District NY AND Niagara County JUDGE

Parents for Safe Schools/SAFE SCHOOLS COALITION endorsed candidates are

U.S. Congress-27th District: NATE McMURRAY

Nate McMurray supports universal background checks and assault weapons ban.

Niagara County JUDGE: CAROLINE WOJTASZEK

Caroline Wojtaszek has prosecuted multiple dangerous criminals under the New York SAFE Act commonsense gun law.

Please help make commonsense gun reform a reality throughout New York State. Please elect these champions of gun control, and let's keep our schools safe for our kids!

The message is signed by Carl Enrique-Smith, Executive Director.

Also on the mailer are a list of groups and individuals who support the Safe Schools Coalition. They are all Democrats. Among them are Nancy Pelosi, Charles Schumer, Michael Bloomberg, Bernie Sanders, Andrew Cuomo, Buffalo Mayor Byron Brown and Rochester Mayor Lovely Warren.

In short, Democrats whose names would be sure to rile up the Second amendment advocates who were sent the mailer.

The phony mailer was intended to hurt McMurray and Wojtaszek while pretending to endorse them

Think about it: A mailer with Nancy Pelosi and a host of other well-known liberals attached to a group that wants to enact stringent gun control sent to an audience that would dislike anyone associated with gun control! It was meant to enrage voters against McMurray and Wojtaszek.

To that end, it probably worked.

McMurray barely lost the Congressional Special Election to Chris Jacobs and Wojtaszek ended up in a nail-biter Republican primary that she was expected to win easily.

The mailer seems to have cost them both, especially McMurray.

Where is the dirty trick?

Well, let's begin:

1) The organization that sent the mailer does not exist

2) It has a website [gunfreeschool-zone.com] that was established just two days before the mailing was sent

3) The domain owner of this new website is not publicly viewable

4) The return address on the campaign mailer, 1971 Western Ave, Albany is actually the address of Work Fit Medical, an urgent care facility.

5) The Executive Director of said organization (given a Hispanic name possibly trying to further enrage a particular constituency is a racist trope) does not exist

6) There is no "paid for" disclaimer on the mail as required by law.

Everything outlined above is problematic for whoever is behind it... but wait, there's more.

The mailing permit used to process this mail matches another mailer, supposedly authored by Simeon Mokhiber.

That earlier mailer attacked Caroline Wojtaszek on the gun issue. That mailer also lacked a "paid for" disclaimer.

The cost of either mailer, the fake one endorsing Wojtaszek and McMurray, or the Mokhiber mailer attacking Wojtaszek, was likely in the thousands of dollars.

Who is Simeon Mokhiber?

While we don't know if Mokhiber sent either mailer, we do know he was convicted of three felonies in 2017 of the state's SAFE Act gun control law for having three loaded 17-round magazines for a Glock pistol in his car. He was granted a conditional discharge, according to the Buffalo News.

Mokhiber was indicted before Wojtaszek became DA, but her office prosecuted him. Wojtaszek said she offered Mokhiber a plea deal that would have resulted in a conditional discharge before his case came to trial.

When he refused, she said she instructed the prosecutor to make no effort to exclude Second Amendment supporters from the jury.

The Reporter called Mokhiber but got a voicemail message indicating his inbox was full.

Mokhiber didn't respond to calls from The Buffalo News either, when they called to ask him about the previous mailer supposedly authored by him and why it did not say who paid for it.

Three Mailers, One of Them Fake

After the Mokhiber mailer was sent, another mailer followed also accusing Wojtaszek of being anti-gun rights.

This was signed by former State Senator George Maziarz, who is in a bitter feud with Caroline's husband, Henry Wojtaszek, his former ally, who is now president of the Western Region of OTB.

After that, came the illegal fake mailer endorsing Wojtaszek and McMurray.

Who Paid for the Fake Mailer?

Perhaps you're thinking, wouldn't it make sense that one of the political parties is behind this mailer?

The short answer is no. The fact that McMurray and Wojtaszek were both named on the deceptive mailer eliminates both political parties as suspects.

McMurray was the endorsed candidate of the Democrat Party in the Special Election, so they wouldn't want to hurt him. And Wojtaszek was the endorsed Republican candidate, so they wouldn't want to hurt her.

So who has the motive to spend thousands of dollars on a phony mailer. Obviously, that person must want to see McMurray and Wojtaszek defeated.

Suspicion for the phony mailer naturally fell on the two who authored the previous attack mailers -- Mokhiber and Maziarz.

The Mokhiber mailer has the same postal permit as the fake mailer and he was prosecuted by Wojtaszek.

Maziarz has ample money and is in a bitter fight with Wojtaszek's husband. The former State Senator has about \$500,000 in his campaign account and has already invested in the negative campaign against



Niagara County District Attorney and candidate for Niagara County Court Judge Caroline Wojtaszek.

Wojtaszek when he sent a mailer attacking her in his own name.

In addition, he might have a grudge against McMurray, who previously attacked Maziarz on his Facebook campaign page, calling Maziarz a "corrupt mob boss like leader in the GOP party in Niagara County. Look it up. The man was like a minor figure in a Scorsese [sic] flick."

Militating against Maziarz' involvement in this phony mailer is the fact that he has already been convicted twice in his career of campaign violations. Would he be so reckless as to do it again?

And this time, the trouble might be with a capital T.

Readers are advised not to jump to hasty conclusions. Law enforcement is equipped to handle the investigation.

Illegal?

The phony mailer impacted a Congressional Race with illegal dark money. That is properly investigated by the Federal Elections Commission and the FBI.

The dummy return address was used to get a cheaper postage rate, which is defrauding the Post Office. That brings in U.S. Postal Inspectors.

The lack of disclosure on a mailer involving a local candidate, Wojtaszek, brings in the District Attorney, the state Board of Elections, the Joint Commission on Public Ethics (JCOPE) and the Attorney General.

Like so many dirty tricksters of the past, whoever did this was stupid.

With subpoenas in hand, it would take all of five minutes to serve the mailing company whose permit was used to find out who paid for the mailer; subpoena Go Daddy for who paid to set up the website and subpoena Mokhiber to find out if he did the mailing.

There has been a lot of effort in the last few years to end this type of corrupt political behavior. The fact that someone in Niagara County impacted a Congressional race and nearly a judge's race should anger people of all political persuasions.

At the end of the day someone violated the law in sending out a phony, lying campaign mailer meant to trick voters.

The one who paid for it may wind up in serious legal trouble. Stay tuned.

Restaino Needs More Time to Prepare 2021 Budget; Revenues Down Inherited Expenses Up Cont.

Staff Reporter

During a council meeting on September 16, Mayor Robert M. Restaino alerted the council that submission of the proposed 2021 budget would be "delayed" as his administration continues to try to develop a realistic budget.

The delay prompted Restaino to release a public statement on the budget via social media on Monday, September 28th, 2020.

He said:

"The city is facing a multi-million dollar deficit as we prepare the 2021 budget. It would be easy to say that it is all a consequence of the pandemic- however, that would be incorrect at best, and disingenuous at worst.

"This is the consequence of past administration failures to budget properly with recurring revenue streams, instead of relying on casino revenue, for budget support.

"Past council approved budgets have set us up for the difficulties we now face by using

fund balance reserves to plug budget gaps, leaving little or no reserves and destroying our credit rating. City departments are already understaffed for the amount of work required.

"Previously negotiated and approved labor contracts did not take into account the failed method of the previous administration's budget development.

"Going back to 2013, Niagara Falls was 'carrying' a structural deficit based on failure to keep expenses in line with collected revenue."

Restaino is right. He inherited this budget shortfall. And even without the pandemic, it would have still been there.

The New York State Comptroller's Office recently named Niagara Falls as the only municipality in Western New York that is under "significant" financial stress.

The Refuse Fee (aka Garbage User Fee) was supposed to help Niagara Falls avoid layoffs in public safety. It remains to be seen if this will be the case.

The fee was originally proposed under

the administration of Mayor Paul Dyster and approved by the City Council in November 2019, one month before Dyster left office.

It will be nothing short of a miracle for the current Mayor to undo the spending legacy of Mayor Dyster. During his administration, he took in about \$200 million in casino cash, while somehow plunging the city into deepening debt and increased expenses, basing much of his spending plans on casino revenue.

Dyster also stood silently by when Gov. Andrew Cuomo renewed the Seneca Compact and failed to secure an agreement for payment to the state or city from the Senecas.

It is sadly ironic. Dyster had some \$200 million in extra funds from the Senecas, and built a part of his administration's structural spending on it. Then when it came time to renew the compact, Dyster did not ensure that the city would continue to be paid the Seneca money it had come to depend upon..

The previous mayor, fiscal conservative, Vince Anello, left a surplus of about \$35 million when he left office, money that Dyster

also dissipated.

During the 12 years of the Dyster administration, there was, in addition to normal property tax, sale tax and state aid revenues, the whopping additional \$200 million paid by the Senecas.

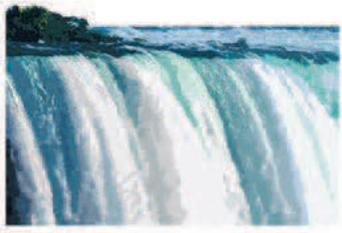
Dyster used that money to grow the cost of government.

Now the Restaino administration has inherited this legacy of increased costs without the casino money.

On top of that, the pandemic came in Restaino's first few months in office and devastated much of the business and tourist revenue in this city, cutting revenue further and widening the deficit as the city's share of the sales tax waned.

If Mayor Restaino can manage to put forward a budget that the city can pay for and without raising taxes inordinately, it will be nothing short of a miracle.

A reasonable delay in putting this budget together is warranted.



NORTH TONAWANDA

North Tonawanda Mayor Provides Update on 2021 Budget

Arthur Pappas

As COVID 19 restrictions continue in NYS, budgetary practices are difficult to finalize. The process has been ongoing to develop a budget for 2021. Keeping this in mind, I want to inform residents that the date of Oct. 1, 2020 will require an extension. Citing various factors for the delay are as follows:

- State aid was cut this year by 20%
- The State has not given any projections for 2021 Revenue sharing
- Funding is going down while personal services go up due to contracts
- NYS highway assistance funding is being delayed with no feedback on when it will be expected
- Funding is being lost while expenses are contractual rising due to step increase and rates of 2%
- Minimum wage will increase for part time employees in 2021
- There is no update on Chips funding money that will be received
- The Federal Government has not given assurance for stopgap funding
- Departments are being instructed to reexamine their budget requests due to the negative impact of the coronavirus



Mayor of North Tonawanda Arthur Pappas.

Residents need to understand the unusual circumstances for this year's budget. The budget and sales tax revenue by the county was on track to exceed projections before COVID 19. Therefore, a budget for 2021 will be presented when we have specific knowledge as to what our funding will be for the future year.

State, County and Local Elected Officials Call on Governor Cuomo to Open Live Production Venues

Reporter Staff

Elected officials across Niagara County including State Senator Rob Ortt, Mayor Arthur Pappas, County Legislators Jesse Gooch and Rich Andres, North Tonawanda Alderman-at-Large Bob Pecoraro, and others, gathered at the Riviera Theatre to call on Governor Andrew Cuomo to allow for the reopening of live production venues.

"The theatre has worked with local health officials and has developed a plan to ensure for a safe reopening," said Senator Ortt. "Unfortunately, they have been ignored by the governor and his administration."

Senator Ortt believes the governor's failure to support these business could result in them not coming back at all.

"We must allow these venues that have safety protocols in place to reopen for the sake of our local economies. Once community institutions like the Riviera are gone, they are gone forever."

County Legislator Gooch echoed Ortt's sentiments.

"I am glad that Senator Ortt and other local leaders attended and spoke as well about the reopening of the live music and entertainment industry," said Gooch. "Many venue owners, bar owners, musicians, and employees are left in the dark with no idea when they



can tentatively get back to work. That is unacceptable. I will continue to fight for small businesses and the live music and entertainment industry!"

North Tonawanda Alderman-at-Large Bob Pecoraro also spoke out demanding such venues be open and thanking Senator Ortt for pressing the issue.

"It is time for the entertainment industry be allowed to safely open – thank you for speaking out to keep our venues from closing for good."

County Legislator Rich Andres further emphasized the importance of the Riviera to North Tonawanda.

"We need to reopen the Riviera," said Andres. "They have a sound reopening plan that has been reviewed and approved by the Health Department. The state has to allow this anchor of our downtown to generate income before it goes under and we lose the progress we have made."

The Niagara Reporter will keep you updated with any developments.



Registered Apprenticeship

The US and New York State Departments of Labor recognize and monitor registered skilled apprenticeship programs in NYS and throughout the United States. The Laborers' International Union of North America publicly promotes our successful model of labor-management registered apprenticeship programs to combat the growing emphasis on employer programs supported by taxpayers.

What is Registered Apprenticeship?

It's a job. Apprentices start working from day one with incremental wage increases as they become more proficient. It's on-the-job learning and education. Registered Apprenticeship includes on-the-job learning from an assigned mentor combined with technical training provided by apprenticeship training centers, technical schools, community colleges, and institutions employing distance and computer-based learning systems.

It's a credential. At the end of the apprenticeship, all apprentices receive a nationally recognized credential. Some apprenticeship programs offer interim credentials as apprentices achieve important milestones during their apprenticeship.

What are some advantages of Registered Apprenticeship?

The benefits to employers are: more highly skilled employees, reduced turnover rates, higher productivity, lower investment in recruitment, a more diverse workforce, a new pool of workers and the creation of career pathways. The benefits to registered apprentices are: being nationally recognized and portable credentials, improved skills and competencies, higher wages as skills increase and career advancement.

Registered Apprenticeship programs are operated by partnerships of employers, labor management organizations and government. Apprenticeship sponsors – employers, employer associations and labor-management organizations – register programs with federal and state government agencies. Sponsors provide mentors, on-the-job learning opportunities and required technical instruction to apprentices. Incorporating Registered Apprenticeship directly into your workforce development system will strengthen your local and regional economy by offering highly trained and educated residents. Let Registered Apprenticeship be your competitive advantage. Laborers' Local 91 accepts apprenticeship applications the first Tuesday of every month from 8 AM – 12 noon at our training facility located at 4500 Witmer Industrial Estates Niagara Falls, NY 14305.

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