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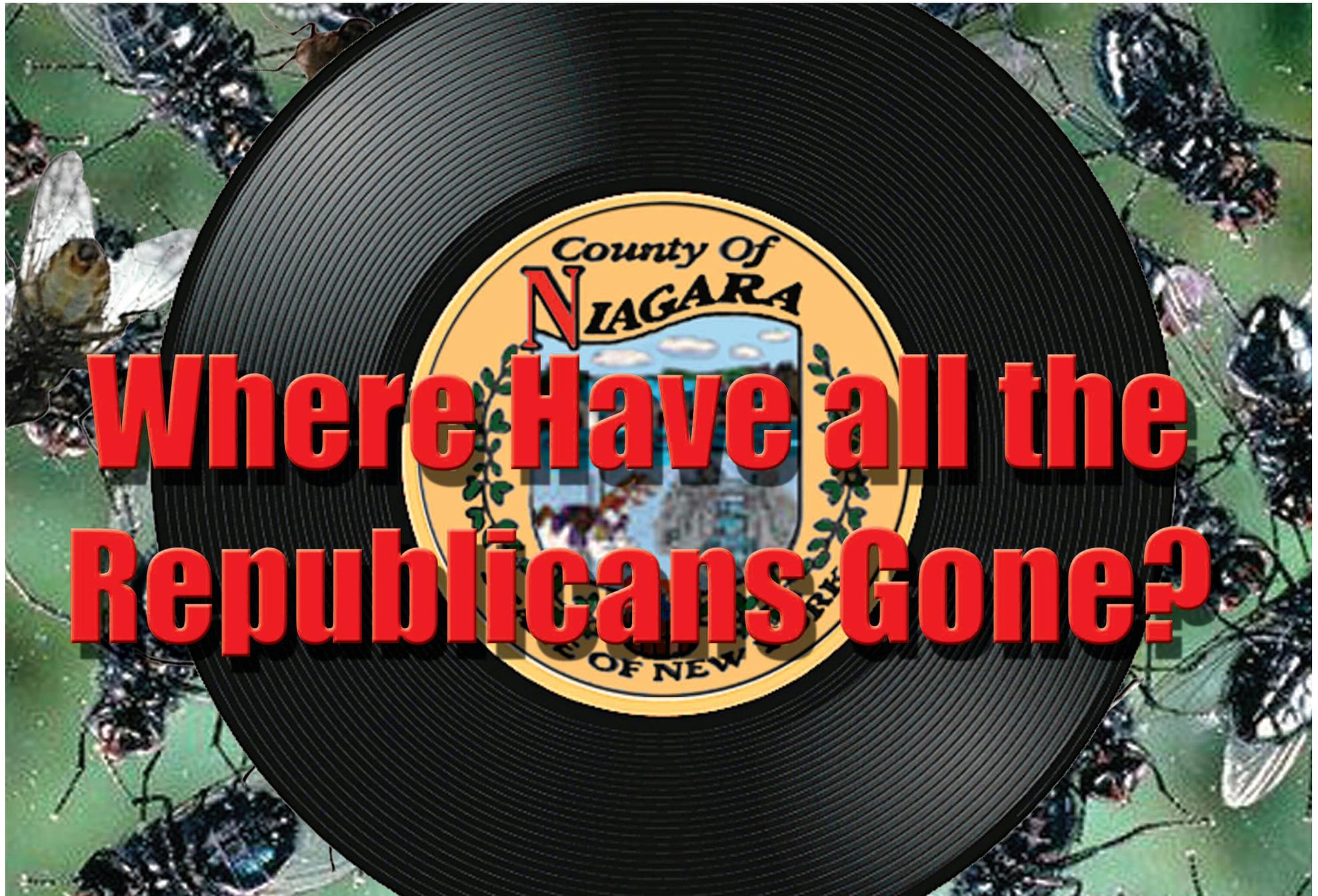
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# Where Have all the Republicans Gone?

Mike Hudson



They're dropping like flies and, if the current trend continues, it won't be long before they make the endangered species list. Republicans holding elective office in Niagara County are growing fewer and fewer, and hardly a week goes by without news of some new resignation, investigation or scandal.

GOP stalwarts such as Lockport Mayor Michael Tucker, Lewiston Supervisor Steve Reiter, Lewiston Councilman Ernie Palmer and Town of Niagara Supervisor Steve Richards have all left office in recent months, and the party's leader, State Sen. George Maziarz, has announced he will not be seeking re-election this coming November.

Niagara County, a longtime Republican bastion that went for the Tea Party-backed Republican Carl Paladino in his unsuccessful run against Andrew Cuomo in the 2010 race for New York governor, has become a hunting ground for the U.S. Justice Department, with FBI agents uncovering all manner of wrongdoing on the part of a number of GOP officials.

Just last week, Lewiston Town Councilman Michael J. Marra became the latest Republican to resign suddenly, telling fellow council members on Wednesday that Friday would mark



**Lewiston Supervisor Steven L. Reiter's popularity crashed and burned.**

the end of his 10-year career as a public official.

Like other Republican officials before him, Marra said he was quitting to spend more time with his family and pursue private sector opportunities.

"I think for myself and make my own decisions," he told the Reporter. "There's no back story. I am not under investigation or anything. I've never even been contacted. There's nothing else to it."

Still, Marra is the third Lewiston Republican to leave office since last year, when Town Supervisor Steve Reiter lost in a primary election to Palmer who was later defeated by Democrat Dennis Brochey.

Just a year ago, Marra was widely seen as being groomed to take County Legislative Chairman William Ross' seat when the octogenarian retired.

A lot changed in a year.

The Niagara Falls Reporter ran a series of investigative stories that revealed the following:

Reiter, along with at least two town police officers, were caught on video stealing gasoline meant for use in town vehicles.

Then there was Bridgewater, a so-



**Lockport Mayor Michael Tucker was sworn in, but never finished his third term.**

called senior luxury housing project that looked suspiciously like a low income project where Marra and Palmer voted to support fast-tracked approvals of the plan despite the fact that the property was owned by Reiter's mother. Palmer and Marra both claimed they did not know that Reiter was a silent partner in the development deal until the Reporter revealed it.

\*\* Then there was the alleged missing/failed asphalt at Joe Davis Park. The Reiter, Marra, Palmer team, astonishingly, never once checked the contractor's work.

\*\* Dubious billings from surveyors at Joe Davis including one billing for "Moonwalking" and another for "dancing the tango" charged to the town. Palmer and Marra approved payments.

\*\*The firing of Glenn Caverly under curious circumstances, including his unlimited access to town diesel fuel with no accountability.

\*\*Sweetheart deals with Artpark, while the town ate up its reserves.



**Town of Niagara Supervisor Steve Richards resigned after pleading guilty to a misdemeanor charge.**

\*\* Plunging the town into a serious deficit spending spiral, making a threat of a town tax almost inevitable.

A lot changed in the past year.

At one time, Reiter was so popular that Democrats couldn't even field a candidate to oppose him, both as town supervisor and before that as highway superintendent.

His all-Republican town board colleagues were considered shoe-ins for any election against hapless Democrats.

But following Reiter's Republican primary defeat last fall to GOP Councilman Ernie Palmer, Palmer lost to Democrat Dennis Brochey.

Then with two years to go on his council term, Palmer resigned suddenly. Palmer also said his decision was based on wanting to spend more time with his family and devote more of his energy to his musical and accounting career, but sources close to the Niagara Falls Reporter said the myriad scandals plaguing Reiter and his "go-along" council were the real cause of Palmer quitting midway through his term.

One leading Republican source told the Reporter, "They might have just as well have resigned since none of them were electable, any more."

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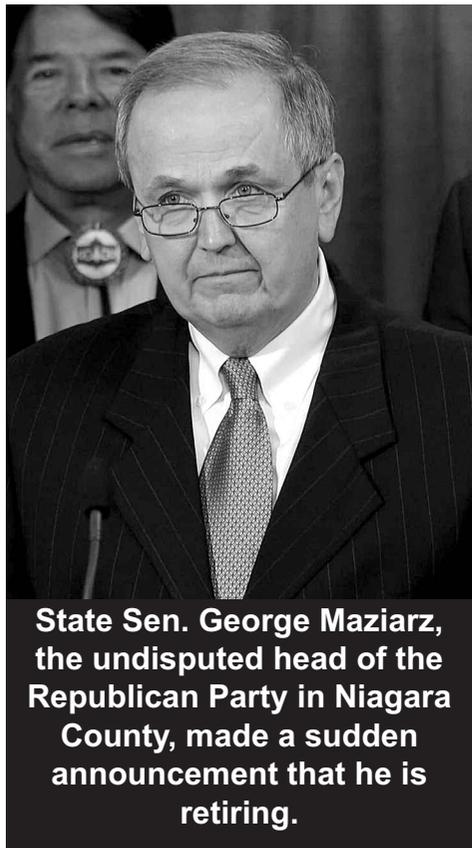


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# Lewiston's Marra latest GOP casualty



**State Sen. George Maziarz, the undisputed head of the Republican Party in Niagara County, made a sudden announcement that he is retiring.**

If Palmer and Marra's resignations came as a surprise, it was nowhere near as shocking as State Sen. George Maziarz's announcement two weeks ago that he would not seek re-election to the seat he has held since 1995.

The senator's popularity was such that he never faced a serious challenge in any of his bi-annual, re-election bids, and was seen to be the head of the county Republican Party regardless of who was serving in the role of party chairman.

In that role, he managed the careers of many of the county's top Republicans, including a number of those recently investigated, indicted or resigning.

Maziarz also said that he wanted to spend more time with his family, and that his decision had nothing to do with an investigation by the U.S. Justice Department into his campaign finances. Two longtime Maziarz aides—who resigned-- and his campaign treasurer have retained the services of top criminal defense attorneys.

The federal probe began after the U.S. Attorney's office in New York City subpoenaed the records of the now defunct Moreland Commission, a



**Lewiston Councilman Mike Marra, the latest (as of press time) to resign.**

group appointed by Democratic Gov. Andrew Cuomo to investigate public corruption in Albany.

The commission found that Maziarz had spent more than \$140,000 in campaign funds without documenting where the money went. Maziarz maintains he did nothing wrong and the federal probe will come to nothing.

He has been replaced on the ballot by North Tonawanda Mayor Rob Ort, who will face Niagara Falls Democrat Johnny Destino in November.

In the Town of Niagara, longtime Republican Town Supervisor Steve Richards agreed to a plea deal in May, after being slapped with a 28-count indictment by state Atty. Gen. Eric Schneiderman that included four felony charges.

Richards was alleged to have taken tools, gravel, paint, a shotgun and other items belonging to the town for his own personal use.

Lockport Mayor Michael Tucker's February resignation was no less of a stunner. The popular Republican was the city's longest serving mayor, having been re-elected to an unprecedented third term in 2012.

Tucker said he wanted to spend more time with his family and pursue a private sector opportunity that would pay him as much as three times the \$43,800 he was making as mayor.



**Lewiston Councilman Ernie Palmer resigned earlier this year.**

That opportunity never materialized. Tucker is now essentially unemployed and so can spend all the time he wants with his family.

But Tucker's resignation may have had more to do with allegations of sexual harassment than any private sector opportunity and familial devotion.

Numerous sources said that Melissa Junke, head of the town's Youth and Recreation Department, was the target of Tucker's desires, which included lewd emails and texts.

At the time of Tucker's resignation, a scandal involving Junke's use of a city credit card issued to Tucker prompted Tucker to claim, sometime before he resigned, that the credit card scandal would amount to nothing.

Following a Reporter expose of the allegations, a homosexual man and a woman who had worked for the town as a school crossing guard both stepped forward to describe their own encounters of a sexual nature with the former mayor.

The woman Teri Kropp, went so far as to tell the Reporter that Tucker used his position as her boss to coerce her into a sexual relationship, charges he vehemently denied.

Tucker, Richards, Maziarz, Reiter, Palmer and Marra were all part of the Republican machine that has dominated Niagara County politics in recent years. That machine seems to be breaking down, leaving Republicans and Democrats alike to speculate on who the next GOP official will be to say he wants to spend more time with his family or take up new opportunities in the private sector.

In the meantime, the pall of scandal hanging over the party and its officials isn't likely to go away any time soon.

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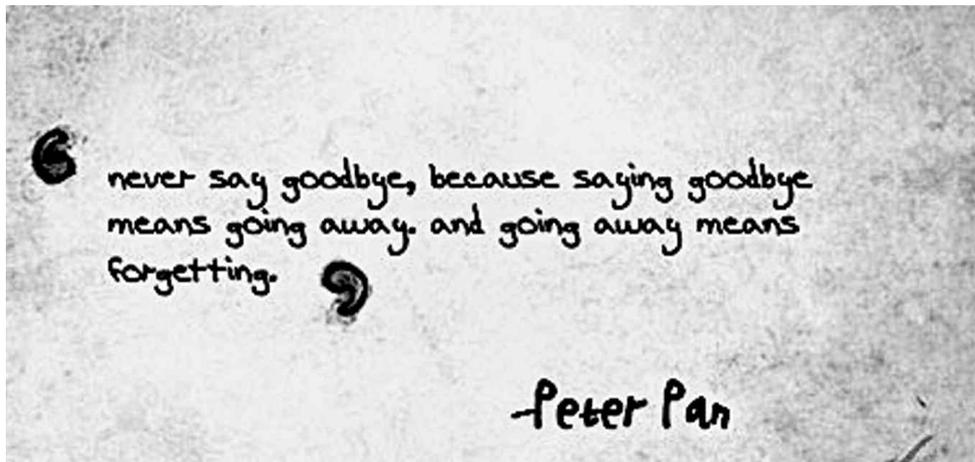
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— Francis of Assisi

# Forster likes Dems' Chances in November

## Mike Hudson

Bad news for the Republicans is good news for the Democrats and the recent spate of investigations, indictments and sudden resignations of and by Republican officials in Niagara County (See related story page 2) has opened up a whole new range of possibilities for Nick Forster, the county Democratic chairman.

Forster previously served as chairman in the late 1990s and early 2000s, when Republicans and Democrats had roughly even numbers of elected officials in office. His departure marked the beginning of a period of decline for the party here, to the point where just four of the 15 members of the Niagara County Legislature are Democrats despite a slight edge in registered voters countywide.

That advantage, and the fact that most local municipal governments outside of Niagara Falls have been controlled by Republicans in recent years, has been attributed to the strategic brilliance of State Sen. George Maziarz, who announced two weeks ago he would not seek re-election as federal investigators look at \$140,000 in un-itemized campaign expenses over the last several years.

After stepping down as chairman, Forster stayed out of public life for nearly a decade, until 2012, when he again ran for chairman and won.

His sometimes abrasive style, and reputation for winning elections, clearly has some Republicans worried.

Earlier this year he was the target of a robo call campaign against him, in which a 45-second recorded message accused him of not paying child support and dodging taxes. The anonymous message, undoubtedly paid for by county Republicans, called on listeners to con-



**The game has changed: Nick Forster (l) and Johnny Destino (r) are poised to take advantage of the stupendous, sudden decline of Republicans in Niagara County. State Compt. Tom DiNapoli (center); Below: Forster with Gov. Cuomo.**



tact Forster and demand his resignation.

A Niagara Falls Reporter investigation into the allegations showed conclusively that they were untrue. Still, Forster was understandably outraged.

Now, with the resignations of Republican officials becoming an almost weekly occurrence in Niagara County, and the likelihood of the trend continuing being high, Forster may have the

chance for some payback.

Dennis Brochey, a Democrat, beat former Town Councilman Ernie Palmer for Lewiston supervisor after Steve Reiter was defeated by Palmer in a rare Republican primary after Reiter was tarnished by allegations that he stole town gasoline. The subsequent resignations of Palmer and fellow Republican Michael Marra open the possibility of a Democratic majority on the council during the 2105 election cycle.

Forster is also supporting Lewiston Town Clerk Donna Garfinkel in her election against Regina Ceconi and Keith Ahlas in a bid to replace William Conrad on the town board.

Lockport's Republican Mayor, Anne McCaffrey, was appointed to the office following Michael Tucker's sudden resignation, and will face voters for the first time in 2015.

In the Town of Niagara, where Town Clerk Sylvia Virtuoso is filling in for former Supervisor Steve Richards following his indictment and plea bargain on public corruption charges, an election will be held later this year for a new supervisor whose term will begin Jan. 1, 2015.

Virtuoso said she has no interest in running, presenting another opportunity for Forster and the Democrats to gain ground. Lee Wallace is the Democratic candidate and is the odds-on favorite to win.

The race between Republican-turned-Democrat Johnny Destino against North Tonawanda's Republican Mayor Rob Ortt to fill Maziarz's 62nd District seat has been deemed too close to call at this point and may hinge on whether or not Maziarz is indicted before Election Day.

Curiously, in what was either a marvelous example of dumb luck or sheer genius, Forster encouraged Destino to run against the popular Maziarz instead of what conventional wisdom would suggest was a more winnable prize- the seat of Assemblyman John Ceretto (R-Lewiston) who is seated in a district with a sharp Democratic plurality.

Maziarz was considered untouchable until just two weeks ago, when he announced he would not seek re-election, placing Destino in a perfect position to capture the seat for the Democrats and by so doing - arguably help Democrats take control of the state senate.

*(Next Week: Nick Forster sat down with the Niagara Falls Reporter for a exclusive and wide-ranging interview on the Niagara County Democrats' prospects for the future here. Some of his comments are brazen, some sharp, some insightful. Some will surprise, as he unveils his strategy to get Destino elected this year, and next year take control of the County Legislature.)*

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# Mario Cuomo Defends Son as Moreland Controversy Heats Up; Astorino Likens Governor to Mafia Boss

**Tony Farina**

As the political fur flies hot and heavy over allegations that Gov. Andrew Cuomo tampered with the anti-corruption Moreland Commission before shutting it down last spring, his father his coming to the defense of his son, telling the New York Daily News in a telephone interview on Monday that “Andrew is as honest a politician as we have seen in New York.”

Mario Cuomo’s defense of his son comes even as the GOP gubernatorial candidate played the mafia card in attacking Gov. Cuomo for offering the corruption panel an offer it couldn’t refuse.

Mario Cuomo, 82, who served as



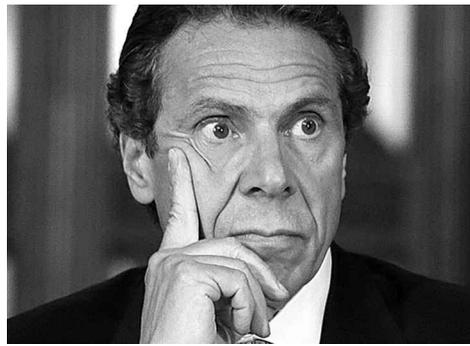
**Mario Cuomo**

New York’s governor for three terms, jumped into the increasingly vicious political fray out of nowhere to defend his son, telling the Daily News “it will always be clear that he has been one of the most honest politicians we have ever had. I think that’s important... newspapers have opinions, but when you look very closely, he is just about as straight as they do come, and brighter than most.”

The elder Cuomo’s comments came as his son, the embattled governor, was in Buffalo defending himself against the controversy that has engulfed him since the New York Times reported last week that top Cuomo aide Larry Schwartz pressured the Moreland Commission to drop subpoenas to entities connected to the governor.

But as Cuomo was proclaiming that there was no interference with the anti-corruption panel he formed, his Republican opponent continued his blistering attacks on the governor across the state, and followed Cuomo to Buffalo where he released a 10-point plan to clean up Albany.

At his Buffalo news conference, his first public remarks on the growing controversy, Gov. Cuomo insisted there was no interference from his office with the corruption panel, only conversations, and that the commission was a great success.



**Is there a resemblance?**

“No one said they shouldn’t be talking to people or get advice or consultation from people,” he said. “They should be independent and the co-chair today says, ‘it was 100 percent independent. I made the decisions. Did I talk to people? Of course I talked to people. It would be unintelligent not to talk to people. But I made all the decisions’”

Cuomo’s comments followed the release earlier Monday of a three-page statement by Co-chair William Fitzpatrick, the Onondaga County district attorney, defending the commission and the governor’s handling of it.

But in Syracuse on Monday, Westchester County Executive Rob Astorino, the GOP candidate for governor, said of Cuomo’s defense that “to suggest he was suggesting to the commission members where they should go with an investigation is like a mafia boss coming forward and saying he wants to make a suggestion, an offer you can’t refuse.”

Astorino’s mafia comparison drew a strong rebuke from Assembly Majority Leader Joe Morelle, who like Cuomo and Astorino is an Italian-American. Morelle said Astorino’s “continued attempts to grab a headline have reached an all-time low. His comments are insulting and degrading to both the governor and a state that boasts a proud Italian-American heritage...”

Meanwhile, to add some more fire to the controversy, Erie County District Attorney Frank Sedita, III, a member of the Moreland Commission before it was disbanded, said in a statement reported in the Watertown Daily Times “we would not stand for any interference, and discussed a number of options, including resignation. The governor’s office agreed not to interfere with our work.” The resignation talk apparently came after the commission members heard that the governor’s office tried to block subpoenas from the panel.

Cuomo, with \$35 million in his campaign war chest, about 10 times the



amount that Astorino has raised, leads his opponent by 37 points in the latest polls, but there are reports tonight that the Moreland Commission controversy is helping Astorino raise money and has given the little-known candidate a lot to talk about in the coming weeks.

The U. S. attorney in Manhattan, Preet Bharara, has picked up the Moreland Commission files and is aggressively pursuing what he calls its “important and unfinished” work.

Several subpoenas have been issued to former staffers of State Sen. George Maziarz (R - Newfane), a powerful Niagara County political fixture, amid reports that Bharara is investigating \$140,000 in un-itemized expenses over the last several years by Maziarz’s campaign committee, the most of a total of 28 senators who are reportedly on the U. S. attorney’s radar, all stemming from the Moreland Commission’s efforts. The commission’s files are now in the hands of the federal prosecutors under Bharara.

Gov. Cuomo came to Buffalo on Monday to announce that eight businesses will expand or locate in Western New York as a result of his tax-free START-UP NY initiative, creating an estimated 659 new jobs.

The governor, a master at handling the media, chose Buffalo to make his first public statements about the Moreland controversy, a stop he only announced on Sunday making it difficult for most of the Albany press corps to make it to Buffalo in time for the Monday morning event.

Shortly after the Cuomo show at UB’s south campus, Astorino held his own news conference at GOP headquarters on Main St., where he released a 10-point plan to clean up Albany. The plan features term limits: eight years for statewide elected officials (two terms) and would limit state legislators to four terms, also eight years.

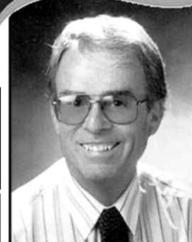
Other highlights include an independent state commission on public ethics and the loss of taxpayer-funded pensions for any elected official convicted of public corruption.

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# Walker's Campaign Finances Cloudy; A Reasonable Explanation to Come?

## SEEMS LEGIT

Anna M. Howard

The explanation sounds reasonable enough. After all, he's only been on the City Council for 17 years.

Word that Niagara Falls City Councilman Charles Walker has not filed campaign finance documents since January 2013, was met by the councilman with a fairly prosaic explanation from Walker himself; His campaign treasurer, Isaac Williams, had screwed things up.

Politicians running for political office are required under state and federal law to make full reports of campaign fund contributions and expenditures. New York State law requires those running for office to make filings several times each year, more during election years.

Walker, who ran for reelection last year, and failed to file a single report, said Williams had diligently tried to make each of the required filings electronically from his home computer, but

received a response each time from the Board of Elections stating that the information didn't go through.

"He couldn't figure out how to get it into the system," Walker said.

Reasonable enough. Almost as reasonable as the one he gave in May 2013, after using city Council letterhead to write a character reference for a convicted drug trafficker to the federal judge about to sentence him.

Walker penned a character reference letter for Wally Reynolds, a Niagara Falls man who plead guilty to a charge of conspiracy with intent to distribute marijuana in front of U.S. District Judge Richard J. Arcara, on city letterhead.

"There's no attempt to use the stationery to influence anybody," Walker explained. "I apologize to the city as a whole."

First elected in 1998, Walker most certainly knows the ropes when it comes to campaign finance law. His failure to file at least five times over the past 18 months is perplexing.

"I have to sit down this week or next week to get that figured out,"

Walker said of his oversight.

A July 28 story on the topic in the Niagara Gazette noted that Walker was questioned by the Gazette in July of 2013 with regard to the slow pace in forwarding his campaign reports.

In the July 2013 story and in the July 2014 story Walker's explanation rang the same: he and his campaign finance person were having trouble with the electronic portion of the filing.

One would think that any electronic finance kinks in the Walker campaign could have been worked out in the approximate 12 months span. If not, why hasn't the councilman asked for help or at least made his electronic copy available in hard copy to the media for inspection?

The term of non-filing covers Walker's re-election effort last year. 2013 was a hotly contested council race in which the Hamister Hotel "project" took center stage and saw two-term councilman Sam Fruscione get shoved aside.

During that race councilwoman Kristen Grandinetti reported receiving a \$1,000 campaign donation from

Hamister.

Did Walker receive a similar contribution to his campaign last year as the Hamister project hung-fire and Fruscione was pilloried for his refusal to knuckle under to the Buffalo-Hamister interests?

How are we to know the answer to that or any other campaign finance questions if Walker refuses to do his duty as an office holder by revealing his campaign finances?

Can Walker simply decline or refuse to file these reports with no sanction from the New York State Board of Elections? Can Walker ignore the election laws that every other office holder from Long Island to Niagara Falls must adhere to?

Walker should immediately share copies of his campaign finance reports from January 2013 to July 2014 with the public and the media in the interest of transparency and full disclosure.

He can figure out his electronic filing problems later, but for now he owes the voting public a full accounting of his campaign activity.

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# Will Republican Legislature Again Give Voting Booth Storage to Ulrich?

## Mike Hudson

When is an open bidding process not an open bidding process?

When bid specifications are written in such a way so as to favor one of the bidders, that's when.

The Niagara County Legislature next week will consider at least six proposals to provide storage facilities for the county's voting machines, a service provided in the past by David Ulrich, a Lockport businessman and Republican Party activist and contributor.

In 2004, he bought an old warehouse on Transit Road for \$75,340 and, four years later, was gifted by the Republican Legislature majority with a five-year, no-bid lease deal to store voting machines that paid him \$86,400 a year.

That's right, each year the county paid \$11,000 more than he paid for the building just to use it for storage. There was a one-year renewal on the contract after the five years, which brought Ulrich's haul to a cool \$518,400 in taxpayer's money to store voting machines that might have been stored



**David Ulrich bought an old mattress factory for \$75,000. He donated \$100,000 to Republicans. Republicans gave him a no bid lease for \$500,000. When Dems Zona and Virtuoso cried foul, Republicans put the lease out for open bidding. Funny they limited the distance to exactly where Ulrich's warehouse is. Could be a coincidence....**

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Records show Ulrich has donated around \$100,000 to elected officials, overwhelmingly Republican.

Last year, the Democratic Minority Caucus, led by Niagara Falls Legislators Dennis Virtuoso and Jason Zona, called foul when Ulrich's no-bid contract once again came up for approval. They demanded the contract be put out to bid. Ulrich responded by doubling the monthly cost of his warehouse rental, and the Republican majority further responded by dragging its collective feet so that he could milk the taxpayers for half a year- which at double the rent- equaled another \$86,400.

When the bid specifications were finally written, they stipulated that the warehouse be located no further than 12 miles from Lockport.

"That just made no sense," said Zona. "The overwhelming majority of the voting machines are used in Niagara Falls and the immediately adjacent suburbs."

But there was method in the Republicans' madness. Twelve miles, you see, is exactly the distance from downtown Lockport to Ulrich's Transit Road warehouse.

The Republicans have since acquiesced, saying they might "consider" a warehouse location further away than 12 miles, but have not offered any guarantees.



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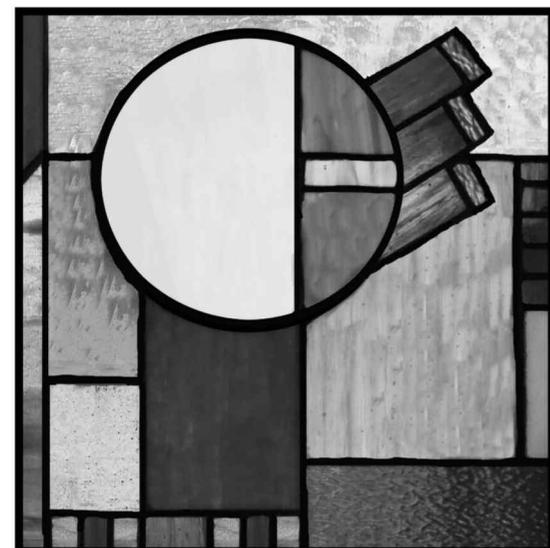


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# Touma Can Rescue Garbage Plan Residents Entitled to More Than 64!

## Frank Parlato

For some unexplained reason, the proposed Niagara Falls disposal ordinance crafted by Mayor Paul Dyster, scheduled to come up for a vote in September, does not allow residents, no matter how large their family, to fill more than one 64-gallon refuse tote per week.

The 64-gallon tote will permit about four-to-five 13-gallon kitchen garbage bags, less than what many families need, even families who recycle faithfully.

Last week, Councilman Andrew Touma acknowledged that this is a flaw in the plan and he was going to try to find a way for residents to be able to get extra totes or buy 'Pay-as-You-Throw' garbage bags.

Lockport offers extra totes for around \$50 per tote per year. They also have Pay-as-You-Throw bags available for \$2 each.

It had been considered, as part of the Dyster plan to allow extra totes for residents if the DPW Director approves it. While Director David Kin-



Andrew Touma, called upon to fix garbage problem.

ney might not refuse a needy family an extra tote, it should not be at the discretion of a mayoral-appointed department head or any bureaucrat.

Touma agreed and said he hopes to come up with a better plan.

It strikes us that the only plan is to trust the people.

If residents want a second tote, they should get one, or more.

Mayor Dyster, the author of this confused, but fixable, plan, has shown a sort of disdain for the people: At the root of this "you get 64 and no more!"

is a kind of government ideology that thinks quite a bit of itself and very little of the people.

Dyster is saying in essence, "You get one 64-gallon tote for refuse and a larger 96-gallon recycling tote, so you better learn to recycle! Then, if my administration decides, you may be entitled to a second one, if you petition us. Then we will decide if you are permitted to have one."

Instead Dyster could promote the good in people and encourage them to recycle.

That means trusting their judgment. If they say they need more, give it to them.

To do this - to encourage recycling, not force it -- would mean Dyster would have to mix among the people and wade through their needs and listen to their voices.

He has been stubbornly adamant about this "64 and no more."

Perhaps there is another man willing to listen to the people.

Andrew Touma can singlehandedly save the Dyster Disposal plan.

He will more than likely have the deciding vote, since Council member Kristen Grandinetti votes the way the mayor tells her, and Council member Charles Walker seems to vote his own best interest.

Touma should vote for a plan that allows people to get extra totes on demand.

The City could, to encourage recycling, and promote fairness in sharing of the costs (if you dispose more, you should pay more) - charge a nominal fee and have a provision for exemptions from the fee in hardship cases.

With this change, the Dyster garbage plan begins to look attractive in a bizarre way.

The odd switching of tote sizes - with the larger 96-gallon tote (normally used for refuse) being used for recycling and the smaller 64-gallon tote (normally used for recycling) used for refuse - might bring Niagara Falls to the vanguard of recycling communities, leading us from the lowest recycling community to the highest.



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

But we must not be forced.

Touma can withhold his vote until a provision is in place to permit larger refuse disposal for anyone who wants it, not granted by government, but by the right of the people to have what they need, when they need it, based upon their decision that they need it.

Touma can fix the whole problem.



Never mind failures; they are quite natural, they are the beauty of life, these failures. What would life be without them? It would not be worth having if it were not for struggles. Where would be the poetry of life? Never mind the struggles, the mistakes. I never heard a cow tell a lie, but it is only a cow—never a man. So never mind these failures, these little backslidings; hold the ideal a thousand times, and if you fail a thousand times, make the attempt once more.

Swami Vivekananda

## LEGAL NOTICE OF FORMATION OF LLC

Notice is hereby given that a license for beer and wine, license number pending, has been applied for by the undersigned to sell beer and wine, at retail, in a restaurant / tavern, under the Alcoholic Beverage Control Law at 755 West Market Street, City of Niagara Falls, County of Niagara, New York for on-premises consumption.

Applicant: 755 West Market LLC

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# Marra's Final Act: 'Engineer Will Test Joe Davis Parking Lot'

In what may have been his final act as a Lewiston town councilman, Mike Marra told the Niagara Falls Reporter that he has instructed town engineer, Bob Lannon, of CRA Engineering, to make a complete examination of the failed parking lot at Joe Davis Park.

"Mr. Lannon told me that he could definitely ascertain whether the town got the contracted asphalt or if the town was cheated in any way," Marra said.

Town Highway Supt. Doug Janese measured the asphalt at select locations at Joe Davis Park and found that in areas where the parking lot failed there was less than the contracted amount of asphalt.

The parking lot, which was paved with an asphalt binder, but without a topcoat, was paved by Ken Young Paving just two years ago.

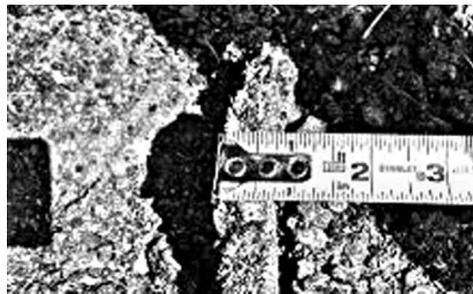
The contract called for 2.5 inches of asphalt binder compacted to 2 inches. In the presence of the Niagara Falls Reporter more than a dozen tests were made and in every instance there was less than the contracted amount.

In a number of places there was less than half an inch.

Questions about the parking lot arose after several large trucks owned by Suit-Kote Construction created large ruts in the Joe Davis lot by driving on it.

Young told the Reporter that he did indeed apply the contracted amount on the 192,000-square-foot lot and welcomed a test to prove it.

Young said, "In some places there may be a little less, but in other locations I put on as much as 10 inches to



**"The tape doesn't lie," said Doug Janes after measuring asphalt at Joe Davis Park.**

get a smooth, even surface."

Marra said Lannon is expected to test the lot in the next week or two.

Former Supervisor Steven L. Reiter told the Reporter that no one from the town inspected the work when it was originally performed in August 2012, despite it being standard procedure on government jobs to inspect work before, during, and after any paving job when public money is used.

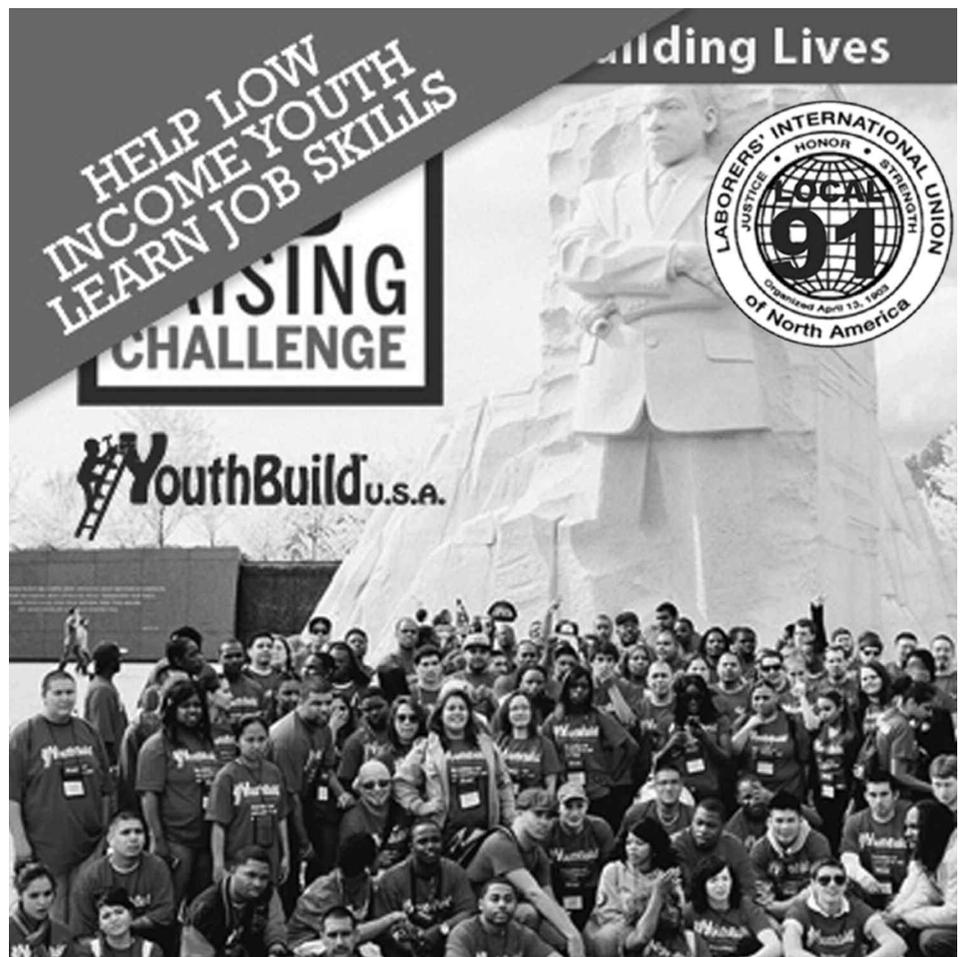
The paving job cost the town \$189,000. Young was the low bidder, coming in more than \$32,000 lower than the next lowest bidder, Mark Cerone Inc. whose bid was \$221,000.

According to Janese, the cost of the asphalt, had it been laid according to the contract, would have been around \$180,000.

Lannon will test the lot using core-samples to determine the depth of the asphalt, according to Marra.

"By using a set pattern similar to a grid, the engineer can get an accurate picture of what the thickness may be," Janese said.

Marra resigned last week.



## LIUNA TRAINING AND EDUCATION FUND TEAMS WITH YOUTHBUILD USA

With large numbers of the current U.S. construction workforce facing retirement within the next five to ten years, many companies, even entire industries, are concerned about how to recruit and train the next generation of craft workers.

One answer may lie in the forging of a new and unique relationship between the LIUNA Training and Education Fund and YouthBuild USA. The two organizations have recently signed a memorandum of agreement to develop direct entry criteria for YouthBuild graduates interested in joining the construction industry and to promote local partnerships between LIUNA Training affiliates and YouthBuild USA affiliates. In addition to helping repopulate the craft workforce, this relationship will provide a clear pathway to employment for low-income young people who are looking for careers in the construction industry with wages that will put them into the economic mainstream.

YouthBuild USA is a national support center for 264 YouthBuild programs across the country that engage nearly 10,000 low-income young adults each year where they work toward a GED or high school diploma while learning job skills and earning an allowance by building affordable housing in their communities. "We are excited to be working with the LIUNA Training and Education Fund to provide opportunities for YouthBuild graduates. These young people are mature, motivated and want to work," commented Daryl Wright, Vice President for Career Development at YouthBuild USA. "

LIUNA Training is the training arm of the Laborers' International Union of North America, offering the best adult education for the construction workforce. LIUNA Training develops curriculum, trains and certifies instructors, and offers support for 70 affiliated training centers located throughout the United States and Canada. By opening the door to opportunity, LIUNA Training helps apprentices and journey workers improve and add to their skills, advance their careers and gain a competitive advantage in a tough marketplace.

According to the American Job Training Investments letter from the United States Department of Labor, "Hands-on apprenticeships are one of the clearest paths to a good, secure middle-class job. In fact, 87 % of apprentices are employed after completing their programs and the average starting wage for apprenticeship graduates is over \$50,000."

## Somebody Wronged You?

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Ken William, Investigative Reporter,**

**716-284-5595**

**"All calls strictly confidential."**

# Councilman's Trash Bag Snatched

**Anna M. Howard**

There was a theft of sorts at Niagara Falls Councilman Glenn Choolokian's home last week.

Someone snatched a bag of trash from the curb in the front of his house in the DeVeaux neighborhood of the city.

A neighbor spotted a car stop in front of Choolokian's house. A man got out, grabbed a garbage bag, and drove off.

Police were contacted but the thief drove off quickly and was well down the street by the time neighbors realized what actually happened. You don't normally expect someone to steal garbage from your neighbor.

In any event, we've dubbed it the "trash bag grab caper" and while it can't hold a candle to the disturbing drive-by shootings and other violent crimes that are increasing each week in the city, this trash snatch deserves mention.

Those familiar with city politics - especially Dyster-era city politics - might, if they are of a suspicious nature, wonder if Choolokian's home refuse suddenly became a tempting target upon Choolokian's expression of interest in seeking the mayor's seat next year.

The council member, and 2013 council chairman, will be up for re-election in 2015. Choolokian has said he may run for mayor rather than seek a second term on the council.

And suddenly his household trash is disappearing.

Grabbing someone's curbside garbage isn't unusual in certain settings, nor is it illegal. Law enforcement agencies do not need a warrant to collect trash that has been placed at the curb or into a dumpster by targets in criminal cases, and in Hollywood the paparazzo are known to go through the refuse of the famous in search of pill bottles, love letters and other "news-worthy" items.

A crafty divorce lawyer may send people to abscond with trash as part of an "investigation" for a client. And in politics it's sometimes done in order to find anything that could be used to embarrass a political challenger prior to an election.

But seldom would it be done in a small political environment such as Niagara Falls. Unless, of course, those in office, or those who seek office, have quite a bit of skin in the game, more skin than would be the norm in a diminutive berg like Niagara Falls.

Sources say that while the mayoral election is more than a year away there



**Most crimes have a motive. Who, other than those aligned with Mayor Paul Dyster, would have a motive to steal likely Mayoral candidate Glenn Choolokian's garbage from his home? We are open to readers' thoughts on this.**

are intense efforts in the works to neutralize all opposition to Paul Dyster. How this effort may, if at all, connect to the grabbing of street-side garbage at an elected city official's home remains to be proven.

As one source said, "If this garbage grab is what I think it is, then bar the doors Katie because next year's election for mayor is going to be one for the nasty record books."

The Reporter contacted Choolokian who was reluctant to speak about it.

Although it was only garbage that was stolen, there is a natural sense of violation that comes with a theft of anything at one's home.

"If anybody comes by my house, anywhere near threatening my wife or my children, there will be a much bigger story than garbage theft," Choolokian said in a fashion that is genuine Niagara Falls hardiness.

So what was in the garbage? The Reporter asked Choolokian.

"Just grass clippings and dog poop," he said.

## Ceretto Event Aug. 6

The Friends of John Ceretto will hold a fundraiser for the assemblyman on Wednesday, Aug. 6, at the Players Club at 328 Niagara St., Niagara Falls. There will be sponsorships at the Derby Day event ranging from \$125 to \$600, with OTB wagering available. Supporters can call 754-3162 for details.



**Consider what you may have in your weekly trash: paid or unpaid bills; credit reports; prescription bottles; medical or legal correspondence; bank statements; work related papers; cards and letters; magazines; proof of everything you eat or drink or smoke. Your entire lifestyle, in shorthand, is contained in your trash receptacle.**



**Perhaps the thief merely wanted Choolokian's garbage bag to make a fashion statement....**

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**Mathew 11:28**

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# Johnny Rockets Waitress Victimized By Poor Policy, Aretha's Publicist?

**Mike Hudson**

Aretha Franklin, the undisputed Queen of Soul, has about the greatest publicist on the face of the planet. She's a woman named Gwendolyn Quinn, and she deserves a fat bonus this week.

The New York Daily News, the New York Post, the Toronto Sun and the Globe and Mail, the Hollywood Reporter, USA Today, the London Daily Mail and all of the online gossip outlets like the Huffington Post, Hollywood Reporter, Perez Hilton and Gawker were abuzz this week with news of a minor altercation between the 72-year-old Franklin and a 15-year-old girl employed by the Johnny Rockets hamburger franchise in Niagara Falls, Ont.

Franklin went there after performing a taxpayer-subsidized, sold-out concert at Artpark in Lewiston.

What happened was this: Franklin ordered a hamburger, was asked whether it was for here or to go, paid for it, was given the hamburger, and then sat down at a table to eat it. The young girl, who Johnny Rockets' spokeswoman Cozette Phifer said had been employed at the restaurant for less than a week, told Franklin she couldn't sit down at a table because she'd ordered takeout.

According to the legendary singer's media machine, she was "screamed at" by the 15-year-old. A manager was summoned, and she backed her employee's decision. Quite clearly that's the policy at Johnny Rockets. Order something to go, and go you must.

There's no way in the world that the girl recognized Franklin, who hasn't had a hit in, well, a lot more than 15 years. And even if she had, store policy is store policy and the girl was only doing her job.

But there's no arguing with international headlines and a story that goes viral on the internet. Johnny Rockets quickly capitulated, due in no small measure to the fact that an artist of Franklin's stature commands far more media adulation than any low rent hamburger chain.

Also, it turns out that Franklin has what might be called a "special relationship" with the restaurant chain. Waitresses at some Johnny Rockets locations are known to choreograph a dance routine based on Franklin's performance in the classic film, "The Blues Brothers," and her love of the chain's burgers and Cherry Cokes is the stuff of legend.

"We celebrate her birthday – we have Aretha Franklin day in all our

(restaurants)," Phifer said. "We love her. She's extremely important to our brand. So the fact it's her that this happened to makes it all the worse for us. She's an integral part of our business."

The young girl at the center of the swirling controversy has not returned to work and has not been heard from since the incident a week ago Tuesday. A victim of poor policy by Johnny Rockets – who would put a 15 year old in charge of adult customers– and Franklin's obviously world class public relations machine, it's not much of a stretch to say that what happened to her amounted to child abuse.



"I got up and walked out," Franklin said of her visit, after an Artpark show, to Johnny Rockets in Niagara Falls Ontario.

## NOTICE OF MEETING

The first meeting for the **Niagara Falls Residents Forum** will be held at The 755 Restaurant & Lounge July 30th. at 6 PM. 755 W. Market (former Macri's in city market)

This will be an all volunteer forum **OPEN TO ANYONE** who would like to help improve our Quality of Life, moving forward and see how we can improve and help our city government. We will spearhead different agenda's of government. How we can improve our city and what is done that is wrong. **ALL WELCOME**

Candace Corsaro

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# Will Historic Hornblower Appeal Finally Sink Glynn's Maid of the Mist?

**Frank Parlato**

The time is coming, Sept. 3 to be exact, when perhaps the most high profile case in this area - with \$100 million or more at stake - will be heard by the New York Supreme Court Appellate Division—Fourth Department.

It's an appeal of an order of State Supreme Court Justice Catherine Nugent Panepinto on the matter of Hornblower Yachts, LLC., versus the New York State Office of Parks Recreation and Historic Preservation and Maid of the Mist Corporation.

Judge Panepinto ruled on Aug. 29, 2013 that New York State Parks was right to allow James Glynn of the Maid of the Mist Corporation to operate his Niagara Falls boat tours without public bidding for the next 30 years, based on his 2002 license agreement with the state.

Hornblower argued that changes made in Glynn's license should have triggered a public bidding process.

At the heart of the case is the public bidding law itself, and is colored by the fact that Hornblower offered \$100 million more than Glynn, which the state refused to consider.

Hornblower brought its action under Article 78 of the New York Civil Practice Law and Rules, suing New York Parks, Maid of the Mist and the New York Power Authority, which owns land where Glynn recently built new storage docks.

Since 1972, Glynn's Maid of the Mist Corp has had exclusive license to operate boats in the Niagara Falls State Park. Glynn also had, from 1972 until 2013, a license on the Ontario side for a similar boat tour, granted by the Niagara Parks Commission.

In 2012, following a two-year series of stories in this publication, the Ontario Ministry of Tourism ordered the NPC to conduct an open bidding process on the Ontario side. Half-a-dozen companies submitted bids. Hornblower won and is paying approximately 22 percent of boat tour sales to Canada.

Glynn was paying four percent in New York.

Once Glynn lost his Canadian license, he could no longer conduct boat tours in New York without changes to his NY license since winter storage docks were located in Canada.

Rather than put it out to bid, New York negotiated with Glynn to "amend" his license in 2013 to permit him to build a \$32 million winter storage dock at the bottom of the gorge



**Maid of the Mist Boat Tour July 4, 2014.**

outside the state park, on NYPA land.

Judge Panepinto didn't rule on whether giving Glynn land for a dock made it a new license or a grave enough amendment, which should trigger a public bidding process. She simply deferred to state parks' decision that it was an inconsequential amendment to Glynn's old (2002) license and therefore, if parks said it did not require public bidding, she would defer to their opinion.

## Glynn's sweet-heart deal

Hornblower's attorney, Edward G. Kehoe of King & Spalding, an international law firm, will make the oral argument before the appellate court. Locally Hornblower is represented by John P. Bartolomei of Niagara Falls.

At the heart of the appeal is that Panepinto erred in deferring to State Parks because, they argue, Parks illegally circumvented the public bidding law which was clearly triggered by two facts: One: Glynn could no longer operate without major changes in his license. Two: Once these changes were approved, a number of companies could provide boat tours.

Their argument is buttressed by the fact that the only reason Glynn avoided public bidding in his original 2002 license was State Parks claimed he had to have the Canadian license since it was impossible to build winter docks on the New York side because of the geographical contour and ice flows.

Referring to the agreement Glynn got in 2002, Angela Berti, then-spokeswoman for New York State Parks, said, "No bids were taken because the Canadian agreement (makes Glynn) a 'sole source' provider' because he has a lease on the Canadian side that allows

(N.Y.) Maid of the Mist Corporation to dock its boats on the Canadian side."

Glynn's 2002 license, interestingly, was a 40-year agreement. He contributed \$5 million out of a \$25 million State investment into the construction of a new Maid of the Mist souvenir store which Glynn operates; new, high-speed elevators leading down to his boats, which he controls, and the elimination of the observation tower, which diverted tourists and used up elevator space otherwise employed to bring people down to his boat tours.

State Parks also handed Glynn control of the its observation deck, and

lord, paid the tenant, Glynn. None of this was made public at the time.

After the rent reduction, the money Glynn earned operating the observation deck (about \$750,000 from year one) was more than double the four percent (about \$350,000) Glynn paid on boat tours, according to his own projections included in the license agreement filed with State Parks.

In Canada, Glynn paid 15 percent or about \$3 million per year, for his boat tours. (Hornblower now pays more than \$10 million per year in Ontario).

Curiously, also, in 2002, when Glynn's sole source license was signed, state officials were aware that Glynn's Canadian license was set to expire in 2009. His Canadian license was, they claimed, the sole reason why only he could have the New York license.

New York law provides that sole source licenses be granted for the shortest duration necessary - in Glynn's case, seven years, or up until the time Glynn's Canadian lease expired. Somehow State Parks granted Glynn a 40-year license, until 2042 -- or 33 years beyond the expiration of his Canadian lease.

On the surface, this flies in the face of New York State Finance Law, Sec-



**How will they rule?: Standing l-r: Hon. Gerald J. Whalen, Hon. Rose H. Sconiers, Hon. Edward D. Carni, Hon. Stephen K. Lindley, Hon. Joseph D. Valentino, Hon. Salvatore R. Martoche (retired). Seated l-r: Hon. Eugene M. Fahey, Hon. Nancy E. Smith, Hon. Henry J. Scudder, Presiding Justice, Hon. John V. Centra, Hon. Erin M. Peradotto.**

dropped his rent for his boat tours from 10 percent (which he had paid since 1972) to four percent. This 60 percent decrease in rent made up for Glynn's \$5 million contribution within seven years (2009) of his 40-year license.

State Parks also, as part of the deal, allowed Glynn to collect 75 percent of revenue for the state-owned observation deck - for manning the ticket booths. Formerly the state collected 100 percent of their observation deck revenue.

The 2002 license for Glynn wound up as one where State Parks, as land-

tion 163, which reads, "The term of a single source procurement contract shall be limited to the minimum period of time necessary to ameliorate the circumstances which created the material and substantial reasons for the single source award."

## Enter the Reporter

Fast forward to 2009, when a series of stories appeared in the Niagara

## Appeal Argument focuses on Public Bidding laws

Falls Reporter revealing that Ontario's Niagara Parks Commissioners misled Ripley Entertainment about their rights to bid for boat tours Glynn operated in Canada.

The Reporter uncovered that, while commissioners were misdirecting Ripley, they were secretly speeding up drafting a new, 25-year license for Glynn, more than a year ahead of schedule. The Reporter revealed that this renewal included a cleverly crafted, "hidden" reduction in Glynn's Canadian rent by more than \$600,000 per year, something not entirely dissimilar to what happened in New York in 2002.

Once exposed, the outcry from the Canadian public was severe and the Ontario Ministry of Tourism ordered Glynn's 2009 Canadian license be revoked and put out to bid in 2011. The Tourism Minister also ordered the firing of 11 NPC commissioners and two longtime managers, including its general manager, all of whom were involved in the Glynn license arrangements, making it one of the most significant scandals in the NPC's 125-year history.

Even more significantly, competitive bidding resulted in a \$300 million net gain for the people of Ontario over what they would have had with the Glynn deal.

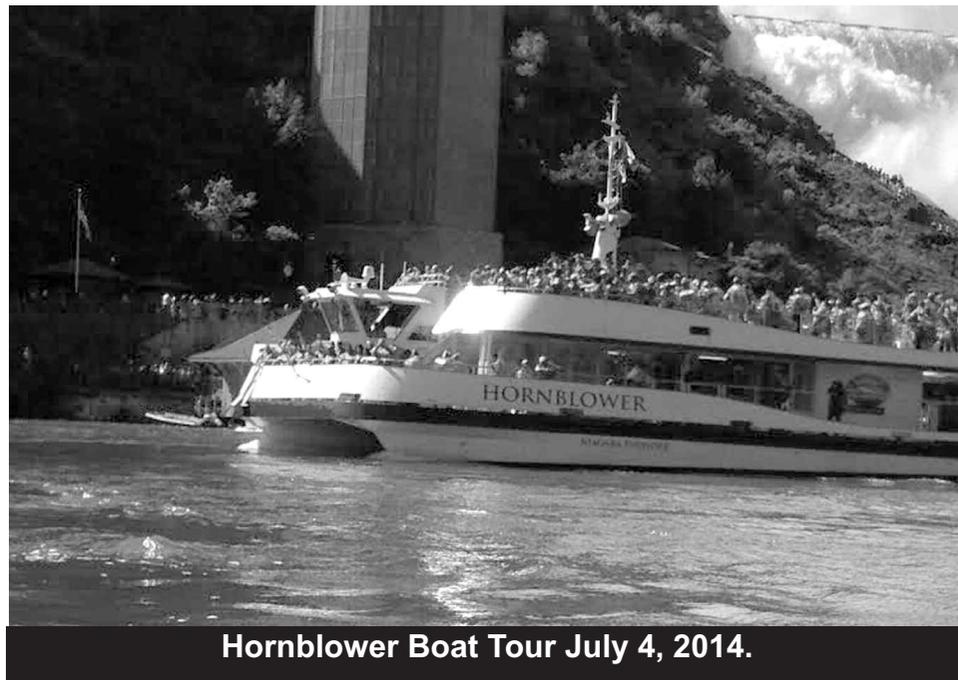
In the two-nation competition for tourist dollars, Ontario got \$10 million more per year to use to improve their parks. They got fair market value for their docks in their park, which brings us back to New York

After Glynn lost to Hornblower in Canada, New York State Parks' argument that Glynn had to have the New York boat tours because he had the Canadian docks was no longer true.

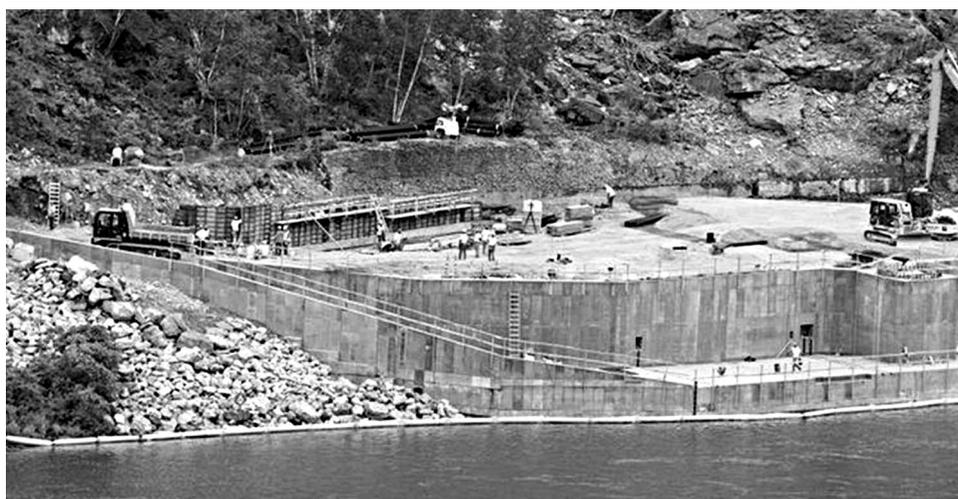
Without his winter docks, Glynn would be out of business. If nothing were done to help Glynn, Hornblower would take over the New York boat tours by the same reasoning that gave Glynn sole source status in 2002. Hornblower now had the Canadian winter docks.

At this point, state parks and Gov. Andrew Cuomo (prompted by a spate of elected officials clamoring to help Glynn) stepped in and determined that there was land to build docks after all - on NYPA land - where the Schoellkopf Power Plant stood before it collapsed in 1956.

Glynn was granted the right to build winter docks. Cuomo called it a "special circumstance," saying the loss of Glynn's business would be incalculable to the public. Glynn's New York rent was raised from four to 8 percent which ended the arrangement of state



Hornblower Boat Tour July 4, 2014.



**The state gave Glynn the rights and the land to build winter docks at the site of the old Schoellkopf power plant without giving any other company a chance to offer a better deal. No matter how one views this agreement, it is still a public contract given to a private contractor without competitive bidding.**

parks paying their tenant to operate his concession to one where Glynn pays in effect zero rent: After collecting the revenue (more than \$1 million in ticket sales) for the observation deck, and paying eight percent on boat sales, Glynn's new payment is about equal to what he earns from the observation deck.

### The Hornblower appeal

Whether this is a classic "sweet-heart deal" does not figure into the appeal, nor does the fact that Hornblower offered to pay \$100 million more than Glynn.

The argument is simply whether Justice Panepinto erred in deferring to the State Parks decision to call the changes in the license an amendment to Glynn's 2002 license rather than a new license.

Hornblower's argument that Glynn's new winter storage docks are proof that what State Parks deemed "impossible" in 2002-- to construct a winter storage dock in New York - was

not impossible after all. Once it was determined that docks could be built, it should have gone out for public bidding, they say.

While the State admits that without this change, it would not have been possible for Maid to continue performing under the original contract, the state argues that building a \$32 million dock is akin to a "change order" that does not "alter the identity" of the original 2002 contract, and is not consequential enough to trigger public bidding.

Hornblower argues, "It is difficult to understand how they can simultaneously argue that this critically important and material amendment is inconsequential.

"There is no principled way to reconcile State Parks' past positions with its contradictory current positions, unless the misguided principle is to protect MaidCo from competition."

Hornblower argued in filings, pointing to precedents that indicate a public agency's power to modify a public contract "is not a grant of authority to make a new or different contract without complying with the competitive bidding statutes."

If a "different or new contract [is made] without complying with the competitive bidding statutes it is void and unenforceable. The purpose of this rule is to safeguard against the extravagance or corruption of officials as well as against their collusion with vendors," Hornblower argues.

As a means of diminishing the \$100 million better offer, State Parks was dismissive of Hornblower; calling their offer "speculative" and saying the Glynn deal is the best the state could make.

"Hornblower is simply behaving as would be expected of a self-interested private corporation, seeking to eliminate its competitor and favorably positioning itself for future negotiations with State Parks for the resulting business opportunity," State Parks wrote.

Hornblower rebutted, saying the only party that insisted New York State "take its word for it" is Maid of the Mist.

Citing case law, Hornblower argued, "The purpose of New York's bidding requirements is that no vendor should be taken at its word, but rather all promises must be tested by bidding. Absent competitive bidding we have no way of knowing what is 'the best agreement possible.' (Signacon, 32 N.Y.2d at 416, 1973)."

A "fair bidding process is what Hornblower seeks, and it is all that Hornblower has ever sought," Hornblower wrote in their appeal. "The fact that Maid of the Mist is suddenly willing to pay \$32 million for a docking facility that becomes the property of the State—while at the same time sharply increasing its payments to the State—proves that New York State certainly did not get best value in the 2002 license."

Hornblower's offer to pay \$100 million more, whether speculative or not, suggests New York is not getting best value today.

There is enough at stake perhaps to dwarf the \$32 million Glynn invested in docks should it go to bid. Whether Glynn would be reimbursed if bidding is allowed, and Glynn lose the bidding, is a matter to be determined later.

The \$100 million Hornblower offered might not even be the best offer bidding may produce which suggests that if the boat tours do not go up for bid, the state left a lot of money on the table.

There is no time line for the Appellate court to make its decision, but a decision on whether the boat tour license must go out to bid might come within weeks or months.

# Are New Maid of the Mist Docks Just Tragedy Waiting to Happen?

## James Hufnagel

The expulsion of James Glynn and his Maid of the Mist boat ride from Canada was an act of man, but it may be an act of God that ends his monopolistic, two-fisted grasp of the enterprise on the U. S. side of Niagara Falls.

That's because a growing body of evidence indicates that the rock walls of the Niagara Gorge directly above his recently-constructed Maid of the Mist storage area are exceedingly unstable and may, at any time, collapse on the new boatyard and maintenance facility, subjecting it to the same fate as the Schoellkopf Power Station that occupied the site 60 years ago.

After losing his Canadian franchise and winter headquarters, due to alleged corrupt influence on Ontario's Niagara Parks Commission covered in depth by this newspaper, Maid owner Glynn was forced to construct a new, \$32 million boatyard at the Schoellkopf site virtually overnight in order to keep his business semi-intact. Hornblower, the worldwide tour boat company that outbid Glynn and took over his Canadian concession, has a standing offer to New York State exceeding what Glynn pays by \$100 million.

Thus far, the Cuomo administration has ignored Hornblower's lucrative offer in favor of a no-bid arrangement with the wealthy and influential Glynn. State Parks and NYPA bypassed regulatory formalities, waived SEQRA and canceled an application for National Historic Landmark designation, and the Glynn boatyard was rushed to completion in a matter of months.

## Schoellkopf history

Before the construction started, it may have been advisable for Maid of the Mist, or at least their insurance underwriters, to review some of the history surrounding the Schoellkopf site which has been twice demolished, first by nature and then by bulldozers and backhoes to make way for Glynn's family business.

"Schoellkopf Disaster Traced to Quake," headlined the Niagara Falls Gazette on March 21, 1962, and it didn't bode well for the long-term viability of Glynn's precarious foothold on the Niagara River at the base of the gorge. "The Schoellkopf power plant disaster and the damaged concrete lining of the Schoellkopf tunnel discovered Tuesday... were traced by a noted seismologist to an earthquake here in 1946."

Prof. Austin McTigue, chairman of the Canisius College physics department from 1940-1959, attributed the

cataclysmic rockslide that demolished the Schoellkopf, the hydropower generating plant that produced many thousands of kilowatts of electricity, powered local industry and comprised 25 percent of the city's tax base, to a 1946 quake that took place along the Ransomville-Niagara Falls earthquake fault, which traces a zigzag path between the two Western New York communities.

"Blast-like Tremor Felt Throughout Area; Report Rock Slide at Cataract. Chimneys, Plaster Cracked; Fruit Jars Knocked from Walls; Earth Movement Recorded on Canisius Seismograph," read the Gazette account of the event, "Telephone switchboards, radio stations and police stations were flooded with calls."

In 1962 Professor McTigue identified a small fault, exposed by the '46 quake, passing directly through the rock layers supporting the Schoellkopf plant. "By studying the face of the gorge from the Canadian side," he said, "this fault can now be clearly seen." It was theorized that an accumulation of water, freezing and thawing, undermined the rock strata even more, ultimately causing the tragic rock slide.

It's no accident that the University of Buffalo's Multidisciplinary Center for Earthquake Engineering Research (MCEER) was located at the north UB campus a few years back, winning out over research universities in quake-prone California.

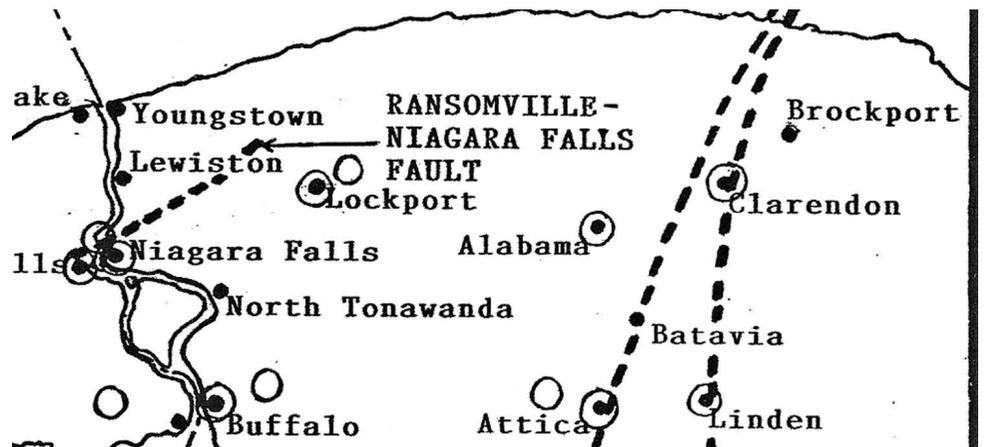
Vigilant Guard magazine, a publication of the New York National Guard, did a story on the Center in 2009, focusing on the probability of a catastrophic earthquake rocking Western New York. It found that the risk level for Niagara County is one of the highest in the nation. "A 5.9 magnitude earthquake in this area is not an unrealistic scenario," one researcher warned.

## History of disaster

Rockslides, some caused by tremors, are not uncommon in the Niagara Gorge, to the extent that the Niagara County Dept. of Emergency Services devotes a whole section of its February, 2008 Hazard Mitigation Plan to potential occurrences there.

Starting with a July 1, 1917 disaster in the Niagara Gorge, in which an avalanche toppled a train into the river killing 12, rockslides have caused fatalities in the gorge on other occasions, including one at Cave of the Winds that killed three tourists.

While State Parks Western Region, under the leadership of director Mark Thomas, has a near obsession with "interpretive" signage, somehow we doubt



A minor fault, The "Niagara Falls-Ransomville", identified shortly after the Schoellkopf Power Plant Disaster of 1956, may put the new Maid of the Mist boatyard at risk.



Federal and State regulations were circumvented by the Cuomo administration in its rush to save Glynn's bacon.

you'll encounter any mention of the natural processes that culminated in the Cave of the Winds tragedy.

According to the US Coast and Geodetic Survey, a strong March 27, 1962 quake centered at Niagara Falls (amazingly, one week after the McTigue story), possibly originating at the gorge fault, was "felt by, awakened and frightened many. Hundreds of persons telephoned the police and fire departments inquiring about the tremor. Beds, chairs displaced; houses shook; dishes rattled. Intensity (damage) at Sandy Beach (Grand Island) where houses shook; felt at Cambria, Lewiston, North Tonawanda, Pekin and Tonawanda. Also felt at Saint Catherines..."

Are we due for another quake of the magnitude of the '46 and '62 seismic events, and could it trigger another catastrophic rockslide in the Niagara Gorge, resulting in the complete destruction of the Maid of the Mist? In retrospect, it appears the 30-year extension arbitrarily granted Maid by Gov. Cuomo may be excessively optimistic. Regret to say, we're overdue for another such tectonic event, by some years.

A high-level State Parks source—who wishes to remain anonymous—has told us that numerous cracks resulting from shifting and eroding rock lay-

ers are in evidence in and around the Schoellkopf and Gorge Discovery Center building. These cracks, in addition to small "sinkholes" which appear now and then due to progressive collapsing of tunnels below, need to be filled in as a matter of routine maintenance.

It's interesting that the entire area between the Discovery Center and gorge rim has been fenced off for years, probably because of the danger of tourists falling off in a rockslide and tumbling, fatally, into the gorge below.

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# Jury Nullification set Wild Bill Hickok Free Although He Killed a Man Illegally!

## Frank Parlato

On July 20 1865, James Butler "Wild Bill" Hickok was playing in a poker game at the Lyon House Hotel in Springfield MO., when a friend of his, Davis Tutt showed up claiming Hickok owed him \$45 from an earlier game.

Hickok said he only owed \$25 since he had paid Tutt \$20 some days before.

Tutt snatched Hickok's Waltham Repeater gold pocket watch off the table and said he would keep it until Hickok paid the \$45.

Hickok was livid, but outnumbered and outgunned, he quietly asked Tutt to put the watch back on the table.

Tutt left the premises with the watch.

Afterward Tutt's supporters mocked Hickok, announcing they'd heard Tutt say he was planning to wear the watch "in the middle of the town square" the next day.

"He shouldn't come across that square unless dead men can walk," Hickok said.

The next day, Tutt arrived at the town square around 10 a.m. with Hickok's watch openly hanging from his waist pocket. Hickok met Tutt at the square.

Tutt demanded \$45. Hickok was adamant he owed \$25.

Hickok said he would rather fight any man rather than Tutt for, as he said to him, "you have accommodated me more than any man in town for I have borrowed money from you time and again, and we have never had any dispute before in our settlement."

Tutt said he didn't want trouble either.

Then they went for a drink. Soon afterward Tutt left.

A few minutes before 6 p.m., Hickok was seen approaching the town square from the south, a .36 caliber Colt Navy in hand.

The townsmen came to witness.

Tutt came at six, with Hickok's watch dangling from his waist pocket.

Across the square, Hickok stopped,



Wild Bill Hickok

faced Tutt, and called, "Dave, here I am." He cocked his pistol, holstered it on his hip, and gave warning, "Don't you come across here with that watch."

Tutt stood with his hand on his pistol.

Both men faced each other sideways in the dueling position. Then Tutt reached for his pistol. Hickok drew his gun and steadied it on his opposite forearm. The two men fired. Tutt missed. Hickok's bullet struck Tutt.

"Boys, I'm killed," Tutt cried, and he ran to the porch of the courthouse and back to the street, where he collapsed and died.

The next day, a warrant was issued for Hickok's arrest for murder.

Two days later he was arrested. The magistrate reduced the charge from murder to manslaughter.

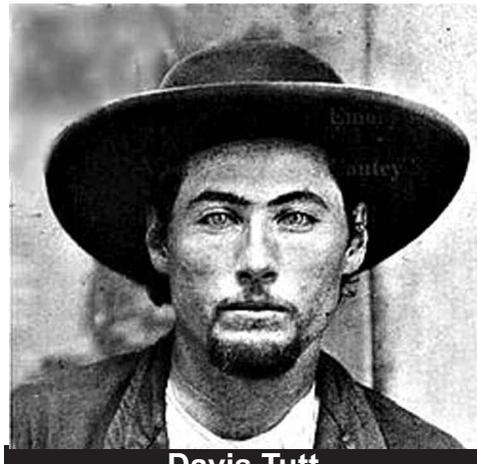
Trial was set for August 3rd, his Hon. Judge Sempronius Hamilton Boyd presiding. The trial lasted three days. Twenty-two witnesses testified.

Hickok's defense attorney was Col. John S. Phelps who had employed him during the Civil War. Hickok claimed self defense.

The prosecutor, R. W. Fyan, urged the jury to find Hickok guilty since

**IF YOU ARE SELECTED FOR JURY DUTY ON A MARIJUANA CASE, YOU CAN SAY, "NOT GUILTY" NO MATTER WHAT!!! EVEN IF EVERYONE ELSE SAYS "GUILTY", STICK TO YOUR GUNS THAT THE LAWS ARE UNJUST... THEY'LL HAVE TO THROW THE CASE OUT!!! TOGETHER, WE CAN STOP THE DRUG WAR!**

SHARE THIS EVERYWHERE!!!



Davis Tutt

Hickok's claim of self-defense was invalid under state law which made "mutual combat" illegal. Fyan pointed out that Hickok came to the square armed and expecting to fight.

The jury, the prosecution said, had no choice but to find him guilty. He broke the law.

In what has become a famous instruction to the jury, Judge Boyd first told the jury that a conviction was its only option under the law of the State of Missouri.

"The defendant cannot set up justification that he acted in self-defense if he was willing to engage in a fight with deceased. To be entitled to acquittal on the ground of self-defense, he must have been anxious to avoid a conflict, and must have used all reasonable means to avoid it. If the deceased and defendant engaged in a fight or conflict willingly on the part of each, and the defendant killed the deceased, he is guilty of the offense charged, although the deceased may have fired the first shot."

Then the judge instructed the jury that jurors always have the power, if they wish, whenever they wish it, to nullify the written law and, in this instance, apply the unwritten law of the "fair fight" and acquit.

After the jury deliberated for about an hour, the trial ended in acquittal on August 6.

The jury chose to nullify the written law prohibiting mutual combat.

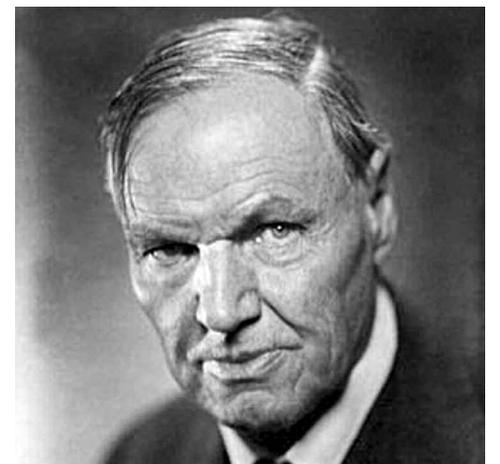
Nothing better described the times than the fact that dangling a watch held

as security for a poker debt was regarded as a justifiable provocation for resorting to firearms.

That a provoked man should be able to uphold his honor by dueling was, to the jury, more important than some effete law that prohibits two adult men from settling their affairs directly.

If, as it has been argued by some in the government, that the jury is only to judge the facts and not the law, the jury would have had to find Hickok guilty. He broke the written law.

But a jury, any jury, always has the power to nullify the law and find anyone "not guilty" of any "crime" if they, in their good conscience, do not believe the law is just, or properly applied. Even one juror can hang a jury. No one can coerce a single juror to vote with the majority of jurors. This is the cornerstone of our liberty.



**CLARENCE DARROW (Debate with Judge Alfred J. Talley, Oct. 27, 1924): "Why not reenact the code of Blackstone's day? Why, the judges were all for it -- every one of them -- and the only way we got rid of those laws was because juries were too humane to obey the courts. That is the only way we got rid of punishing old women, of hanging old women in New England -- because, in spite of all the courts, the juries would no longer convict them for a crime that never existed."**

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NULLIFICATION



# Former Council Secretary Receives 'Probable Cause' Determination in Age Discrimination 'Firing'

**Anna M. Howard**

Kevin J. Ormsby, former secretary to the Niagara Falls City Council who was fired from his job at the close of 2013, was notified last week by the New York State Division of Human Rights that he has "Probable Cause" to pursue a settlement from the City of Niagara Falls and Council members Charles Walker, Kristen Grandinetti and Andrew Touma with regard to his age-discrimination complaint.

Walker, Grandinetti and Touma removed Ormsby as secretary and replaced him with political operative and City Democratic Committee member Ryan Undercoffer, age 24. Undercoffer has been on the job since his appointment at the first council meeting of 2014.

Ormsby, 61, filed an age-discrimination complaint through the Division of Human Rights in February. The finding of Probable Cause was issued as the last step in an investigation by the Buffalo office of the New York State Division of Human Rights.

The state letter of "Determination After Investigation" reads, in part, "After investigation, the Division has determined that it has jurisdiction in this matter and that probable cause exists to believe that the Respondents have engaged in or are engaging in the unlawful discriminatory practice complained of."

"Certainly this is good news," said Ormsby. "But it's not over. I trust that the City and the Council majority will value the state's determination and respect the state's finding by moving forward in good faith."

The "Basis for Determination" portion of the determination letter closed with, "The record supports complainant's allegations that he was terminated based on his age. The evidence indicates complainant was terminated and replaced by a younger person. Witnesses verify that the decision makers made comments stating the reason for complainant being replaced was based on age."

At the close of the January council meeting in which Undercoffer was appointed, both Walker and Grandinetti highlighted for the media Undercoffer's age with Walker saying Undercoffer was hired because he is, "young, qualified and expressed interest in the position." Grandinetti told the press that the Council wanted to bring in a



**Kevin Ormsby: too old?**

"young fresh face."

Undercoffer was handed the council secretary position with no public posting of the job, no interview process, his resume never made public, and with no other candidates interviewed for the job, everything Ormsby had to undergo prior to his taking the council secretary job one year earlier.

Former Council Chairman Sam Fruscione told the Reporter, "When I served as Chairman, I was told by the city's EEOC director, Ruby Pulliam that, before the City Council could hire a new secretary, I must post the position with the unions and on the city's website. I was told that interviews must be held for candidates. Furthermore, Mr. (Charles) Walker wanted me to implement a rating system for each candidate and whichever candidate received the highest rating would receive the position. I did, and as a result, Mr. Ormsby was hired. That's just the opposite of what Mr. Walker did when he hired 'his' secretary. Strangely, Ruby Pulliam sat back and allowed it to happen."

Ormsby, no favorite of the mayor's despite his spending almost five years as the city's media and public information specialist, whose task was to write most of the mayor's press releases, accepted the council secretary position at the close of 2012 after Mayor Dyster wrote him out of the city budget. Dyster de-funded his position.

The next step in the complaint process will be a public hearing presided over by an Administrative Law Judge. There could be, prior to the public hearing, a Pre-Hearing Settlement Conference if the City and City Council express interest in settling the matter.

In June 2010, Mayor Dyster, fol-

lowing the advice of the Attorney General, opened the city's first ever Equal Employment Opportunity Office, hiring Pulliam as director, to great media fanfare.

At the time, Dyster told the media the "clock is ticking" nearing the end of city discriminatory practices, now that Pulliam is on the job. He told the Niagara Gazette that she will be capable of "leading the city in the direction it needs to go in terms of workplace diversity and equality."

"I'm hoping that today is the beginning of a new era here," Dyster said then.

Three years later, Fruscione said, Undercoffer "was hired without adhering to any of the rules that were implemented by the Attorney General's office... Mayor Dyster, under the advice of the Attorney General, hired Mrs. Ruby Pulliam to make sure that minorities and the disadvantaged were given equal opportunity to jobs in the

city of Niagara Falls. This has been probably the biggest sham and failure at city hall. Ryan Undercoffer, the new council secretary, was hired without following any of the procedures established by the Attorney General. Mr. Walker, along with Ruby Pulliam, both turned a blind eye to procedure and the Attorney General's recommendations and hired the hack/boy (Undercoffer) because he was youthful, and the Democratic committee told them to do so. So much for equal opportunity."

This year, after Ormsby's firing, he tried to get the city's EEOC interested in hearing his complaint. He was ignored, forcing him to go to the state.

"The NY State Division of Human Rights is a well-respected and active division of government," Ormsby said. "Without this division of government a person would have nowhere to turn after falling victim to discrimination, at least in Niagara Falls."

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# Reporter's Role in Quashing Bridgewater Project Just a Part of What We Do Here

## Mike Hudson

The goal line failure of the Bridgewater Estates project on Route 104 in Lewiston was good news for the people of Lewiston, bad news for former Town Supervisor Steven L. Reiter, and all in day's work for the Niagara Falls Reporter.

In comparison to his actions in the Bridgewater affair, the theft of gasoline from town pumps that led to Reiter losing in a primary election as supervisor was penny ante.

But were in not for the Reporter's investigation into the project, the shady details of the project would never have come to light.

In that respect, Reiter's Bridgewater project can now take its place alongside Jimmy Glynn's Maid of the Mist contract, the under the table pay-off of \$40,000 from developer Joe Anderson to former Niagara Falls Mayor Vince Anello and the investigation into Laborers Local 91 that helped trigger federal indictments of the union's top leadership as evidence of this newspaper's ability to root out corruption.

In his role as supervisor, Reiter



**Bridgewater is dead: to begin with. There is no doubt whatever about that. The register of its burial was signed by the town board, the clerk, the supervisor, and the chief mourner; Steven L. Reiter who has now placed his mother's property up for sale again. Old Bridgewater was as dead as a door-nail.**

took charge of a deal between his mother, who was selling a six-acre piece of property located at the intersection of Route 104 and Model City Road. Reiter's mother had been trying to sell the land for \$350,000 for a number of years with no takers.

Reiter rammed through a change in the town's zoning ordinance that changed the zoning from R-2 Residential to a far more lax general business zoning that requires no buffer zone between residential and industrial properties and allows for high density apartments and four story buildings.



**The clever plan had luxury senior housing backing up to about 1000 Port-O-Potties owned by Modern Disposal.**

Lo and behold, buyers for the parcel emerged from out of the woodwork with a plan to build 138 units of "luxury senior citizen housing" on the site, which is right next to Modern Disposal's storage yard.

And the buyers weren't paying a measly \$350,000 for the parcel either. The change in zoning also resulted in a price hike, to \$1.4 million. Just as quick as that, Reiter's 85-year-old mother became America's newest millionaire.

But Reiter wasn't through helping the Bridgewater Estates project. In his official position, the town supervisor signed waivers eliminating the need for a traffic study- despite there being plans for some 200 seniors to exit from a single driveway against 55 mph-plus truck traffic, or an environmental impact statement, saving the developers as much as \$1 million.

Later on the Reporter revealed that the site was once a gas station and auto repair shop, which by normal operation of safeguarding for hazards, an environmental study is required.

By the time the county Industrial Development Authority received a request from the developers for \$1.8 million in tax breaks for the project, Reiter was actually listed as owning a 19 percent stake in the project. The supervisor, it turned out, was one of the

developers!

The IDA proposal was presented by none other than longtime Reiter friend and supporter Henry Sloma, who had only recently stepped down as IDA chairman. He told the IDA members they should approve the developers' request and they did what he told them to do, just as they had during the seven years he spent as chairman.

About a year after the approval, Sloma quietly returned to the IDA as chairman. How much he was paid for his role in the Bridgewater deal is unknown.

Almost certainly, aspects of the project were illegal, unethical and potentially dangerous. It is a dead letter now, since all of those things were exposed on the pages of this newspaper.

Because of this newspaper's reporting, the town Planning Board kicked approval of the project back to the Town Council for review. Specifically, they said they wanted a traffic study done at least. The IDA rescinded their approval of the \$1.8 million in tax credits.

The Town Council tabled any action on the proposal and all the Bridgewater approvals expired, meaning that the developers, if they choose to pursue it, would have to start from scratch, something that in more than a month they have failed to do.

With Reiter and Councilmen Ernie Palmer and Michael Marra now out of the picture, it is likely to remain in limbo.

You won't often read or hear a word about public corruption in the mainstream media on the Niagara Frontier until grand jury subpoenas go out, or indictments are handed down.

But, as our investigations into Bridgewater Estates, the Maid of the Mist, Laborers Local 91 and more than a dozen other cases proves, here at the Niagara Falls Reporter corruption on the part of public officials is our bread and butter.

## Notice of Public Meeting City Market Block Club Open Forum

Speaker: Assemblyman John Ceretto, Mayor Paul Dyster, Police Chief Bryan Dalporto

Topic: **Crime Concern**

Place: American Legion @ City Market

Date: Wed July 30, 2014

Time: 6 PM

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<p><b>Oven Bake Element</b> <b>\$24<sup>95</sup></b> <i>Compare up the street @69<sup>00</sup></i></p>	<p><b>Add-A-Shower with Bathcock Faucet</b> <b>\$119<sup>95</sup></b> For Claw Tub • 42" x 24" • W/ Riser &amp; Wall Support</p>	<p><b>Coffee Pots</b> • Dishwasher Safe • Stainless Steel • w/Permarwood Handle</p> <p>3 cup <b>\$25<sup>95</sup></b> 6 cup <b>\$28<sup>95</sup></b> 9 cup <b>\$31<sup>95</sup></b> 12 cup <b>\$34<sup>95</sup></b></p>
<p><b>Contractor Garbage Bags</b> HANDI-BAG 42 G 3mil 20 BAGS <b>\$10<sup>75</sup></b></p>	<p><b>Inside Mortise Lockset</b> <b>\$14<sup>95</sup></b></p>	<p><b>Other Specials</b></p> <p>LYE..... 17<sup>95</sup> Bog Bug Killer ..... 15<sup>95</sup> Fiberglass Handle Hammer..... 6<sup>95</sup> Testicle Key Ring..... 9<sup>95</sup> Bathroom Sink Legs..... 17<sup>95</sup> Keys Made..... 1<sup>45</sup> S.S. Supply Lines 12"..... 3<sup>45</sup> 20"..... 3<sup>65</sup> 30"..... 4<sup>25</sup> 36"..... 4<sup>75</sup></p> <p><i>We have old 100 W Bulbs</i></p>
<p><b>Ladder</b> - Extends to 12 feet - Folds away for easy storage - Ideal for interior &amp; exterior - Strong Lightweight Aluminum <b>\$89<sup>95</sup></b></p>		<p><b>6 Pack 9" Rollers</b> <b>\$4<sup>75</sup></b></p>

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**idiot TEST**

**\$5**



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Dear idiots:  
Answer yes or no: Do you think Gov. Andrew Cuomo's "Buffalo Billion" that he is being praised for distributing in Western New York is his own hard-earned money?  
Send your answer, along with \$5 in cash (no checks please) to "FREE idiot TEST) PO Box 3083, Niagara Falls NY 14304. Please no essays!  
For answer see below.

Gov. Andrew Cuomo, he's our hero: He takes from the middle class and gives to the deserving among the rich.



Yes, it is Cuomo's money. About \$1.5 billion was taken in taxes from middle-class New Yorkers in order that wondrous Gov. Andrew Cuomo could redistribute \$1 billion to a select and distinguished group of millionaire developers and investors wise enough to realize Cuomo's greatness and contribute to his campaign. In return, all Gov. Cuomo got for his selfless taking from the middle class and giving to the deserving wealthy is applause-style headlines and fawning stories of his largesse from a media that has no conception whatsoever of economics. The Buffalo Billion came from the people of Western New York. Cuomo took control of who gets it. Since possession in New York is all Ten Points of the Law, yes, it is Cuomo's money.

## Racism By Any Other Name Stinks Just As Badly Online

### Why join WhiteSingles.com?

Finding someone and falling in love is hard at best. We hope to make your search easier. At WhiteSingles.com we bring single White women and men together in an online atmosphere conducive to dating and building relationships that will last. With tens of thousands joining each month this is the place White people meet.

### About WhiteSingles.com

Started in 2002 WhiteSingles.com has grown to be one of the most popular sites for online dating. The site was founded with the idea that White singles looking for dating opportunities should have a place that makes the search for love easier. Each day thousands of White singles visit in search of singles in their area. We do all that we can to help our members find success.

Don't be shy! Create your profile



today and start the search for something more. Our large user base and user-friendly features have led to success for many singles. Find out why hundreds and hundreds of people have met that special someone on Whitesingles.com.

(Editor's note: We are sorry if the above seems racist. Actually, the language is from a real website BlackSingles.com and if you replace the word "White" for "Black" throughout the above, you will have the actual language of the website advertising this all Black dating website.)

# Letters to the Editor

## Owens a Fine Example!

I've read all the recent nasty remarks made about city administrator Donna Owens in your newspaper.

It's not true that she's not an expert on waste.

She's a fine example of a waste of money, a waste of space and a waste of time.

Mayor Paul Dyster certainly got his money's worth because Donna Owens was Dyster's first "best and brightest" hire in 2008.

What does that say about Mayor Dyster?

**John Q. Public**  
Cayuga Island, Niagara Falls

## It's Simple, Really

The easiest way to explain the new garbage/recycle plan is as follows:

Do we recycle Dyster, Owens, Walker, and Grandinetti ?--- NO

Do we throw them out with the trash? ----- YES

**Joe Grabka**  
Niagara Falls

## You Hypocrite!

Why you print concert in Megadeth promoting filth? But in the back you print how to wear seat belt, big tits, small tits. who is hypocrite?

**Name not given**

## Low-Class, Sleazy Publication

I am impelled to write your sleazy publication. It abuses women.

For several months you have been publishing and printing contemptible photos showing Women as BIMBOS and SEX Objects and overweight (which is the worst). All this is a despicable degradation of WOMANHOOD and is not funny at all. How dare you?!!

Also: stop printing religious and biblical blurbs in your scandal sheet. You can't imagine how many readers recoil at this. Your paper is indecent.

Instead, print uplifting poems and adages or history facts.

In many places no one likes your



**A reader calling itself "T" hates our publishing pictures of fat woman. So to please "T" we are publishing a picture of a fat man.**

FREE paper because they know it is disgusting, trashy and extremely LOW-CLASS.

What kind of writers do you employ?

What kind of editors do you employ?

What level of intelligence is in your offices?

Have a nice Day!  
"T"

## Likes the Reporter

Can't wait until Tuesday night. Read the Reporter online then and then get the hard copy on Wednesday. You make my week newswise most weeks....Thanks to Frank --and Mike-- and your entire crew for being what journalism is supposed to be about.....

**Donna Wilson**  
North Tonawanda

## Was a Dyster's Perv at Fantasy Island?

Love the Reporter. Just wondering if the pervert who molested the little girl at Fantasy Island was one of Dyster's Felon placements. Keep up the good work. The truth is always fair.

**D Durkin**

## Sex Offender Reformer Chides Reporter Coverage

I found the piece entitled "Sex Of-

fender Epidemic Growing Larger..." intriguing reading. Your slogan, "The truth is always fair," suggests that your publication is open to hearing and printing opposing opinions as well as verified facts.

The editorial suggests that it is alarming that 3 out of every 1,000 people encountered are registered sex offenders. What is alarming is that the number of sex offenders is most likely much greater. However, the vast majority of them have not yet been identified. Statistics show that approximately 96% of sexual crime is committed by those who have never previously been charged with such an offense. Therefore, if 3 of 1000 are registrants due to having been convicted of a previous sexual offense, then 997 of the 1000 are potential, unidentified sexual offenders. Perhaps a warning should be issued about the greater threat.

Another intriguing line from the op/ed is, "We welcome them, in much the same way we welcome dead baby burning garbage incineration plants." I cannot imagine the mind capable of conceiving such a simile. This stands in a class by itself although the implied comparison in this sentence is in the same category: "Fracking waste in our drinking water, polluted air from the burned garbage of New York City and dangerous and violent offenders from all over the state are just a few of the things we deal with in an effort to allow the city to balance its budget." So is the use of the word "epidemic" in the title. Such incendiary portrayal of those on the registry shows a complete lack of the common knowledge that the vast majority of sexual crime, especially against children, is committed by those well known to the victims, those already in their lives in close, trusted, and often familial positions. The truth is that if children are being molested, if women are being raped, it is almost certain the perpetrators are those already in the community, not registrants coming in to the community.

Also showing a complete discon-

nect from reality is the assertion that "... the state Parole Board is increasingly eager to put undesirable perverts as far away from civilization as possible...." First, the assumption that all on the registry are "perverts" shows a surprising degree of ignorance of the subject matter. Registrants include children as young as nine who were playing doctor, husbands and fathers who made the mistake of having pre-marital sex in high school with the girls they later married, and those who were falsely accused and wrongly convicted.

Additionally, unless New York is different from the other 49 states, the twin goals of the criminal justice system are punishment and rehabilitation. Rehabilitation involves access to services such as counseling, help with finding employment, and re-entry programs. Many registrants are married with children. They must have access to decent housing, to schools, to churches, to medical services, to civilization itself.

Perhaps the most erroneous and egregiously incorrect statement found in the op/ed is the statement that someone who committed rape a couple of decades ago "...would probably do the same today if given half a chance." The attempt to mitigate the ridiculousness of this assumption with "probably" does not excuse the total lack of research into the topic, research showing that the re-offence rate for registered offenders as a group is somewhere around 5%.

Also compelling is the research showing that the longer one remains offense-free in the community, the less his risk with each passing year of ever re-offending.

**The subject of sexual offending is a complex and highly emotional topic. Much that is "known" is based on myths and misinformation. It is urgent that those choosing to write on the topic stay away from speculation, emotionally charged language, and false statements. Only through facts can the actual truth be shown, and then it will be accurate that the truth is fair.**

**Sandy Rozek**

**National RSOL Communications Committee, Reform Sex Offender Laws, Inc.**

**Wrong Paper but can anybody help?**

Greetings! Someone recently told me about that a couple of weeks ago my band, the Mombrea Brothers had a picture in the Wheatfield Tribune. Unfortunately I live in LaSalle, not Wheatfield, & I do not receive that paper. Is it true a picture of the band was recently run? If so, I would love to pick up a copy if one is available.



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# More Letters to the Editor

## CHAT ROOMS

Thank you and have a great day!

Sincerely,  
Joe Mombrea

### Sex Offender Article Unfair

"The truth is always fair," and yet fairness is not always the truth. What a



truly ignorant and misleading piece of journalism your article "Sex Offender Epidemic Growing Larger Here With Every Passing Day" was.

Generally, sex offender recidivism rates are less than 5%. If they have undergone treatment 2.5%.

Now, what do the statistics suggest is the sex offending rates for the authors: 5%.

We should be worrying about the general adult male population more than we worry about the recovering sex offender.

In our ignorant and repressive stance towards the natural topic of human sexuality we have created the



Hi. You sound real cute!! How old are you and what do you like doing after school?

sexual pervert, who we then turn around and project our uncomfortable and destructive tendencies upon because we can't face our own sexuality.

अहिंसा (ahimsa)

The ends can never justify the means as love lives in the present always.

Aaron Peters

### Maziarz Was Good to People

Thank you for "REAL" coverage on State Sen. George Maziarz.

And thank you to Mike Hudson,



I am 14 and a bit of a fitness fanatic. I often go power lifting after school.

who I agree with. Maziarz was always good to us--but too many of those he got into office haven't been. Maziarz has always cared about the people he represents and wanted to know them, not remaining aloof from them as too many other current elected officials are. He was always in touch with the needs and concerns of the people he represented.

Sorry I can't let you use my name in this letter to the editor because there is so much retribution in Niagara County. Keep up your wonderful work at cleaning up Niagara County!!!!

Name Withheld  
North Tonawanda

### Niagara County Corrupt

I am a loyal and faithful reader of the Niagara Falls report I like the fact that you're not afraid to print the truth the Niagara county newspapers and radio stations are all in somebody's pocket or they have to be afraid of retribution either for themselves or their family we all know how crooked Niagara County is.

If you want to know what a criminal looks like just try Niagara County especially the City of Lockport. They all wear suits or uniforms or have a political position. I cannot sign my name because I have family in Niagara county.

Name withheld

### Why I chose to resign

After 10 years as an elected official, I have decided to step down as a Town of Lewiston Councilman as of Friday, July 25th, 2014.

I would like to take this opportunity to express my sincere gratitude to the people of Lewiston for the opportunity to serve the Town and Village over the last decade. It truly has been an honor.

During my time as a Village Trustee and Town Councilman I have had the privilege to serve with so many great people on both of those boards

and want to thank all of them for their efforts on Lewiston's behalf. Further, I have got to know volunteer members on committees and boards who quietly work so hard for the community we love. They deserve a tremendous amount of gratitude for their time.

This decision will afford me the opportunity to pursue some other interests; both professionally and personally.



Former councilman Mike Marra

Finally, I wish the very best to my friends on the Town and Village Boards. I am confident that they, as I always tried to do, will continue to work for a better Lewiston.

Best Regards,

Michael J. Marra

### It was the Truck Drivers Sleeping at DPW!

I was totally dumbfounded as I was reading the article about the people delivering the totes. I have never read an article that was so off base and I can't help but wonder where you got any of this information. I work at the city yard and see these workers every day, six days a week. They do not sleep on the site--they come in to work at about 7AM and work until 6 or 7 PM. These guys deliver approximately 3000 totes a day. There are only 2 Ryder trucks used to deliver the totes. The semi trucks that you may have seen overnight are the long distant drivers bringing the totes from where they are shipped from. Since these drivers come in after hours after driving all day, they are allowed to stay on site and sleep in their extended cabs until the delivery crew comes in the next day to empty them. Yes- the same crew delivering our totes also unload the semis. Maybe if you have questions about this, instead of assuming things, and printing such far fetched stories, come to the yard and talk to someone. I feel horrible for these workers, they work very hard, and then to be labeled as gypsies or nomads, wow... Another group of people who will leave this area when done and certainly have some real nice things to say about the falls after that.

Jim Kwiatowski  
Niagara Falls

## Niagara Wellness Connection Center

Niagara Falls Memorial Medical Center

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**Free Classes - Open to the Public**  
**Wednesday, July 30 - Tuesday, Aug. 5**

**Wednesday:** Open Discussion - Healthy Lifestyles, 1 p.m.

**Thursday:** YMCA Yoga Class, 1 p.m.

**Friday:** Co-ed Spirituality Class - "Heavenly Wisdom for Earthly Living," 10 a.m.

**Monday:** Medication Education - "Brown Bag Sessions" 1 p.m.

**Tuesday:** Eat Healthy NY! - "Fruits and Veggies," 11 a.m.; YMCA Yoga Class 1 p.m.

*Classes are held at the Niagara Wellness Connection Center, Memorial Medical Center, Sixth Floor.  
Call 278-4820 for information.*

# Did You Hear the One About Charlie Walker?

As Niagara Falls City Councilman Charles Walker's myriad conflicts of interest become more apparent to the citizens of Niagara Falls, jokes about him are becoming more common.

The former night shift lathe operator who now holds an executive position at Niagara Falls Memorial Medical Center, is known for repeatedly voting on matters large and small despite the obvious conflict.

He is also well known among his colleagues for always extracting a price for any vote he casts regardless of it inconsequentiality.

Last week he refused to accept a \$1.6 million tax payment by the owners of One Niagara and waffled on the Dyster's mad garbage plan. Neither vote, we suspect, was based on good governance but on some scheme he had to make a better deal for himself.

Over the years, he has only rarely been called out on any of myriad apparent ethical lapses.

This is Niagara Falls, after all, and a politician's behavior has to be pretty bad before it goes beyond the level of something to joke about.

Here are a few heard here and there around the Falls last week.

\*\*\*



Charlie Walker's favorite TV show is Let's Make a Deal, his favorite sport is dodge ball and his favorite food is pork.

\*\*\*

Over the course of Walker's political career he's done more shady horse-trading than your average Texas rustler.

\*\*\*

Charlie Walker's political career is proof that some things just don't improve with age.

\*\*\*

Charlie thinks Evasive, Sneaky

and Calculating are a local law firm.

\*\*\*

If Charlie were a bird he'd be a buzzard, if he were a dog he'd be a retriever and if he lived in the ocean he'd be a barracuda.

\*\*\*

Charlie Walker...the human paper-weight of city politics.

\*\*\*

Walker told reporters "I'm going to set my mind to fixing the trash program."

Yeah, that's what we were afraid of.

\*\*\*

White voters think Charlie Walker is too black.

Black voters think Charlie Walker is too white.

Most voters – black and white – think he's too ineffective.

\*\*\*

You'd have better luck finding Sasquatch than locating Charlie's moral compass.

\*\*\*

Walker's been around city hall for so long he's considered part of the furniture. Maybe that's why he has the IQ of a floor lamp.

\*\*\*

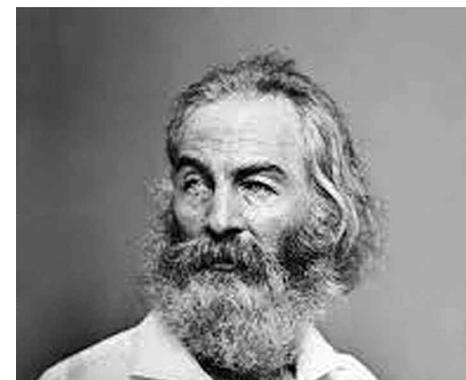
Charlie said he believes in speaking his mind. That would explain all those short speeches.

\*\*\*

Charlie is so compromised and conflicted as a politician that he gives the average corrupt-back-room-deal-maker a bad name.

\*\*\*

Councilman Charles Walker has been in office so long that a child entering kindergarten when Charlie entered City Hall is now on their way to college.



**"There is no week nor day nor hour when tyranny may not enter upon this country, if the people lose their roughness and spirit of defiance." - Walt Whitman**

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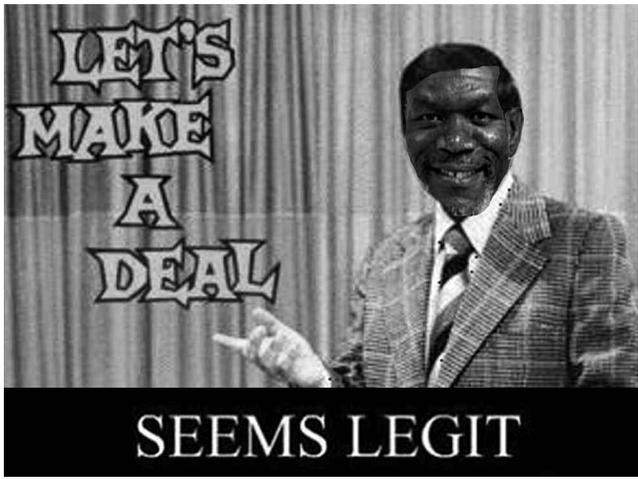
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SEEMS LEGIT

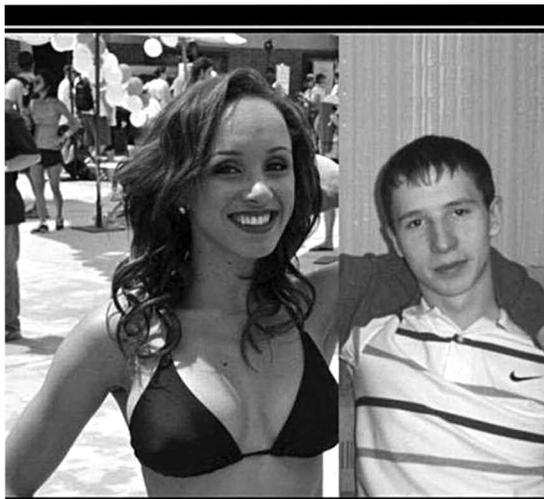
This week Niagara Falls Council Chairman Charles "Let's Make A Deal" Walker said he couldn't file his required campaign disclosures for more than 18 months because no one in his camp could figure out how to work a computer. It is believable of course. And in that vein we have some other equally believable offerings:



SEEMS LEGIT



SEEMS LEGIT



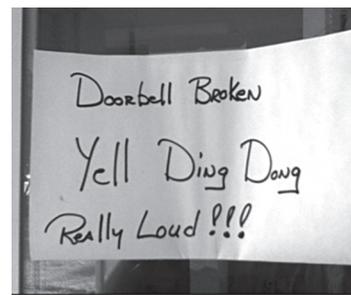
Seems legit...



SEEMS LEGIT



SEEMS LEGIT

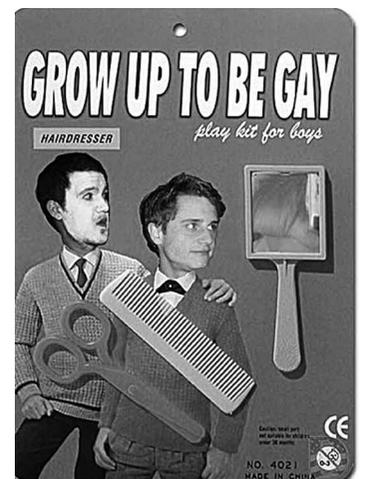
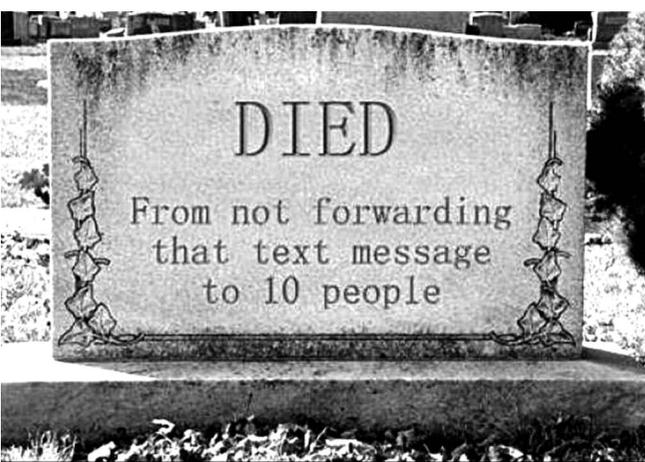


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Learn how she did it.



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