

Delaware North gets free Hotel

Taxpayers buy \$600k sculpture (replica hat modeled left)

NIAGARA FALLS REPORTER

THE TRUTH IS ALWAYS FAIR

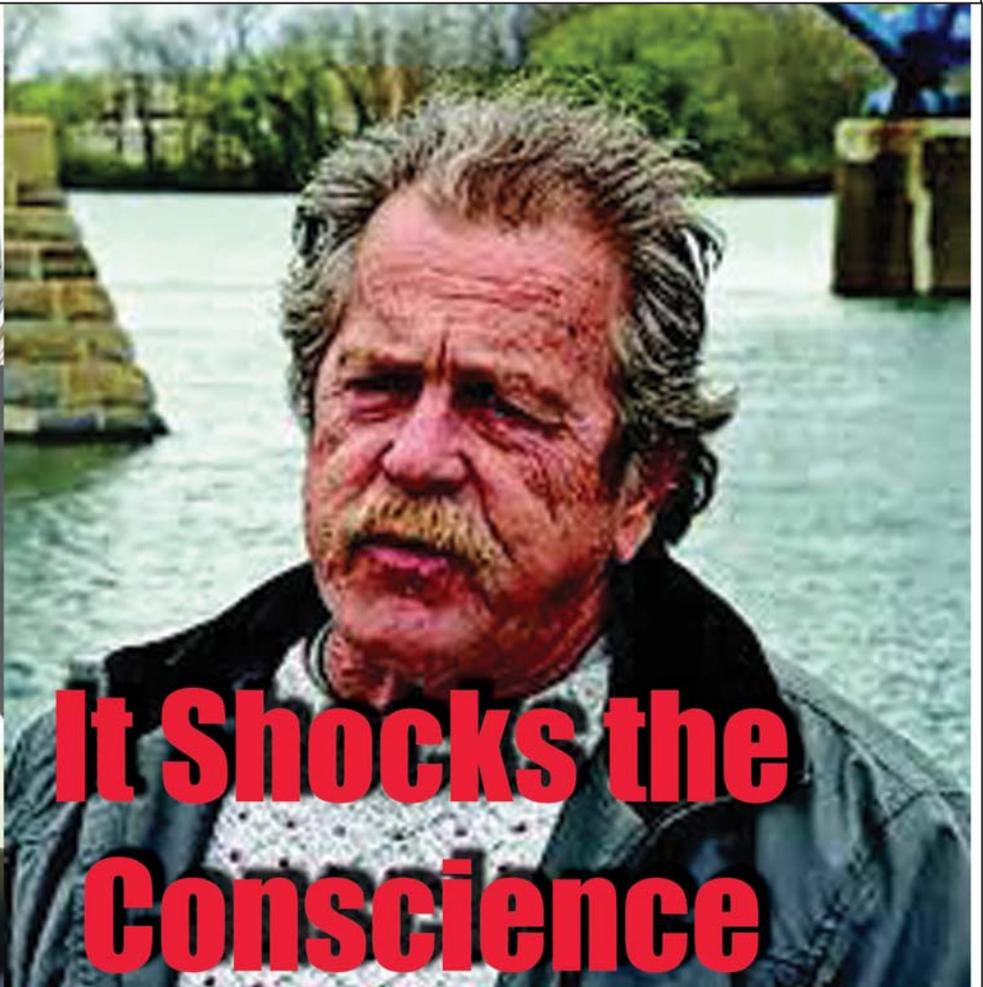
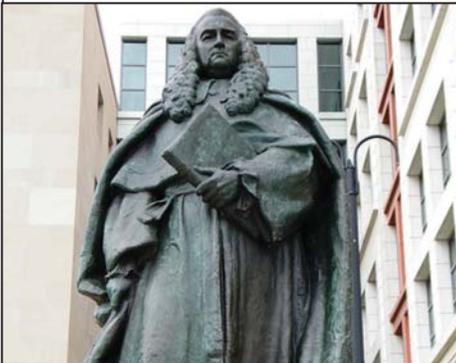
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FEB 09, 2017 - FEB 15, 2017

VOL. 18, NO. 06

FREE

The prosecution of Rus Thompson....



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FEATURED AGENT



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Hotel Niagara will go to Delaware North

NU, NCC, a Craft Beer Brewery, a free parking ramp, student dorms said to be part of plans

Frank Parlato

Sometime soon Gov. Andrew Cuomo will arrive in Niagara Falls to announce the Hotel Ni-agara will be developed and operated by Delaware North.

He won't say he is gifting the hotel to them of course, he will say the state is "partnering".

But gifting is what he means.

New York taxpayers, through Empire State Development, bought the historic Hotel Niagara from developer Harry Stinson paying him several million more than what he paid. The pub-lished price of purchase or sale is irrelevant since there are paper expenses on Stinson's side, while taxpayers paid in hard

cash.

And when you peel back the onion, and get rid of all the paper investment credited to Delaware North, the billion dollar company will get a free hotel [wonder if it was all pre-planned when the state approached Stinson to buy his hotel?]

State and the city taxpayers will enjoy the pleasure of paying to renovate the property and tenants will be produced for Delaware North most likely at taxpayer expense.

Some of the plans may be subject to change but here is what has been discussed so far, according to a high level source:

The hotel will be owned [or leased] and operated by Delaware North.

Niagara University is expected to play an educational role by renting space in the hotel



The historic Hotel Niagara will be quite literally given to Delaware North, as you, the taxpayers pay...



Forget the fact that all the markers are 'A.' You can figure it out. The A by the hotel is the Hotel Niagara. The A by the traffic circle is on Rainbow Blvd where Mayor Dyster is going to place a gorgeous modern art \$600,000 statue in front of the historic Hotel Niagara with its classic lines (a perfectly hideous clash of concepts). The last A where the parking lot is, is contemplated for a taxpayer-funded parking ramp for Delaware North patrons.



The photo shopped image of the proposed new taxpayer funded \$600,000 plus statue will adorn the circle in front of the Hotel Niagara. Isn't the statue perfectly incongruous with the hotel? And Niagara Falls loves perfection....

for its Tourism, Hospitality and Event Planning instruction. Students can work inside the hotel and get real hands on experience and Delaware North can get free labor. With NU paying rent and with Start-Up NY, IDA, or Empire State Subsidies, the property should be safely off the tax rolls forever, and the flow of money going from NU to Delaware North where it will be accepted gladly.

In addition, Niagara County Community College is expected to bring a culinary school component with much of the same concepts as NU. The flow of money once again will go from NCCC to Delaware North.

One or both educational institutions may also lease rooms for student dorms assuring Delaware North of sufficient year-round occupancy for a hotel business that otherwise has low occupancy during the winter.

State taxpayers will chip in too with subsidies so Delaware North can renovate the property with taxpayer money instead of their own.

The City will also be permitted to contribute. The biggest problem with the Hotel Niagara is that there is no parking. The City therefore will build a multi-story parking ramp next to the Hotel Niagara on the city

owned surface parking lot behind the Jefferson Apartments.

Last, but not least, NCCC, or perhaps another tenant, will develop a craft beer brewery in the hotel.

Mayor Paul Dyster owns a craft beer supply store in Tonawanda and is a Certified Beer Judge.

He can be counted on for advice, one would think.

And please don't forget there is going to be in the traffic circle that Dyster fought so hard to spend more than \$600,000, a funky, metal, cool-toned red, white and baby blue, phallic, obscure boundary waters treaty statue right in front of the warm, rich earth tones and classic lines of the historic Hotel Niagara.

Sounds like a plan.

NIAGARA FALLS REPORTER

"The Truth is Always Fair"

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Will Cuomo give Delaware North a 'New Yosemite' in Niagara Falls?

Frank Parlato

It's no secret that Gov. Andrew Cuomo takes care of his friends, and Jeremy Jacobs, of Delaware North has certainly been a friend to Cuomo.

From funneling millions through the Committee to Save New York to promote Cuomo to donating so much to his campaign that it exceeded contribution limits to hiring Cuomo's Lieutenant Governor's husband for \$450,000 for what some have called a "pillow talk" job, Jacobs has been there for the governor.

And Gov. Cuomo is cognizant of the fact that Delaware North lost their crown jewel of park contracts, the \$146 million annual Yosemite National Park hotel and concession contract, and, if Jacobs is anything like your average billionaire, he was brokenhearted over that.

But it was not only the money, but money was part of it for sure, since Niagara Falls State Park with its measly Top of the Falls Restaurant, some fast food stops, and gift and souvenir stores makes only about 1/10th of what they made at Yosemite.

But it was also the prestige of operating everything in Yosemite, every lodge, hotel, restaurant, store, snack bar, bike and ski rental, and other attractions, almost every concession. To 'own' the park and have it taken all away from you. That's sad. Delaware North was Yosemite for 22 years.

In New York it is a lot easier to get things done than out in the wilderness of national park-lands.

At Yosemite, Delaware North had to bid against Aramark, a bigger company, who know how to make donations to politicians as well as Jacobs.

Delaware North lost.

In the State of Cuomo, there is no



Two friends, Gov. Cuomo and Jeremy Jacobs

bidding. Cuomo selects his friends, and the evidence is there for any to see that Cuomo is on the high road to giving the entire concessions of Niagara Falls [not just inside the park] to Delaware North.

A new Yosemite. And it won't be for any lame 22 year contract, but for 100 years or forever. (like Cuomo's fief of the Lower Niagara to Jimmy Glynn, the Maid of the Mist owner.)

And with a Niagara Falls State Park so rapidly developed that you won't know it from any other high-profit, high density development.

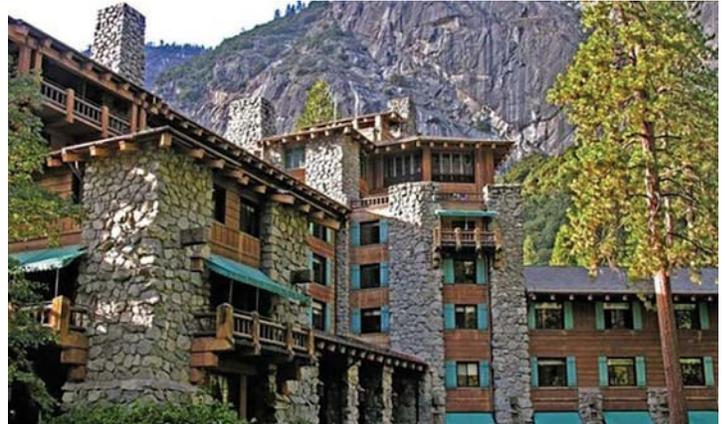
Consider the evidence. Cuomo comes to town last month to announce he wants to build a lodge in the Niagara Falls State Park - on Goat Island - a ghastly departure from Olmsted's plan. But anyone who can add can calculate that Delaware North just lost the lodges, hotels, restaurants, stores and other services and attractions in Yosemite National Park.

Delaware North lost Yosemite Lodge at the [Yosemite] Falls

Cuomo wants to build, say, an Olmsted Lodge at the [Niagara] Falls

But it is much bigger than that.

With four million visitors annually, the Yosemite contract is the most valuable in the national system. And Delaware North lost it. But the Niagara Falls State



Yosemite Lodge at the Falls was operated by Delaware North for 22 years. Then they lost it when another politically astute company took it away from them.

Park is said to attract 8 mil-lion visitors.

Consider that Cuomo has asked for RFP's to create great new outdoor attractions on Goat Island and open up hundreds of acres in the gorge to new activities.

Delaware North lost giant outdoor areas like Badger Pass. Now they can have giant outdoor areas Goat Island with zip lines, jungle climbs, slides, Ferris wheels, petting zoos, drag rac-ing, roller coasters, and more.

Delaware North can not only maximize revenue on Goat Island but, with elevators, can develop the gorge as well. Instead of Curry Village in Yosemite, it could be Whirlpool Village.

Consider also that Cuomo waltzed into town earlier this month to say that prime property adjacent to the State Park must be developed or else he might con-

sider taking these properties away from the owners through eminent domain.

One Niagara, the Turtle, and other properties were mentioned. These will be needed to develop a Niagara Falls Village for Delaware North.

It takes a village.

Consider this: Cuomo's bought, with taxpayer money, the historic Hotel Niagara. Now he is giving it to Delaware North. It could be their consolation for the historic Wawona Hotel, that they lost in Yosemite and loved so much.

In the State of Cuomo, this is a bold, new plan. Delaware North will get the lion's share, with some handouts to other developers like Montante, Hamister, Glynn and others who re-membered to be his friend.



Badger Pass provided exciting outdoor activities for tourists in Yosemite. Gov. Cuomo wants to open up Goat Island to exciting outdoor activities.

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Maziarz's Former Treasurer Files Spending Report

Tony Farina

Lauren Jacobs, the treasurer of former NY State Sen. George Maziarz's campaign committee, has filed amended spending reports with the State Board of Elections covering three years (2010, 2012, 2013).

Legal sources have confirmed the filing was emailed to the board by lawyers for Jacobs on Tuesday night but the reports were not immediately available for review but are expected to be made public within the next few days.

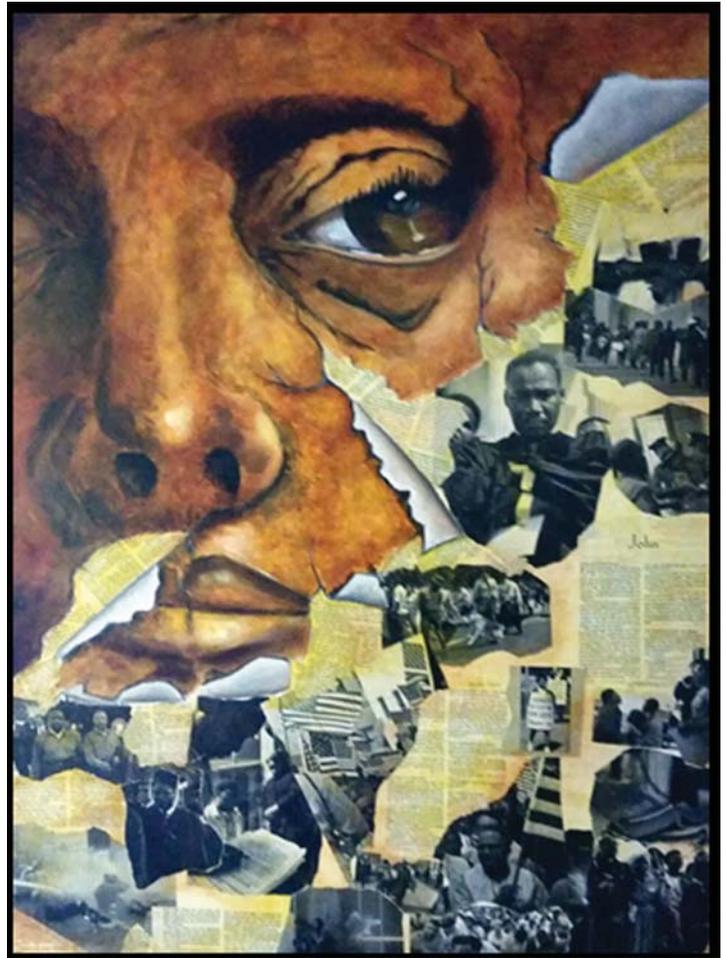
Lawyers for the former Maziarz com-

mittee have been seeking information from Jacobs about so-called "questionable expenditures" in the \$200,000 range, and those expenditures are reportedly detailed in the amended filing to the board by Jacobs.

Maziarz, a longtime political powerhouse from Newfane who helped shape policy and deliver state projects to his district for nearly 20 years, did not seek re-election in 2015 amid reports that U. S. Attorney Preet Bharara was investigating his use of campaign funds. Maziarz has denied any wrongdoing and no charges have been filed against him in connection with that probe.



Niagara Falls celebrates Black History Month with NACC Exhibit



The Niagara Arts & Cultural Center (NACC) is holding an art exhibition entitled Artists of Color: Freedom through March 19 at their Townsend Gallery.

The works of African American artists of Western New York, including Niagara Falls, Buffalo and Rochester are on display, according to exhibit curator Ray Robertson. Artists of Color: Freedom is envisioned as a comprehensive representation of the African American experience from the historical, contemporary and personal perspective.

Highlighting the display is an artistic representation "Freedom Crossing" by Rochester artist Richmond Futch, Jr., enabling visitors to explore the story of the Underground Railroad Movement in this region and the people who risked their lives in the name of freedom.

Also exhibiting in Artists of Color: Freedom are Betty Pitts Foster, Markenzy Cesar, Ron Wofford, Edna Overton, Michelle Agosto, Ernst Hobbs, Phyllis L. Thompson, Jarall Adams, Niia Bishop, and Youssou Lo, Valaria Cray and Sandra Ray.

On February 24 at 6 pm., there will be a live stage reading of "The Green Book" by local performers. Written by author and playwright Calvin L. Ramsey, The Green Book is a play that sheds light on a time when Jim Crow and separate but equal was the law of the land. Travel and accommodations for African Americans was complex and full of uncertainties. Where a person or family could eat, sleep, buy gasoline or use restrooms was never without tension and, in some cases was a life and death struggle. The play allows those who

were born after the landmark civil rights bills were passed to look back in time in American History, and see a people who looked out for one another and provided a safe harbor in a swirling storm.

Artists of Color: Freedom is open on weekdays from 9 am to 5 pm and 12-4 pm on Weekends. The NACC is located at 1201 Pine Avenue, Niagara Falls, NY (thenacc.org).



The world is ready to give up its secrets if we only know how to knock, how to give it the necessary blow. The strength and force of the blow come through concentration.

— Swami Vivekananda

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What's new is old: Potholes again Populate City Streets

James Hufnagel

Ten years into the tenure of Mayor Paul Dyster, the streets of Niagara Falls have never looked worse.

Shortly after Dyster was elected in 2007, Congresswoman Louise Slaughter gifted him \$3.6 million of federal tax dollars for street repaving. Main Street, among several other streets downtown, got a fresh coat of blacktop. Main Street hasn't been repaved since.

Lockport Street and Whirlpool Drive are clearly disasters. While Lockport is theoretically next in line for repaving, it'll be another year, in the Spring of 2018, until a section of the north Moses Parkway gets removed and Whirlpool redone.

After we ran a feature article on the city's so-called "Tourist District" last spring, Third Street got a lick and a promise (Check out Niagara-on-the-Lake in Canada, Ellicottville, south of Buffalo, or even Center Street, Lewiston if you want to see what a real tourist district looks like. It's already looking shabby - the very stretch we photographed for the article is



Third Street is all chewed up again, a year after it was repaved.

all potholed up again, just a year later.

Not only that, but the bricks making up 3rd Street's sidewalks, the product of a joint city-USA Niagara \$3.7 million

streetscape enhancement, are sinking here and there. A section of the decorative brick sidewalk at the corner of Niagara Street got a sloppy smear of unattractive blacktop for a repair job a prudent two months after our photo appeared.

President Harry Truman, when grap-

pling with a corrupt system of highway maintenance in his native Missouri county, fought contractors who practiced what he called "pie crust" repaving which, like it sounds, involves spreading a thin layer, or pie crust, over the road. Niagara Falls mills and repaves streets to a depth of 2 inches. Niagara Falls clearly follows the pie crust philosophy of street repaving.

Of course, Mayor Dyster has plenty of money to direct to worthy projects like a mostly empty train station (\$43 million) and a work of "public art" (\$619,560), instead of paving streets, or lowering taxes.



Dyster's \$485,000, scratch that, \$585,000, now \$619,560 work of "public art."



Lunar landscape, or Niagara Falls street? You be the judge.

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Key figure in Pigeon Case Leaves Town

Frank Parlato

A lawyer who the New York State Attorney General alleges was extorted by Steven Pigeon was left Buffalo. Edward A. Betz, 30, has joined the Carlisle Law Firm, P.C. in Ogdensburg, NY.

Ogdensburg, pop. 11,000, is in Saint Lawrence County, about 300 miles from Buffalo and 30 miles from Betz's hometown of Potsdam, pop. 9,700.

Betz made headlines last year after Pigeon was indicted, in a New York State prosecution, on eight counts of bribery involving a judge and one count of grand larceny by extortion, when it became known that the extortion charge related to a \$5,000 payment, the state al-leges, Pigeon extorted from Betz.

Betz came from Potsdam to attend the University of Buffalo and received his law degree in the fall of 2009. By March 2010, Betz was bartending in Williamsville, NY. He made the acquaintance of Pigeon, and helped the political strategist with various campaigns.

In September 2010, Betz was hired by Pigeon ally, Buffalo Mayor Byron Brown, as assistant corporation counsel for the City of Buffalo.

After Pigeon ally John O'Donnell was appointed commissioner of the Erie County Water Authority, Betz was hired as associate counsel at the Water Authority for \$117,877 per year.

It was shortly after this that Pigeon committed the alleged extortion of Betz.

New York State Attorney General Eric Schneiderman explained the background of the alleged crime: "Judge [John] Michalek appointed a lawyer [Betz] that Pigeon had suggested as a receiver even though that lawyer was not on the government list qualified to be a receiver", Schneiderman told the media.

The Office of Guardian and Fiduciary Services certifies training programs that qualify a person to become a receiver. Betz was certainly aware he was not on the government list. In order to qualify, Betz would have needed to complete a three hour online or audio course.

But Judge Michalek "pushed it through anyway", as he wrote to Pigeon in May, 2012, and Betz took the receivership without taking the three-hour course and wound up getting paid \$45,000 by the courts.

Schneiderman explained the alleged crime: "After Pigeon's associate got the receivership, we allege Pigeon extorted \$5,000 in phony consulting fees from that same associate, essentially a kick-back from the guy he got appointed as a receiver."

According to state prosecutors' more fulsome explanation of the case, the "extortion" was committed after Pigeon tried to pressure Betz into hiring Pigeon "cronies" to work on the golf course property where Betz had been appointed receiver.

Betz refused to hire Pigeon's cronies, and Pigeon retaliated by instilling such fear in Betz that he paid Pigeon \$5,000 by "extortion," according to court papers.

Betz told no one.

If, as the state alleges, Betz thought he was extorted by Pigeon, he had a duty to report it. Rule 8.3 of the New York State Unified Court System Rules of Professional Conduct requires a lawyer "who knows that another lawyer has committed a violation [i.e. extortion] [to] report such knowledge to a tribunal or other authority empowered to investigate or act upon such violation."

Perhaps Betz was too terrified to tell au-



Edward Allen Betz, Esq.

thorities in 2012 that he had been extorted out of \$5,000. Instead, Betz continued to accept help from Pigeon. In August 2012, at 27 years old, with only two-year's experience as a lawyer, Betz was named general counsel for the Water Authority at a salary of \$124,000.

After O'Donnell's term as commissioner ended, Betz, who enjoyed a choice, political plum, courtesy of O'Donnell and Pigeon, was terminated. This may have been the time to break free of Pigeon and his extortion. Betz went into private practice and joined Joseph DeMarie, Daniel L. Schoenborn and Sean D. Schoenborn as a partner in DeMarie, Schoenborn & Betz, P.C.

It was now 2014, two years after Pigeon allegedly extorted \$5000 from Betz. He was now in private practice with three excellent, no-nonsense partners. Betz could safely report the extortion [or at least tell his law partners who were senior to him in experience and certainly not lightweights in the legal community]. Betz could, at the very least, break free from the man who terrified him into paying the exorbitant sum of \$5,000. The crime of extortion, by law, requires fear.

Instead Betz accepted client referrals for he and his law firm from Pigeon, including Seneca businessman Aaron Pierce, who paid Betz more than \$100,000 in legal fees, and numerous referrals from bigtime Niagara Falls lawyer, John Bartolomei, a Pigeon ally.

Did Betz, as he brought six figure legal work into the coffers of his law firm inform his good partners that the man he was now gladly accepting big money from, had once frightened him so much that he allowed him to commit the crime of extortion for \$5,000?

Not only did Betz not turn down the client referrals, but he also accepted cases on behalf of Pigeon himself, becoming Pigeon's attorney on several legal matters. Betz also worked on campaigns overseen by Pigeon, earning money for legal work, and for media purchases where commissions were paid. At Pigeon's invitation, Betz even worked on two political initiatives of B. Thomas Golisano and instead of looking frightened by Pigeon, Betz looked positively delighted as he collected commissions from media buys [which amounted to more than \$5,000].

Finally, with Pigeon's help, Betz was introduced to the then-majority on the Buffalo School Board, including Carl Paladino and Larry Quinn, and the 30-year-old lawyer, Betz, was named as general counsel to the School Board in January 2016, at \$160,000 per year.

School Board Member Barbara Seals Nevergold blasted the choice of Betz who had no school district experience. But he was appointed anyway.

Betz was replaced after the school board ma-



Photo courtesy NorthCountryNow.com
Craig Chevalier and Michael Thayer, Greater Ogdensburg Chamber of Commerce board members; Laura Pearson, chamber executive director; Preston Carlisle, Edward Betz and Lloyd Grandy, partners, Carlisle Law Firm; and Sean McNamara, chamber president.



Steven Pigeon with Gov. Andrew Cuomo.

jority changed, and Pigeon was indicted, and news broke out that Betz claimed he was extorted.

In some quarters inside the talkative legal community, Betz's claim that he was extorted for \$5,000 was laughable news. Many saw him as a callow young man who had taken all that he could get from Pigeon and was now shamelessly lying about being extorted to save his cravenly-tender skin.

Betz had netted around \$500,000 from Pigeon's connections, referrals and support, after he allegedly paid \$5,000 as extortion, which prompted more than one legal wag to exclaim, "I wish I could get extorted like that."

After this, legal work may have been scarce for Betz, since he looked decidedly like a fink. He was caught up in scandal. And for those who might want to refer him clients, and in return get a referral fee, or fee sharing, or be paid a modest consulting fee like all lawyers do, they would have concerns that this timid boy lawyer might call it extortion.

This led some to say that the state, not Pigeon, made him a victim; while others said, he didn't have to make up such a ridiculous lie and he wouldn't have had a problem.

Meantime, in Ogdensburg, along the St. Lawrence, Betz has already begun to make news.

On February 4, northcountrynow.com reported that the Greater Ogdensburg Chamber of Commerce "received a sponsorship donation of \$250 from the Carlisle Law Firm for the 11th annual Polar Bear Plunge scheduled for Saturday, March 11, at the Dobisky Visitor's Center from 11:30 a.m.-4

p.m. Admission to the plunge is free."

Pictured in the story with his new law partners, Preston Carlisle, and Lloyd Grandy, is Betz who, if he split the \$250 donation evenly with his partners, contributed \$83.3 to the Polar Bear Plunge.

Up in the north country, it is an annual event where people in bathing suits briefly enter the Saint Lawrence River despite the water temperature being about 35 degrees.

It is hoped that some prosecutor will not persuade Betz that he was extorted into giving his share of the Polar Bear Plunge out of fear that he might get dunked himself, not unlike the dunking he got when the state lassoed him into the Pigeon case and made him a laughing stock, but of very small proportions.



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

Give code enforcement tools to fight blight and help distressed homeowners

Kenny Tompkins

Niagara Falls City Councilman

One area that continues to be a problem in Niagara Falls is our code enforcement of derelict properties in our city. These properties pose a safety hazard for residents, decrease property values, and make our city unappealing.

Last summer, I rode around with code enforcement inspectors to see what they do. I believe the inspectors are dedicated individuals with the best of intentions when it comes to cleaning up our city and enforcing the rules on the books. However, the process doesn't fully support their efforts.

Our system is designed to handle code violations as follows:

A complaint is lodged by someone with the city that a property appears to be neglected and in possible violation of the housing code.

An inspector evaluates property and documents any violations.

The property owner is sent a letter advising the he or she has 30 days to make the necessary repairs.

After the 30 days is complete, the code enforcement inspector returns to confirm whether repairs have been satisfactorily made.

If the repairs have not been made, the property owner is sent a second warning



Niagara Falls City Councilman Kenny Tompkins has ideas on how to improve the code enforcement in the city.

and is given an additional 30 days to complete repairs

If after 60 days the repairs have not been made, the inspectors complete court paperwork and file it with the city's legal department, who in turn files the complaint in city court.

The court sets an arraignment date.

A pre-trial meeting is held in an at-

tempt to resolve the dispute.

If no resolution is agreed upon at the pre-trial meeting, the issue goes to trial.

The reality is that oftentimes, these issues go unresolved for months or even years. The properties continue to deteriorate. People become discouraged living in this city and those with the resources relocate. This impacts our ability to attract buyers and others who want to invest in this city.

The questions I want to investigate this year are:

Why must a complaint be lodged first? Can we have teams drive around town and identify properties that are visibly in violation?

While by law, homeowners are permitted 30 days to complete repairs, can this process be sped along by asking for a response within 15 days, and a second letter sent in 15 days if no acknowledgment has been made?

Is it possible to expedite failure-to-comply cases through the legal department and court system? I would like to see cases ready to go to trial by the date they are filed versus what often happens now which is continual delays.

I understand that there are issues that create this backlog. One is absentee or out-of-town landlords. In this case, there should be a requirement that the property owner appoint a local proxy to address these issues promptly. If they fail to have a contact

person in the city (or don't respond themselves), a fine could be levied to get their attention.

Consistent enforcement is necessary as well. Niagara Falls is a small city and everyone is somehow inter-connected. Making exceptions to rules for friends and family is part of the reason this issue has grown so fast. We need to hold all homeowners and property owners accountable for maintaining their properties.

This is also a city where many individuals are living at or below the poverty level and are on fixed incomes. I propose to identify opportunities to help people by coordinating with the Isaiah 61 program. Under supervision, the individuals training with Isaiah 61 could do some of the repair work needed. This would provide a community service and offset the amount of money the city has already invested in this program.

While there are many challenges this city faces, code enforcement is one for which we already have the money budgeted and laws on the books. I have discussed this matter at length with City Administrator Nick Melson. If we can streamline the process and give the code enforcement team teeth, while providing ample, genuine support to those in need, we might see dramatic improvement in our neighborhoods. This upturn could help attract new homeowners and create the type of city we all desire.

Marsha McWilson

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The Prosecution of Rus Thompson for voter fraud is unprecedented, and is a real criminal act

Frank Parlato

Rus Thompson is about to stand trial in New York State Supreme Court, before Hon. Justice Russell Buscaglia, on felony charges of voter fraud.

For the record, this is the first time the Erie County District Attorney's Office has been known to criminally charge a citizen for felony voter fraud.

In fact, in the history of New York jurisprudence there is no known precedent for a prosecution of this kind.

True, John O'Hara, a Brooklyn attorney and political candidate, was charged criminally for registering to vote from a place that did not qualify as his residence under Election Law. While O'Hara was convicted, a judge overturned the conviction on Jan. 12, 2017.

This is instructive since, while the election law as written is strict, most judges know that precedent is fluid interpretation of law.

It is unheard of to prosecute someone such as Thompson for merely voting in an election. Anywhere else this would never have been charged.

The entire case against Thompson is that, while he lived in Grand Island for decades, and has a business there, he didn't allegedly 'live' in Grand Island, when he voted there.

The only time the state ever looked at voter residency cases as potentially criminal



The new Town Supervisor Nate McMurray

is when the person voting is also a candidate running for office and doesn't actually live in the district they are planning to represent.

Nobody in the history of New York State was ever charged for merely voting in a place other than the place where they slept at night. Look at the precedents.

In *Bressler v. Holt-Harris*, the Court of Appeals held that a candidate's residence was sufficient for Election Law purposes even though a candidate recalled having slept there only once in seven years.

In *Gladwin v. Power*, the Court of Appeals held that a candidate's office address constituted a legal residence under the Election Law.



Erie County District Attorney John Flynn

In *Geller v. Lasher*, the Court upheld a finding that a candidate maintained a valid residence for Election Law purposes in a one bedroom apartment which he owned but was subletting to a tenant for the tenant's exclusive use. His wife and six children [and he himself] resided in a five-bedroom house in a different district.

In *People v. Ramos*, Ramos, a candidate for public office, was charged with false voter registration and illegal voting based upon the People's contention that he registered to vote from a place that was not his residence under the definition of Election Law. Relying for precedent on *Gladwin v. Power*, Justice Bamberger held that "the candidate is free to choose [a] residence for voting purposes even if the candidate lives there only occasionally."

Indeed, the only affirmed conviction for illegal voting in the history of New York State was when Susan B. Anthony, of the women's suffrage movement, was convicted in Rochester in 1876 for false registration and illegal voting based on the fact that she was a woman.

And now there's Rus Thompson who was criminally charged with one count of false registration and using that false registration to vote in Grand Island in the primary and general elections of 2015.

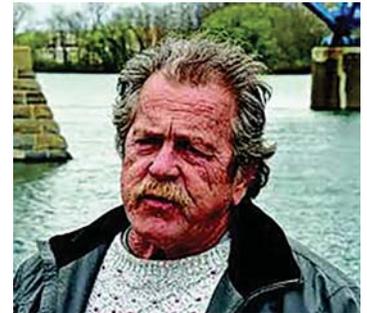
While Anthony was fined \$100 and never paid it. Thompson is charged with felony counts and they want to send him to prison.

For the record, Thompson and his family rented a home in Grand Island for decades. The home he moved out of was zoned for business. In his backyard, he built mini-concrete mixers by hand and sold them all over the world. Thompson was a man who never profited from that which his hands did not build.

Thompson was known to almost everyone on the island; he was active there. He led the fight to have tolls removed on the bridges and make travel to Grand Island free like everywhere else.

He was a member of the Grand Island Chamber of Commerce and worked on zoning plans. And more than 20 years ago he was once escorted out of town hall by police when he insisted that the Republican town board listen to plans to boost business on the island.

Over the decades, he often said that, on Grand Island, a small group of Republicans had been calling the shots for years. They couldn't get rid of his business, couldn't pressure him off the Island. But they kept anyone



Rus Thompson

else out that might support his plans. They closed a greenhouse, a hair salon, a shipping company.

All Thompson wanted was to get government out of his hair.

When the Tea Party was born, Thompson was part of its birthing. He made an impressive impact on the regional, state and national level as one of its spokespersons.

It seems all islands are insular places. When the ruling elite wants a man out of favor or power, it means they want him 'off island.'

With his political following, and his lack of support, if not animosity, for the elite of the Republican Party, Thompson was not a nuisance. He was a threat to the rulers here.

One day, the Republican Town Supervisor Mary S. Cooke, who was facing reelection the following year, sent an inspector with a camera to Thompson's home. Then came a letter, then another, ordering Thompson to cease his small business in his back yard [from which he made his living] based on some new interpretation of zoning codes.

Thompson ignored it. Instead of taking him to court, as he expected, town officials went to his landlord and threatened to take her to court. She sent Thompson a letter telling him he had to move.

Thompson rented space for his business on the Island and rented a home 'across the bridge' in Niagara Falls planning to come back. Now he firmly resolved to support Cooke's opponent whoever it was, in the upcoming election.

On the day of the Sept. 2015, primary, Thompson arrived at the fire station on Grand Island Boulevard, where he had voted for decades. He was told his name was no longer on the voter rolls.

The election inspectors knew him however and told him he could vote by affidavit. They handed him an affidavit. He signed it and voted.

Once again, for the record, he did not vote in Niagara Falls, nor did not vote more than once. He did not stuff the ballots or forge a document. They knew he was Rus Thompson. One man, one vote.

But Thompson did more. He supported a candidate to defeat Cooke.

He openly campaigned for Nate McMurray, a Democrat, saying what a lot of people already knew.

"Try to put a fence, a pool, an addition on your house. Try to operate a business on Grand Island. Notice the vacant storefronts?



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Rus Thompson became a leading spokesperson for the Tea Party



Acting DA Michael Flaherty chose to charge Rus Thompson.



Former Town Supervisor Mary S. Cooke.

Why is Hizzair gone? Why is the garden center on Ransom Road gone? There are so many businesses that closed their doors or simply moved away. This town board, and this supervisor, have to be replaced here and now."

It was supposed to be a slam dunk in this Republican town for Cooke's reelection. But Thompson would not stop or shut up. He was everywhere on the Island. Indeed 'he practically lived there' as the expression goes.

On the day of the general election, Thompson was proud to vote at the fire station on Grand Island Boulevard for McMurray and proud to wait with McMurray for the election results.

Town Supervisor Mary Cooke was stunned and Thompson elated when Cooke lost the election to McMurray by 12 votes.

Thompson was the difference. Not his one vote, but the hundreds, maybe thousands of voters he mobilized, called out of their lethargy, to elect change.

As proof of Thompson living in Grand Island, in the sense of truly living, they elected the man he endorsed: Nate McMurray, a young man, new to the Island over a woman who had been at the top of the Republican party for decades.

Naturally Cooke was angry. Before she left office she shredded paper documents and de-leted town files going back years from the town computer.

She knew Thompson had voted in Grand Island - everybody knew. And she knew he had been evicted, because, as Thompson said, she caused the eviction.

Cooke went to the Acting District Attorney Mike Flaherty, who was running in the Democrat-ic primary for election. She wanted to persuade him to indict Thompson.

It would not have taken much to convince Flaherty. The callow, young Democrat was over-matched in the heated Democratic primary election. He was pitted against a man of tem-perature, sophistication, judgment, a real attorney, John Flynn.

The proverbial 'greed bone' of Flaherty became inflamed in the young man. Imagine, he might have thought, taking down the Tea Party leader in the year of Trump! This would allow him to claim he was tough on corruption and good for the Hillary people.

Flaherty charged Thompson for something no one was ever charged before in this state, then he assigned two top prosecutors and two investigators to pursue Thompson, then is-sued a press release.

While Flaherty proclaimed, "We will prosecute no matter who you are or who your friends are. Voting is one of our most cherished and sacred rights, and we will protect it," it was during an election year when Flaherty proclaimed it, and he, a democrat, led the DA's office to prosecute the top Tea-Party activist in the area.

WBEN Radio host Tom Bauerle took to

the airwaves to support Thompson. His argument was strong: Election workers at the poll handed Thompson the affidavit to sign. "It's like be-ing waived ahead of a red light by a traffic cop," Bauerle said. "What you see on the ground you follow instead of the traffic signal. You always follow the directions of a person, a police officer, or first responder first. Rus Thompson followed the direction of legal authorities at the polling place," when they

told him he could vote.

Who would throw a man in jail for that? Maybe there is justice.

The man who cherished the sacred right to vote, found the voters cherished their sacred votes a little more and elected Flynn.

And this is justice.

Who would vote for a DA so politically motivated and unmindful of human dignity

that he would put a man in jail for voting because he didn't sleep somewhere for awhile?

It is likely that millions of Americans vote in places they do not literally sleep but where they have a business or strong attachment. Students on campuses vote at their parents' ad-dress. People with two residences vote in either place. Hundreds of thousands of people move but do not change their registration and yet vote. Thousands of affidavits are filed in Erie County every year. Those that are seen as invalid are thrown away. The DA doesn't go after them.

Among selective and political prosecutions, this one is shocking..

To put a man in prison for voting in the community of his choice.

He voted in the community he believes in, the place he fought for, and lives in and always will live in. It shocks the conscience to prosecute him.

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Cabbies still battling as fight goes on to stop Uber

Tony Farina

It is truly a David vs. Goliath story playing out in Albany these days as the ride-sharing giant Uber and its smaller competitor, Lyft, inch closer to their goal of operating beyond New York City and likely overwhelming conventional taxi services across the state, especially if they get a pass on some key regulations that govern traditional taxi businesses.

Uber, reported to be worth \$69 billion last month, and Lyft (\$2 billion) have spent big dollars lobbying state lawmakers, with Uber alone spending close to \$800,000 in the first six months of last year to push its agenda of expanding ride-sharing without regulations, and they have big-name supporter across the state and including the governor who want cities like Rochester and Buffalo to have the location-based app that makes it easy to hire an on-demand driver.

Bill Yuhnke, president of Buffalo's Liberty Cab, is one of the little guys taking on Uber and he know he's facing an uphill battle. The key for Yuhnke and many others is to have a level playing field, not just handing everything to the ride-sharing guys without regulation.

Uber has taken off like a rocketship since it was launched in 2010, and one of the big reasons—aside from app-based technology—is that it's not regulated in the way traditional taxi services are.

Graham Hodges, a taxi expert, was quoted in Time Magazine in 2014 as saying those regulations are absolutely necessary. Hodges is the author of "Taxi! A Cultural History of the New York City Cabdriver," and himself a former cabbie, and argues in the Time story that taxis are pretty much a public utility, like subway and bus systems, and cities should play an important part in regulating them.

Hodges' view is that taxis shouldn't be fair game for corporations like Uber to take over and control any more than an inner city bus service should be privatized.

In favor of regulation, according to Hodges, is knowing you are getting into a

safe vehicle (maintenance requirements), a fare fixed to a predictable formula (no peak hour surge pricing), and background checks on drivers to be sure you are not being driven by a driver with a criminal history.

But it is still very uncertain what will eventually make it into law in New York State as things remain unsettled in Albany despite the passage by the State Senate this week of a bill that would allow the ride-sharing companies to operate upstate and would require drivers to submit to criminal and driving history background checks.

And the GOP-controlled Senate bill calls for a 2 percent tax and exemption from the state's 4 percent sales tax. Gov. Andrew Cuomo's budget plan includes a tax of 5.5 percent on rides.

Also, John Tomassi, president of the Upstate Transportation Association, is critical of the bill's lack of a fingerprint background check requirement. Tomassi was quoted as saying senators who supported the measure "have gone soft on public safety, tarnished their legislative records and caved in to Uber's high-priced lobbyists." The measure passed the State Senate by a 53 – 5 vote, but there is no Assembly sponsor at this time and the speaker has said the Assembly is still formulating its ride-sharing proposal.

The deadline for a final state budget is March 31, and a lot could and will likely happen on the ride-sharing front before any final agreement is reached. In the end, the state could well leave it up to local municipalities to determine the regulations for the ride-sharing services in their area, and that could continue the fight over a level-playing field that folks like Bill Yuhnke see as important to keeping the taxi business competitive.

"We're already at a disadvantage in some areas," says Yuhnke, "because there are no taxi stands that we can use, like at the downtown arena. If we could get there, we could provide the services that people want. We need to have a fair discussion about the future before we kill off the workers and families that depend on driving a cab for a living."



So the David vs. Goliath battle is still going strong and the cabbies and their leaders are not throwing in the towel without a fight, even though they are clearly underdogs in the contest. Bill Yuhnke may not

have Uber CEO Travis Kalanick's more than \$6 billion net worth, but he's a fighter and will fight for his business and his people to the end.



L-R: Geoffrey Michael Riesel, Chief Executive Officer of Mountview House Group Limited (also known as Radio Taxis), Bill Yuhnke, President of Liberty Cabs, and actress Julia Roberts at the Taxicab, Limousine & Paratransit Association's cocktail party in Times Square.

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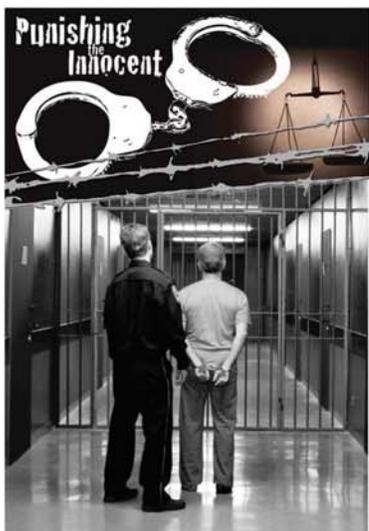
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**Former Assistant US Attorney
Anthony M. Bruce**



Upon information and belief, court records, document review, and eyewitness testimony, Anthony Bruce suborned perjury, obstructed justice, deceived the courts, recklessly and blatantly disregarded evidence that pointed to innocence, lied by omission and committed outright fraud and perjury as a regular pattern of conduct during his notorious 38 year role as an assistant US attorney and sent an unknown number of innocent people to prison. This heretofore 'dirty little secret' was known by a certain number of people in the legal community and Bruce barely escaped being disbarred and prosecuted in the past.

Up until now, no one had the temerity to publicly challenge this allegedly 'villainous bully' until Frank Parlato, who claims to have been falsely accused by Bruce, brought Bruce's alleged misconduct to light in a series of articles in this publication. Bruce's alleged blatant prosecutorial misconduct in the Parlato case has prompted other defendants and lawyers to contact Parlato who now has a growing body of evidence that the conduct Bruce showed in his case was not singular. Other victims are and will be going on record in coming articles. Were you or your family victimized by Bruce too?

BE NOT AFRAID: If you were a victim of Bruce join the ranks of victims who are fighting back and contact us. Your inquiry will be kept confidential. Your name will never be used without your written permission. Our goal is to prevent prosecutorial misconduct which so often occurs but goes unpunished. It can only be stopped when there is a consequence for prosecutorial misconduct. Absolute power corrupts. Prosecutors have virtually no checks and balances on their conduct unless the people themselves stand up for justice. Contact Parlato at **716-990-5740** or email **news1926@gmail.com**. All calls and emails kept confidential.

"When we neither punish nor reproach evildoers, we are not simply protecting their trivial old age, we are thereby ripping the foundations of justice from beneath new generations." *Aleksandr Solzhenitsyn.*

Contact Parlato at **716-990-5740** or email **news1926@gmail.com**.
All calls and emails kept confidential.

An Uber-Bad Senate Bill for Upstate NY

Jim Ostrowski

I have advocated a free market approach to transportation since 1989. In an article, published in Business First, I proposed allowing drivers of smaller vehicles to compete with buses and provide a better product including door-to-door service. After the digital age came along, companies like Uber began to supply just such services but Buffalo and Upstate remain the last areas in the country that make Uber driving an imaginary crime. I mean, it's an actual crime punishable by law, but one which, lacking a victim, logically exists only in the minds of progressive legislators and their gendarmes.

After a massive and expensive lobbying campaign, a bill finally passed the State Senate the other day. Before I knew this was the "good bill", far better than whatever the hardcore commies in the Assembly would spew out, I had read the bill and was horrified. Clearly, even the State Senate is dominated by progressive "thinking." First of all, the bill is thirty pages long and only a lawyer could truly understand it. Yet, violations of the law are crimes for which you can be jailed! Note that progressives are always complaining about police misconduct but continually pass laws that give cops ever more power to use deadly physical force against citizens whose behavior has harmed no one, e.g., offering a ride to a willing customer.

Insofar as it changes existing law, the bill increases the power of the state and reduces liberty in many ways. It requires that drivers obtain a state business license, requires that they maintain an agent for service of process in the state, requires that drivers provide various useless information, requires that drivers be 19 years old, and notify passengers of a non-discrimination policy. The bill also imposes a new tax on riders, and establishes a new state bureaucracy whose job it will be to enact inscrutable and burdensome regulations to make sure that Uber services are as expensive and cumbersome as possible. Part of the revenue from the new tax will go to subsidize obsolete, pre-digital forms of transportation. I suggest the horse and buggy industry apply

for a grant.

These are just some of the many burdensome regulations this bill imposes on Uber drivers while mandating even further regulations be promulgated. Expect the tax to rise through the years and the pile of regulations to increase as well. This follows the "logic" of the progressive mindset which has no theory of costs and no limiting principle on making life better through government force and coercion.

With respect to the ban on drivers under 19, progressives like to make it illegal for young people to work so that those who want to work are encouraged to work in various and sordid illegal industries such as drugs and prostitution. Regarding background checks, I would note that a similar background check is not required to become a state legislator even through these miscreants have a much greater tendency to inflict harm on their fellow human beings than do Uber drivers. While the law requires that passengers not discriminate against passengers, the bill itself discriminates against Upstate by exempting our colonial headquarters, New York City, from this onerous law. Keep in mind this is the "good" bill. The eventual product will likely be far worse when the uber-progressives in the Assembly chime in.

Many libertarians viewed the digital age as a way of freeing up the statist progressive system of control over every significant transaction in a citizen's life. Uber did indeed provide a brief moment of actual liberty that riders loved and that gave drivers stuck in the progressive's moribund economy a flexible and convenient source of needed income. Alas, the State, that "cold, cold monster" has caught up with liberty, and, using that same information technology, has begun the long, slow process of strangling to death this accidental outbreak of human freedom.

Jim Ostrowski is a trial and appellate lawyer in Buffalo, NY. He is CEO of LibertyMovement.org and author of several books including Progressivism: A Primer. Copyright by Cazenovia Books (2016).



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**J. Gary
DiLaura**

**The Right
Side**

The President of the United States has the absolute power to protect the American Citizens! He is cognizant of information that no one else has. This information comes to him from numerous Intelligence sources and confidential sources.

Because of the President's responsibilities, he must have the ability to react without appearing before an activist judge and explaining his reasoning for decisions that directly impact the lives of Americans. Congress, recognizing the necessity for the president to be able to react quickly, passed many laws giving him the authority to make a quick decision from "pushing the button" to blocking immigrants from entering our country who would harm US Citizens. Congress provided several avenues to accomplish his tasks from Proclamations to Executive Orders and several other methods.

Certain Immigration Laws were passed by Congress, some of which were passed over a Presidential veto by the House and Senate because the Congress recognized that a President MUST have the ability in some instances to act quickly without cumbersome judicial review. Hence, the Immigration and Naturalization Act of 1952 emerged as such a law. This law gives the president, by Proclamation only, no other actions required, the ability to preclude individuals or groups of individuals who the President has reason to believe want to overthrow our government by force violence or intimidation or otherwise, do us harm, and enact this law for any reason he feels is necessary! He can do it by country, by region, by ethnic origin, by religion, by the color of their teeth for ANY reason he believes is justified to protect you and me! A clear precedent was set in 1979 when President Carter, by proclamation, banned all Iranian citizens from entry (one of the same countries on the current list).

President Trump should enact the 1952 law by Proclamation and should issue another Executive Order overturning all the Court Orders and ignore any new Court orders, like AG Holder did. Without authority, Holder, as AG, ignored contempt orders that were filed by more than one Federal Judge AGAINST several of his Deputy AGs, for illegal acts committed in both Ferguson and New Orleans. If AG Holder can ignore Federal AND Congressional Federal contempt orders, without Presidential approval, so can the President of the United States by Executive Orders and Proclamation!

Fight the illegal court orders after a new Supreme Court Justice is approved but in the mean time reinstitute the 1952 order and ignore any new orders, period!

Holder ignored the contempt orders because HE, as AG, determined what gets prosecuted!!! There's a new Sheriff in town. President Trump's DOJ determines what gets prosecuted now, duh?! But, Mr. President, don't go to war with no General to lead and no army to fight! Don't issue orders that the DOJ has to enforce with no AG and without replacing all Holder appointed Deputy AGs. Every single one is an activist D AG, with no exceptions. Who the hell is advising you? Whoever it is...fire them! Dump all Obama USAs, AUSAs, DAGs and whenever you and the Speaker can, get rid of any Federal Judge Obama appointed. How? Defund their position!

Speaker Ryan should proceed to defund this Judge's position as the House did years ago when another activist Judge continued to make law from the bench. Defund this Judge's position, staff, office, phone, utilities and toilet paper. This guy is CLEARLY ignoring law and making his own! Send these left wing activist Judges, elected officials, the State of California and any other obstructionist, a message that the President AND the REPUBLICAN Congress are not fooling around! If they want to obstruct for no other reason than to obstruct, then there will be consequences! That's why we voted in a change of 1040 Republicans to replace Democrats in our last election and gave the President the tools he needs to put sense back into law enforcement, the judicial system, Immigration policies and National Security!

JUST DO IT!

Dr. Dashkoff to discuss 'Heart Health' and importance of Memorial Hospital's new cardiac catheterization lab; public invited

The medical director of the new cardiac catheterization laboratory at The Heart Center of Niagara will be the featured speaker Wednesday (Feb. 15) during a Heart Month luncheon at the Elderwood Residences at Wheatfield Community Center, 2600 Niagara Falls Blvd.

Neil Dashkoff, M.D., will discuss "Heart Health and the Importance of a Cardiac Catheterization Lab in Niagara." He will explain the procedures performed at a cardiac catheterization lab and the impact the new facility will make on the health of area residents.

The free program will begin at 11:30 a.m. A light lunch will be provided.

Dr. Dashkoff, a prominent Western New York cardiologist, will provide medical supervision and perform cardiac catheterization procedures at the new \$2.2 million facility, a unique collaboration between Catholic Health, Kaleida Health, Erie County Medical Center Corporation and Niagara Falls Memorial Medical Center. Scheduled to open in April, it will



address a pressing need for cardiac catheterization services in Niagara County.

To register for Wednesday's program, call 278-4604.

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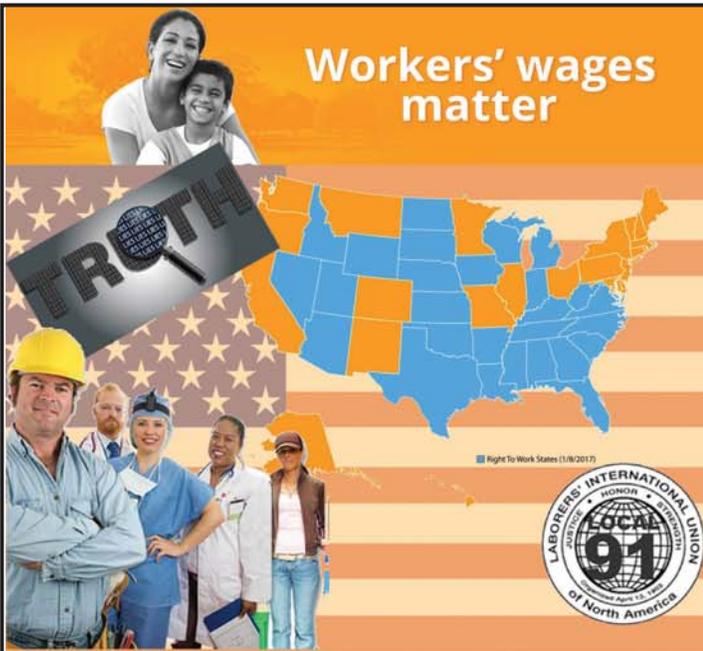
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LIUNA Opposes Deceptive Legislation To Slash Working Class Wages and Family-Sustaining Jobs

The introduction of national so-called "right to work" by Steve King (R-Iowa) and Rep. Joe Wilson (R-South Carolina) along with anti-Davis Bacon legislation introduced separately by Rep. King are bids to further shrink opportunities for working class Americans and their families. These pieces of legislation are a deceptive politically-motivated trick to deny millions of American workers the freedom to join together in a union for mutual benefit and to earn a fair day's pay for a fair day's work. The proof of their deception is in states where the campaign to pass so-called "right to work" has succeeded. Of the 10 poorest states, nine have the legislation, according to the U.S. Census Bureau. The percentage of low-wage jobs in so-called "right to work" states is a full third higher than in other states, according to the Corporation for Enterprise Development.

Likewise, the bill to repeal the Davis-Bacon Act is a severe attack on the wages and living standards of millions of blue-collar workers and on taxpayers who expect quality construction work on public projects. For generations the Davis-Bacon Act has helped to prevent government projects from driving down wages and help to attract skilled, trained workers, and has given taxpayers the best deal for their money. The demands and challenges facing working class and middle class Americans will not be solved by implementing so-called "right to work" at ever plummeting wages. Workers in China, Bangladesh, and other nations have work – a lot of it and for little pay. We believe our nation is different and cherishes the opportunity to prosper. These two pieces of legislation will only hurt workers and the middle-class.

It is disappointing, though not surprising, that Representatives Wilson and King continue to show how out of touch they are with the needs of middle-class families. Congress should reject this attempt to push deceptive, harmful legislation that would tear at the fabric of our national values and our economy and instead focus on creating good, family-supporting jobs, and defending the working class.

Obituaries & In Memoriams

JOSEPHINE (TIRONE) NUNEZ

Entered into rest February 5, 2017



NUNEZ - Josephine (nee Tirone) Of Tonawanda, entered into rest on February 5, 2017. Beloved wife of Robert Nunez; devoted mother of Serena and Nicole Timineri; loving daughter of Stefano and the late Serena Tirone; cherished granddaughter of the late Josephine and Giuseppe Tirone and the late Giovanni and Grazia Sciortino; dear sister of Joseph Tirone, Grace (Joseph) Guetti, John (Paula) Tirone and Steve (Angela) Tirone; adored aunt of Ginny (Mike),

Joseph (Maria), Stephen, Graciana, Julia, Jon-Jon, Gianna, Steven and Gabriella; fond great-aunt of Dominik, Joey, Luke, Micah and Elijah; also survived by many aunts, uncles and cousins. Relatives and friends may visit the LOMBARDO FUNERAL HOME, (Northtowns Chapel), 885 Niagara Falls Blvd. near Eggert/Sheridan Dr. on Friday from 3-8 PM. A Mass of Christian Burial will be celebrated at St. Paul Church, Delaware Ave. and Victoria Blvd., Kenmore on Saturday morning at 11 o'clock. (Please assemble at church). Interment Mt. Calvary Cemetery. Flowers gratefully declined. Online condolences may be made at www.lombardofuneralhome.com

To place an obituary, death notice or an in memoriam, please call 716-534-0771 or send email to WNYObits@gmail.com with your name, number, notice and photo of deceased (optional).

In Memoriam

Parthasarathy Selvaraj

1948 - 2009

Eight years later, I reminisce,
 How you took my tiny hands,
 And guided me step by step,
 To make me what I am today.
 I knew not or thought,
 Of the sacrifices you made,
 Or the extra miles you walked,
 So my life may be at ease.
 You were there when I needed you,
 You gave me strength when I was weak,
 You gave me courage when I was timid,
 You counseled me, when I was at crossroads.
 Today, though you're gone,
 You are extant in my heart,
 I want to thank you daddy,
 For all you've been and done for me.

Thinking of you now and forever...
 ~ Your loving daughter.



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Name of LLC: Perfect Seal
716, LLC

Date of filing of Articles of Organization with the NY Department of State: September 2, 2016

Office of the LLC: Niagara County
The NY Secretary of State has been designated as the agent upon whom process may be served. NYSS may mail a copy of any process to the LLC at: 1278 95th Street, Niagara Falls, NY 14304.
Purpose of LLC: Any lawful purpose

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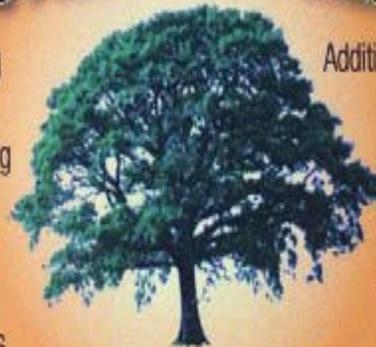
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