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THE NIAGARA REPORTER

FREE March 20th, 2019 - March 26th, 2019 NiagaraReporter.com Vol. 19, No. 45 FREE

Robert M. Restaino

Attorney at Law



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City Hall Budgeting A New Version of the "Gambler's Ruin"



By: Robert M. Restaino
Candidate for Mayor of NF

In the random process of wins and losses, the longer a person gambles the greater the chance of going broke. Also, starting out with limited resources almost

guarantees that gambling will result in financial ruin.

Consequently, for anyone in the current administration at City Hall to suggest that the city's financial woes are the

(Cont. on pg. 2)

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COUPONS - REVIEWS - SPECIALS @ THE CENTER PAGE

Residency of NT / Wheatfield County Legislator Candidate Herbert Questioned

By: Staff Reporter
Analysis

Erik Herbert is running for Niagara County Legislator in the 7th District, which includes portions of Wheatfield and North Tonawanda. He is also a North Tonawanda School Board Member. Recently, questions have been raised as to whether Herbert is in



(Cont. on pg. 6)

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THE CRIME PAGE 4
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NIAGARA FALLS

Gamblers Ruin Cont.

sole result of the loss of the local share of casino revenue is simply not true.

Over the past several years Niagara Falls has suffered from poor financial management which has brought us to the desperate situation so prominent in the 2019 budget deliberations. Since 2008 City Hall has used over \$90 million in casino funds and \$25 million in reserves to pay for basic city services. From 2012 to 2017 expenses have exceeded budgeted revenues in 5 out of 6 years (the only year that was not the case was the settlement of the first State-Seneca dispute). The City's recurring deficit has resulted in the down grading of our bond rating, and independent audits have exposed serious deficiencies in the ability of City Hall to manage resources effectively and efficiently. As auditors identify fiscal mismanagement within certain departments, City Hall continues to care little for how such departmental behavior impacts us all. Each year we face a budget crisis with threats of draconian cuts to services, tax increases or poorly explained fees for services... services for which we also pay taxes.

During my time on the Niagara Falls School Board I have pushed for new sources of revenue to be used for the improvement and repair of our buildings and properties; revenue sources that do not tax residents. Working with the other board members, I have been successful in bringing this idea to reality. As I worked collaboratively with other board members, the Niagara Falls School District has been successful in strengthening its financial position and earning an upgrade in the school district bond rating. The school district exists in the same financial environment as city government and the school district has been able to achieve this stability; so it can be done. There is a better way to administer government and I have participated, with my fellow board members, in showing our community a better way.

As mayor, management of the budget would begin on my first day in office and every day of my term. It isn't prudent to avoid a review of the city budget until the time comes to discuss the budget for the next year, and it is even less effective to do it without involving the other elected officials in the

process. These are not election year ideas.

In 2014, I presented some ideas for better fiscal/budget management such as, monthly city budget reviews and council committees to bring all of the elected officials into the process earlier to develop a solid financial plan for our city government. This would require an honest discussion among all of the elected officials to determine the best fiscal course; something that does not seem to currently happen in City Hall. Whether it's petty politics, lack of respect for others opinions or just plain incompetence, Niagara Falls cannot withstand any further mismanagement and wasteful spending. There are many missed opportunities to direct federal, state and local revenues to benefit our community and not just for those projects that provide political advantages. In my time working with the NYS Office of the Medicaid Inspector General (OMIG), I was charged with finding wasteful and fraudulent spending practices by Medicaid service providers. During my service at OMIG I uncovered over \$3 million in waste and fraud. I was able to do

it then, and I will bring that effort to City Hall.

For once Niagara Falls should have leadership that understands the value of balancing revenues and expenses. I have not been a full time political appointee for my entire work career. In fact, I have maintained my professional law practice in Niagara Falls since 1986 and I know how important it is to maximize revenue and control expenses. I recognize that it is important to pay attention to this every day in order to have a profitable business.

Are there future policy implications from these past years of budgeting that "gambled" on the continuation of casino dollars? Should we just throw up our hands and let our city fail? I recognize

that in the future the city faces some hard choices. I have had to confront hard choices in the past and have been successful in getting through it. I can promise you that as mayor of our city I will be committed to listening to all segments of our community. It's what I have been trained to do. Together I know we can find the brighter future we all are hoping for Niagara Falls.

NIAGARA



REPORTER

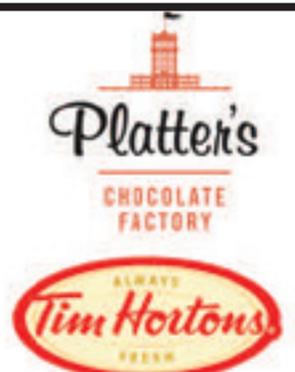
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Youngstown: Anchor Spirits & Wines, Bandanas Bar & Grill, Public Library, Rite Aid, Village Diner

“Holy Gawel,” Mike’s Not Running



Ken Hamilton

Former City Councilman Michael Gawel has dropped out of the race for Niagara Falls City Council; but why?

It saddened me to hear that Gawel withdrew from the race. The double-edged sword of living in a small, albeit famous city is that if you have been deeply involved in the political and public-policy, you not only get known, but you also get to know a lot of people and stuff yourself. And I know and have known a lot of people in public policy, as well as long knowing Gawel.

One of those things that I do

know is what makes a quality person in government and what doesn't – and Gawel was one of the very few people who had thus far thrown his hat into the ring that was both actually qualified and ready to hit the ground running. Our little Niagara Falls is likely more so in more trouble now than ever it has been; and quite frankly, we need to have people who know and understand both finance and law. Gawel is a certified public accountant who has also practiced law.

Unlike most of us, Gawel has relatively no skeletons in his closet and it isn't because he was or is an angel; it's because anyone who knows him already also know that his skeletons are in the political display cases of pendants all over the city. But, unlike your doctor, dentist, mechanic, plumber, handyman and others that you let finger you in one end or the other, or you trust with your brakes, pipes and/or the sanctity of your home, we don't know what their skeletons are, nor is it necessary for us to know: all that we want from them is for them to fix whatever ails us. When it comes to the aforementioned, all that we care about are their quali-

fications; so then, why do we care about the non-relevant things of the past when we elect a politician? Lord only knows why devils like ourselves think that we can be good at electing angels; and we can't – angels don't run for public office, because they're too smart for that crap.

But the question is, why did Gawel, a certified public accountant that we could have used on the council, drop out?

Two things happened, Gawel said, with the primary date being pushed up by New York City politicians: one was that upstate New Yorkers now had to go door to door under wintry, windy and rainy conditions to get people to stand at their doors, letting the heat out and the cold in, in order to sign a wet petition; meanwhile, coatless NYC politicians can take the elevators and walk out of the weather down the halls of buildings with hundreds of apartments in each, and perhaps thousands in the complexes. Furthermore, the change was made during -- get this -- TAX SEASON, the busiest time of the year for any accountant.

How then can a CPA -- a profes-



Former Niagara Falls City Councilman Michael Gawel

sion well-needed in both the public and personal lives of upstaters – do both?

So then, as downstate lawmakers increase taxes on upstaters, the real unseen tax is an intellectual one that reduces the amount of brain-trust in upstate governance; which in turn causes lawmakers to make serious budgeting errors.

Let's hope that next election we can find someone who is available who at least have an education in accounting for governmental entities and not-for profits.

Good luck Gawel, and good luck Niagara Falls.

Winery Owner to Challenge Cambria Supervisor in Primary

Tony Farina

The co-owner of a winery who feels her business was targeted by a new zoning ordinance approved by the Town of Cambria last week is taking political aim at the 28-year incumbent supervisor, telling the Niagara Reporter she is circulating petitions to challenge Wright Ellis in the upcoming Republican primary June 25th.

"I feel the new ordinance which requires a \$250 application fee for certain special events was aimed at our business," said Shane Gustafson who co-owns the Baer Rd. winery, A Gust of Sun, with her husband Erik.

The ordinance passed by a 3 to 2 vote even though most of those in attendance at the public hearing were against approval, said Gustafson. Even though Supervisor Ellis voted against the ordinance, Gustafson said Ellis was definitely on the other side.

Only one nearby Baer Rd. resident spoke in favor of the ordinance at the meeting, complaining that the winery at times was a nuisance with noisy visitors, loud music, and

vehicles driving over his lawn.

Gustafson, during an interview at her well-kept Gust of Sun offices, said the complaining neighbor's problems had been addressed and she feels her business was unfairly singled out by the new ordinance which puts a \$250 price tag on special events even though many of the neighbor's claims were lacking in merit.

"I feel we were targeted," said Gustafson, "and that's part of the reason I've decided to run for office. I plan on a campaign supporting business and government transparency, and I also want to protect the rural and farming history of this community and not allow farming properties to be divided up to make way for housing developments."

Gustafson, as she prepares for the full opening of her winery business next month, has already begun circulating petitions for the primary.

"That's her choice," said Supervisor Ellis about facing a challenge from Gustafson. "I understand where she's coming from but we're not trying to knock out farms but all of the other wineries have vineyards, and her's does not have 51

percent of its product grown on its property."

"They've never asked us about that," responds Gustafson, "and besides, we would not be the only winery not producing 51 percent, that's him not knowing and not caring."

There is a small vineyard at the rear of the Gust of Sun property and a production building next to the family's home on the well manicured and neatly maintained winery property with room for banquets, weddings, bridal showers, family reunions, and birthday parties.

Gust of Sun is one of the 21 stops on the winery tour and Gustafson is looking forward to the coming season despite the new ordinance and the political campaign she has begun in earnest.

"We are still making some minor adjustments in the ordinance, but nothing substantive," said Ellis during an interview this week. He said the special events' \$250 permit does not apply to normal activities.

"It is a winery that doesn't produce its own grapes," said Ellis, noting an SLA license was not enough without that production and state



marketing and agricultural regulations take precedent. Again, Gustafson said the town has never asked nor does it have any information about just how much production goes on at Gust of Sun or the other wineries.

Both sides are expected to keep up the debate as the campaign unfolds, with Ellis perhaps facing a stern challenge after 28 years in office from a determined businesswoman who says it is her goal to protect the farmland and rural nature of the Town of Cambria, and that includes her property which has operated for more than seven years in a pristine setting and a popular stop on the wine tour.



THE CRIME

WEEKLY HEADLINES

-Niagara Falls Police responded to Niagara Falls Memorial Hospital in the early morning hours of Thursday, March 14th, 2019, for a male who walked into the emergency room with a gunshot wound to the hand. According to reports, the victim stated that he was shot during an armed robbery attempt where his wallet was stolen.

-Niagara Falls Police responded to 1967 Niagara Street in the early morning hours of Thursday, March 14th, 2019, also known as the Zodiac Lounge/Midtown Inn, for an assault with a weapon. According to reports, a person in a wheelchair suffered a laceration to the neck. The victim, whose injuries were severe, was taken by ambulance to ECMC. Police are continuing to search for the suspect who is a female.

-Niagara Falls | Police responded to 1967 Niagara Street in the early morning hours of Thursday, March 14th, 2019, also known as the Zodiac Inn/Midtown Inn, for a stabbing. This is the second stabbing to have taken place at the Zodiac Lounge/Midtown Inn that night.

-Niagara Falls Police responded to the 2400 block of Linwood Avenue in the mid-afternoon hours of Friday, March

15th, 2019, after a nine-year-old girl who was left home alone hid in the closet and called 911 after a burglar broke the glass door of her home. According to reports, officers arrived quickly but the suspect was already gone.

-Niagara Falls Police responded to the 1700 block of Whitnet Avenue in the early morning hours of Sunday, March 17th, 2019, for a stabbing. According to reports, the victim was stabbed in a different location and was sent to the hospital for their injuries.

-Niagara Falls Police responded to 22nd and Tennessee Avenue in the morning hours of Sunday, March 17th, 2019, after reports of gunfire. When police arrived on scene they saw a vehicle that was still running with bullet holes and blood on the inside. According to reports, at least two individuals showed up at St. Mary's Hospital with gunshot and stab wounds. Police were later contacted by the hospital and informed that two injured individuals were there.

-Niagara Falls Police responded to the 2700 block of 21st Street in the evening hours of Sunday, March 17th, 2019, for reports of a robbery.

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NORTH TONAWANDA

Herbert Cont.

violation of required residency in North Tonawanda as a school board member.

Others have raised concerns that he just recently moved into the 7th Legislative District in order to run for office.

Herbert is presently living in a rented apartment in Alder Creek, in Wheatfield – which is within the 7th Legislative District – but outside the North Tonawanda School District.

“I moved in a few months ago,” Herbert says. “The apartment is temporary.”

Herbert said he plans, regardless of whether he wins election to the county legislature, to live in the 7th Legislative District and move back to North Tonawanda.

Herbert said he is building a new home and will move from his rented apartment to his new home before the election.

When Herbert was elected last May to the School Board he lived in North Tonawanda, at 1049 Thomas Fox Drive East. Herbert sold his North Tonawanda home and bought a vacant lot at 619 Witmer Rd. also in North Tonawanda.

Public records show Herbert

purchased the almost 3-acre lot in Feb. 2018 for \$31,500.

According to Zillow.com, Herbert sold his home on Thomas Fox Drive East in January 2019.

After moving out of his home on Thomas Fox Drive East, he rented his Alder Creek apartment in Wheatfield.

There are some who told the Reporter they believe that Herbert is not really intending to build a home for himself and merely purchased the lot in order to appear to be moving into the legislative district where he is running.

The lot on Witmer - known on the street as the “old vacant lot” – is one of the few remaining parcels that has not been developed.

Some think the lot is undevelopable. It has a large sink-hole in the middle of the land. It’s been an eyesore for years, strewn with litter and debris.

Others in the neighborhood think Herbert plans to move in only if he wins election.

“[T]here is always an agenda. I think that he bought the property and is just telling people that he is going to revitalize the area and then if he does not get elected, he

will probably sell it,” said Bonnie Eschborne, who lives in the area.

But Herbert said he filed building permits and will complete the home and move in before the election.

This weekend, a crane was on the property. According to North Tonawanda City Building Inspector Cosimo Capozzi, Razanni Construction of Niagara Falls is working to provide drainage to the site. Herbert says his builder started excavating the basement.

If Herbert fulfills his stated plans, Bethany Brochious will be one of Herbert’s new neighbors.

“I met him and I think it will be really nice to have a cop in the neighborhood,” said Brochious.

While Herbert is living currently in Alder Creek, which is not part of the North Tonawanda School District he represents, he is still listed as living at 1049 Thomas Fox Drive East in North Tonawanda on the North Tonawanda School Board website.

Herbert says he only sold his former residence in order to build his new home. He added that he bought the lot not for political reasons but for personal, family

reasons.

“It is a 3-acre lot in NT... We love the school district and it is just a great lot to build on,” said Herbert.

Herbert informed the North Tonawanda School District that he is living temporarily outside the district and will be moving back once his new home is complete.

In New York State, there is no legal prohibition against an elected school board member to reside outside the district provided it is temporary residence and with full disclosure to the board.

Herbert said he first tried to find an apartment in North Tonawanda to live in while he was planning on building his new home, but said it was challenging to find a place that accepted pets.

“I was not finding any apartments that would take our Great Dane,” Herbert said. “I looked at several in NT. It was not just about finding an apartment, but it was about finding an apartment that was big enough for our dog and big enough to fit things, as the house is being built.”

The School Superintendent’s office told the Reporter that they

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Residents question whether Niagara County Legislative candidate Erik Herbert will actually build a home on this vacant lot in North Tonawanda.

are aware of the fact that Herbert is living outside the district, in an apartment in Wheatfield.

North Tonawanda School Superintendent Gregory Woytila said Herbert advised the School District that as soon as the house is built at 619 Witmer Road, he will be move back to North Tonawanda.

“We looked into his specific case because he has a [home building] contract and he is building a new house and it’s just not ready,” Woytila said. “The [law] allow[s] for temporary, outside of district placement while your residence is being built. Now if the house is finished and he does not move, that that is when something would happen.”

Herbert says if he is elected to the Niagara County legislature, he will resign as a school board member.

Although numerous residents told the Reporter they were concerned that he only recently moved into the 7th District, and therefore is not the most competent to represent the area, Herbert says his commitment to building a home in the 7th District is ample evidence of his plans to be part of the community.

“I plan to live there for the next 30 years,” Herbert said. “And it will be built before the election.

Herbert is running against incumbent 7th District Legislator Jessie Gooch.

Herbert is a former MMA fighter and North Tonawanda Police Officer. He also serves on the North Tonawanda School board.

The Reporter will follow up and give a progress report prior to the election on the status of Herbert’s new home.



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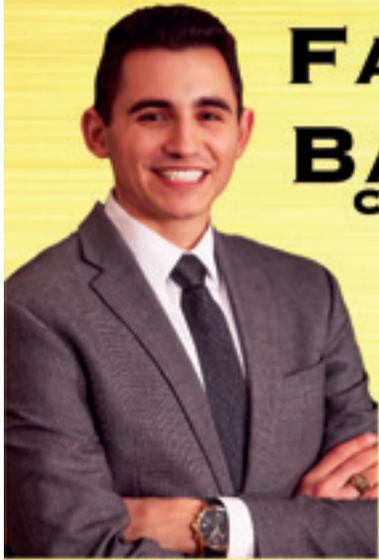
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OSHA requirements for multiple exits, unblocked doors, clear pathways and fire extinguishing equipment are in effect today in part because of the Triangle Shirtwaist Company. When fire erupted at that New York City factory in 1911, lack of water, locked doors and inadequate fire escapes trapped workers inside and led to 146 deaths. Injuries and deaths from fires still happen, but the numbers have been reduced thanks to OSHA guidelines.

It's easier than you think for a construction site or any workplace to go up in flames. All it takes is a spark from a sander or an errant ash from a cigarette igniting with common and flammable construction materials like wood, solvents, packaging and gasoline. Thousands of construction fires happen annually and they are costly. According to the National Fire Protection Association (NFPA), six fires in apartment complexes under construction were among the largest fires in the country in 2014 and led to damages of more than \$176 million dollars. Five of these fires, including one involving a heater used to dry drywall, were caused by heat sources installed or placed too close to flammable materials. Grinding work done too close to woodwork was the source of another blaze. Heat from welding or cutting operations caused three others. Fires killed six construction workers in 2014 and injured 120 more.

One of the most important things you can do on a construction site is practice good housekeeping. It's also important that workers are aware of potential fire hazards at a jobsite and report fire hazards immediately. They need to be familiar with what to do in case of fire, including how to operate a fire extinguisher and how to safely evacuate. OSHA standard 1926.150 requires employers to implement workplace fire protection and prevention plans at construction sites. Hazards covered include storage and disposal of flammable liquids, blasting and the use of explosives as well as the placement of temporary heaters and other machinery that gets hot during operation. If a fire breaks out leave the job site immediately and call 9-1-1.

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