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Senecas Unlikely to Resume Payments to City Voluntarily

By: Tony Farina

Analysis

If the Senecas continue to hold their cards on resuming their casino payments to the state which they stopped in 2017, the three host cities, including Niagara Falls, will continue to lose an important revenue source which all had been planning on after last January's arbitration ruling in favor of the state.

Niagara Falls borrowed slightly more than \$12 million from the state to balance the 2019 budget in anticipation of receiving the revenue sharing payments, but as of this writing, the Senecas are silent on their plans and when, or even if, they will resume payments remains questionable.

"We would start to feel the pinch in the third quarter of the year," says Niagara Falls Council Chairman Andrew Touma when asked about the latest delay in revenue sharing payments. But Touma cautioned that right now, anyway, the city can only wait and hope.

The Senecas have paid New York State

(Cont. on pg. 2)



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 Niagara Falls

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Life is a Beautiful Ride National Donate Life Month kicks off

It's the beginning of April, as the fresh spring air brings a renewed sense of life to Western New York, it brings with it National Donate Life Month.

During the month of April, Americans are encouraged to consider becoming an organ donor and giving the gift of life. Yesterday, Chairman of Legislature Wm. Keith McNall, Niagara County Clerk Joseph Jastrzemski, and Legislator Rebecca Wydysh raised the "Donate Life" flag in front of the Niagara County Courthouse which will be displayed for the entire month to show support. This year's theme is "Life is a Beautiful Ride."

New York State has the third greatest need for

(Cont. on pg. 2)

Student Government Day in NT

By: Brendan McDonough

It was a day for students to step out the classroom and into the political arena. Last Tuesday, a handful of students learned first-hand about what it takes to be an elected official and the responsibilities they face. It's all part of North Tonawanda's annual student government day.

(Cont. on pg. 6)

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Beautiful Ride Cont.

donors in the United States, yet it has the secondlowest donor registry enrollment in the country. Only 32 percent of all residents age 18 and older registered to become organ and tissue donors, compared to the national average of over 50 percent.

"Donate Life Month reminds us the importance of organizations like UNYTS and what they do each and every day in our community to save lives," said Chairman of Niagara County Legislature, Wm. Keith McNall.

Niagara County has been moving in the right direction over the past few years in getting more people registered as organ donors. Back in 2015, the percentage of registered donors was at 46 percent. Currently, in 2019, there has been a noticeable increase.

"One of the things I am most proud of under my leadership and hard work of our staff in our DMV offices is that we have increased the registry rate from 46 percent to 50.8 percent with 85,982 individuals enrolled in the New York State Donate Life Registry successfully bringing Niagara County closer to being above the national average," Niagara County Clerk Joseph Jastrzemski stated.

The need for organ donors has never been greater. In New York State there are

approximately 9,500 people waiting for an organ transplant. Approximately, 1,700 of those people have been on the waiting list for more than five years. In 2017, 400 New Yorkers died due to a shortage of donors.

For those already registered as donors, or those looking for additional ways to help, please remember that blood donations are also needed.

"I sponsor several UNYTS blood-drives in my district throughout the year and we are currently organizing more drives to expand the outreach, encouraging everyone to register and donate," noted Legislator Rebecca Wydysh, R-Lewiston, who also serves as chair of the Community Services Committee.

In New York State, anyone 16 and older can enroll. Stop in at one of your Niagara County DMV office locations and complete an enrollment card to register to be an organ donor, even if you don't need anything changed on your license.

Another way is to enroll online at donatelifeny.gov. No matter which method you choose to enroll, you will receive confirmation by mail from the New York State Department of Health that you are a designated donor. At that time, you can specify which organs and tissues you may wish to exclude as a donor.

If you are interested in registering or would like more information, visit donatelifeny.org.

Casino Cont.

more than \$1 billion between 2002 and 2016 under the gaming compact, a 25 percent share of slot machine revenue with 25 percent of that money passed on to the host cities. But the Senecas stopped payments in 2016, saying they had fulfilled their obligation under the compact and no more revenue sharing was written into the 2016 extension.

The state challenged the Senecas on their decision to stop payments and won the arbitration by a 2 to 1 vote that from the beginning did not sit well with the Seneca Nation, and they have been publicly silent ever since.

But sources say the Senecas are waiting for an official order from the arbitration panel, expected shortly, on what they should pay the state to cover the missing payments which is expected to be in the \$200 million range. That order could trigger a further challenge from the Senecas who sources say are not planning to write a check anytime soon. They could, sources say, mount a revenue sharing challenge under the Indian Gaming Regulatory Act alleging they aren't getting a meaningful return on their exclusivity protection from the state.

While not directly parallel to what's happening in New York, a federal judge in New Mexico issued a decision last week that sided with six tribes in a dispute over gaming revenues in that state.

New Mexico had sought upwards of \$60 million from the tribes, claiming they owed the money for "free play" at the casinos, but the judge rejected the argument. The judge said in part the additional revenue sharing being sought by the state did not satisfy requirements of the Indian Gaming Regulatory Act "because they are not payments made pursuant to a bargained for and agreed-upon compact provision for which meaningful concessions were offered in return."

John Kane, a Mohawk living on the Seneca Nation's Cattaraugus Reservation, is a well-respected native rights activist and radio talk show host. While he doesn't speak for the Senecas, Kane

offered this insight into the current impasse:

"The Senecas have a strong case for challenging revenue sharing in spite of the arbitration ruling. That is to make the question about the legality of revenue sharing under the Indian Gaming Regulatory Act (IGRA) rather than just a state gaming compact issue."

Kane went on to say that "If the Interior Department is called upon to determine if the Senecas are being forced to relinquish revenue for little to no concession from the state, it is hard to imagine the state prevailing. Of course, the 800-pound gorilla in the room is whether the Senecas can overcome any fear of retaliation from the state, such as ending its gaming compact with the Senecas and what effect that would have."

"In the past, there has been an unwarranted assumption that since Native Class II gaming under the IGRA requires a state compact, that a state could shut down a native casino by simply canceling its compact. That certainly was never the intent of the provision and there is no precedent establishing the amount of state power."

So there you have it. When the arbitration panel rendered its opinion, the one vote against the ruling came from a Chickasaw Nation citizen, a former head of the Bureau of Indian Affairs under President Obama.

Kevin Washburn voted in favor of the Senecas, saying the panel essentially rewrote the terms of the agreement.

The Senecas may well decide to challenge the panel's ruling, casting doubt on resumption of the payments anytime soon. The state, meanwhile, is proceeding as if the payments will resume, although the Senecas have not publicly or privately hinted that the check's in the mail.

Stay tuned for what could be another long battle over the gaming compact that has paid huge dividends for the state and the host cities, but also caused near-catastrophic panic with the two gaming wars that apparently have not yet finally settled.



NIAGARA



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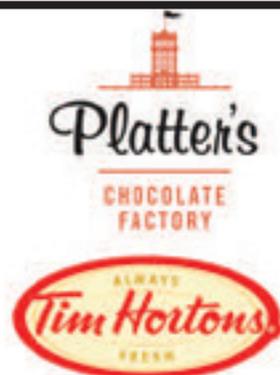
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Sanborn: Smokin Joes (gas station and store) & Tim Hortons

Wilson: Lakeside Market

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

Waldo Found! Councilman Ezra Scott “Officially” drops out of 2019 Mayoral Race



Ken Hamilton

The Niagara Reporter's March 6, 2019 Analysis indicated that the voters were looking for the seemingly illusive Waldo-like candidate to officially announce his 2019 run for the mayoralship of the city of Niagara Falls. As we pointed out, "From all indications, by the end of the year the city may have lost the services of the bright, inquisitive, obviously ambitious, up and coming City Councilman Ezra Scott."

We were right. Today, April 4, 2019, Scott has sent in his official declination letter for his mayoral quest; however, he has not indicated if he would finish his term as city councilman or not. We believe that he will.

Photo: Then-candidate Ezra P. Scott, Jr., Legislator Mark Grozio and Councilman Robert Anderson, Jr.

Scott's official email notice reads as follows:

"In 2015, I was fortunate to be elected and serve the City of Niagara Falls as your City Councilman. I have opposed the Goat Island Lodge,

advocated and urged the NFTA not to redistribute routes serving our residents, been an advocate for our youth, an advocate for homeownership and financial literacy, working to redevelop the Niagara Community Center, supported the new Casino spending plan created to promote fiscal responsibility, and I am passionate about serving as a "watchdog" to the taxpayers' monies. I am the organizer of the Niagara Falls Peacemakers, and I have organized as well as participated in many community events.

"Since taking my seat as your City Councilman, I have developed a stronger understanding that "charity begins at home." I have worked on improving myself personally and as a leader in the community. I've completed Toastmasters, Leadership Niagara, and in May I will have officially completed my MBA from Niagara University with a dual concentration in Human Resource Management and Strategic Management.

"I recently proposed to my childhood crush with plans to marry her. We are also scheduled to close on our first home next month. Moreover, last but not least, in 2017 I was blessed with a beautiful son and a daughter. With much thought, I've decided to not run for office this election cycle. I am not done with serving the City of Niagara Falls, as helping the community is a passion of mine. However, I have concluded that charity begins at home and it is best to handle my responsibilities there before taking on more responsibilities outside of my home and family.

"Due to having an insatiable appetite for growth I welcome all constructive criticism. As well as I invite anyone in need of any assistance to contact me anytime at (716)579-4126

or Ezrapscottjr4nf@gmail.com. My heart remains with the people and the City of Niagara Falls, NY."

The March 6th Analysis continued, "To win his first election, Scott had to wear out a pair of shoes by walking the city with a huge affable smile on his face, petitions and campaign material in his left hand, and the hands and hearts of the city's voters in the other hand. That was tough enough to do in the warmer weather, but how ominous would it be now for upstate candidates to go door-to-door in goulashes while carrying clipboards loaded with iced-over petitions in one hand and a snow shovel in the other, he would now have to wear himself out to do so."

We continued with, "... [having have] spoken with several of those from Buffalo and Niagara Falls whom might otherwise be considered his advisors ... (t)hey all said that they would have liked for him to have done another term as a councilman before climbing into the mayor's chair."

Scott is the kind of young man that seeks the advice of several more experienced people than himself before he does most anything, and that is a good thing. It looked like he did so in this case. Scott's email further goes on to indicate that he is indeed ambitious, smart and affable, and that he asks a lot of questions of a lot of diverse sources before coming to a decision. I said of him that, "I can only imagine the amount of good that Scott's initially naïve but continuing improvement could have brought." Apparently, he imagined it likewise, as he indicates that he is improving his education in order to improve the quality of service that he would like to give to the city.

Scott's not running to be elected as mayor or for reelection in the coun-

cil improves the opportunity for his lifelong friend and community activist Dontae Myles to have a successful run for his first-time bid for a council seat. If Myles wins, he would then effectively be the only African American on the council. If he doesn't, then it would be the first time since the election of Councilman Charles Walker in 1998. With his post-election early seating, Scott effectively is in his 2nd term after replacing the late Councilman Robert Anderson, who passed away while in office. Charles Walker was elected several years after black former Councilman Andrew Walker left the city prior to the end of his term in office, and didn't run for reelection. Because he didn't resign, he was simply marked absent for the duration of his term.

Scott pointed out in his official declination much of what was inferred in the March 6th Analysis: that being the things that were going on in his personal life. We said, "Given some very positive opportunities and upcoming events in his personal life, now may be the time for him to echo a part of the career of former Buffalo mayor and former President Grover Cleveland by taking a break from political office and coming back a more refreshed and stable family man."

With a fellow like Scott, who knows? But it wouldn't be a surprise to see him going for a three-fer at city council, followed by that run for mayor.

Leaving in the 2019 mayoral race is Director of Community Development and Code Enforcement Seth Piccirillo, and Board of Education member Robert Restaino for the Democrats; and prospectively Republican and Niagara Falls Water Board Supervisor Glenn Choolokian. Stay tuned.

Chris's Corner: For Next Mayor, Private Sector Experience a Must

Chris Voccio is a Niagara Falls City Council member and can be reached at ChrisVoccio@gmail.com.



Chris Voccio
NF City Councilman

By the time you read this, the ballot-access petition process is winding down or finished and we likely have three candidates for mayor, two Democrats and one Republican.

Being relatively new to Niagara Falls, I don't know everything about the candidates' backgrounds, so I'm looking forward to the debates, candidate forums, etc.

I do know something about all three candidates and here's what I can say with certainty: All three are nice guys who care about the city and want

to see it prosper. But obviously we need more from a chief executive of the city than being nice and having lofty hopes.

When Barack Obama was president, I often said that he would have been a better president had he, instead of being a community organizer in Chicago, been an assistant store manager at a Taco Bell or a Burger King.

My understanding is that Barack Obama, before being elected to the Illinois State Senate (and then the United States Senate and then, well, you know the story) was a university professor and before that, a community organizer. While I'm not really sure what a community organizer does, I'm pretty sure that experience in the private sector, helping manage a restaurant or any other small business, would have put him in a better position to be the chief executive officer of a city, a state, or the world's greatest superpower.

If Barack Obama had a few years in the private sector, managing work schedules, hiring employees, managing employees, firing employees, dealing with federal, state and local government regulations, satisfying corporate profit expectations, keeping customers satisfied, monitoring competitor activities, managing logistics, dealing

with pricing issues, managing vendor relations, working crazy hours (certainly without overtime pay), having no pension expectations and a modest health insurance plan that he had to pay into, he would have made a better chief executive.

He likely would have surrounded himself with others who shared similar challenging experiences (instead of university professors.) This isn't a knock against university professors or community organizers, as they fill important roles, at least the professors do. But that doesn't mean they should be elected president, governor or mayor.

There are certain skills sets and talents that are battle-tested in the pressure-cooker world of private enterprise, and I'm not sure our last president faced those daily tests before being elected president.

Back to Niagara Falls.

Our next mayor should have at least some degree of private sector experience. He — all three candidates are males — should tell the electorate about his successes and failures in the real world and what he's learned that will help him lead our city to prosperity.

He should also surround himself

with private sector people. A chief executive who surrounds himself with people who understand the challenges of competing for customers will better manage the affairs of the city and treat citizens and taxpayers like they were customers. Taxpayers, after all, are like customers in that they can choose to leave.

Please don't misunderstand me. Having some lifelong public sector people in the administration, people wrapped in the comfortable security blanket of union protections or political patronage, people with publicly-funded pensions and gold-plated health insurance benefits, would be tolerable. But we should want at least some people around the next mayor who've had to deal with the harsh realities of the competitive marketplace.

Niagara Falls would benefit from having a chief executive who has had to navigate the obstacle course we call the real world.

I'm looking forward to learning more about the candidates' meaningful private-sector experiences and hope you, dear reader, consider this before casting your vote.



THE CRIME

WEEKLY HEADLINES

-Niagara Falls Police and Fire responded to the 500 block of 5th Street for a reported stabbing in the evening hours of Tuesday, April 2nd, 2019. According to reports, one female individual sustained a laceration to the face. The suspect, a male from Buffalo, engaged in a foot chase with police but was not apprehended.

-Niagara Falls Police responded to reports of kids damaging the new playground at Hyde Park in the afternoon hours of Wednesday, April 3rd, 2019. According to reports, chunks of the rubber turf was ripped off.

-Niagara County Sheriffs and Niagara Falls Police Department engaged in a foot chase with a male individual near 80th Street and Niagara Falls Boulevard in the afternoon hours of Thursday, April 4th, 2019. According to reports, a suspect was being searched for after stealing from Wegmans. It is believed the the suspect had a weapon and prompted one Niagara Falls elementary school to go into lockdown. In addition to engaging with the suspect on foot, a helicopter was also sent to help locate the suspect.

-Niagara Falls Police responded to the Seneca Niagara Casino in the late afternoon hours of Friday, April 5th, 2019, after an elderly man visiting the casino discovered that a valet and given the keys to his car to a thief. According to reports, after being handed the keys the valet driver for the Casino mistakenly gave the keys to another person, who promptly drove off with the vehicle Friday afternoon. The valet said

that he did not think to ask for a valet ticket.

-Niagara Falls Police responded to reports of shots fired on the 1300 block of Pierce Avenue in the early morning hours of Saturday, April 6th, 2019. According to reports, a vehicle was struck and no injuries were reported.

-Niagara Falls Police met with a 69th Street resident in the early morning hours of Saturday, April 6th, 2019, after the driver reported narrowly missing being struck by a bullet that ultimately missed his body and struck his rear window. The incident, which occurred on Highland Avenue, resulted in the man driving directly to Police Headquarters on Main Street.

-Niagara Falls Police responded to Pine Avenue in the afternoon hours of Saturday, April 6th, 2019, after three youths claimed they were harassed by a pair of older individuals then chased by one of the men at gunpoint. Both of the older individuals were arrested.

-Niagara Falls Police responded to the 3000 block of Highland Avenue in the early morning hours of Sunday, April 7th, 2019, for reports of shots fired. No injuries were reported.

-Niagara Falls Police responded to the 1300 block of Linwood Avenue in the early evening hours of Sunday, April 7th, 2019, after reports of shots fired. According to reports, two individuals were shot during some sort of confrontation and then went to the hospital.

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NORTH TONAWANDA

Student Government Day Cont.

This year about a dozen students shadowed City of North Tonawanda public officials doing everything from going to the DMV to sitting in for them at a Common Council meeting.

This year North Tonawanda High School Student Alyssa Juliana sat in for Clerk Treasurer Matt Parish at the Common Council meeting. For Josh Pawlak, sitting in for Common Council President Eric Zadik was a unique experience calling the meeting to order and going through agenda items one by one. One of the most significant agenda items passed was promoting a firefighter to the rank of captain and authorizing the mayor's office to submit a contract to the Canal Festival Board of Director to hold the event this year.

Tabled at the meeting was the question whether or not to

approve an \$805,000 bond for street repairs and the purchase of a new pumper. Members of the Common Council agreed it was more appropriate for elected officials to authorize a large amount of spending; especially since it involved taxpayer money.

Getting to sit in for members of the common council was not easy. Each of the students had to go through an election and were voted into these slots by their peers. For many of the students it was a day they will not soon forget.

"I just want to thank everyone and say congratulations to Edward on your promotion to Captain," said Juliana. "This has been an amazing opportunity and I had a lot of fun today, thank you so much."

In addition to having fun they also got a first-hand experience on local government. Niagara County Legislator



Rich Andres was one of those who helped mentor the students throughout the day.

"I had the pleasure of chaperoning this group of students," said Andres. "Some of them were former students. Everyone was very welcoming. We went on tour to the different offices, we went to

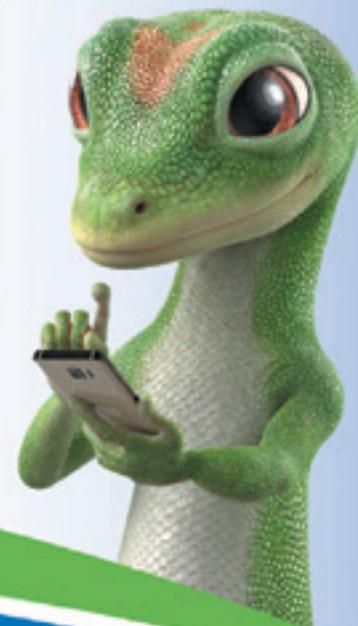
the police station and say the inter-workings of all the different departments. The kids were very informed of the issues and I think we are in good hands, as we turn thing over to these guys, as they possibly run for office in the future."

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Health Fair in North Tonawanda



By: Brendan McDonough

It was a day for people to get healthy! At the North Tonawanda Intermediate School people of all ages gathered to lace up and take part in their annual 5k walk and run.

Organizers have been holding the event for the past 7 years. For them it is a chance to educate kids about the importance of being healthy.

"It is really done as a community event," said Sue Everts, School Councilor." This year we probably have about 200 runners and then another 75 to 100 non-runners who do about a mile."

For residents it was \$5 to take part in the event and \$10 for non-residents. Officials say no money is made on the event. It is a lesson in health that is learned both inside and outside of the

classroom.

"At our Middle School a lot of the physical education teachers will give extra credit to the students who participate, and for residents a lot of people in North Tonawanda love this event and are coming back year after year," said Everts.

From experienced runners to those who are just starting out, the event is open to everyone. Helping to get more people excited about running and setting personal fitness goals.

"I think they get excited to think - wow - I ran a 5k, and I ran 3 miles, so I think a lot of the kids really get excited about that," said Everts.

For school officials it is a one day event that they hope will instill healthy habit in students, long after today's event is over.



Stopping the Red Tape Affecting Work Zone Safety

Keeping workers and the traveling public safe in highway work zones is of the utmost importance to LIUNA, and signatory contractors. However, this goal can become a major challenge if the proper safety procedures and equipment aren't put in place. Working within inches of passing traffic and alongside heavy construction equipment contributes to many worker injuries and fatalities every year. In 2017 alone, 132 workers were killed in highway work zones. Nearly 800 motorists and pedestrians also died in work zone crashes in 2017.

Federal laws that place limits on patented and proprietary products and a bidding process that prioritizes low cost over quality are making it more difficult to create safe work zones. For example, funding is available for the purchase, rental or lease of patented and proprietary roadway protection products, but applying for it adds to the already cumbersome contract process. The result is that the safety of workers and the public often gets short-changed. The Federal Highway Administration (FHWA) has issued a notice of proposed rulemaking that will "provide greater flexibility" to use these products by either amending the requirements or rescinding them altogether.

Current FHWA policy prohibits the use of patented and proprietary products unless they meet certain criteria. For example, contractors must show proof that:

- The item is purchased or obtained through competitive bidding with equally suitable unpatented items.
- The contracting agency certifies the item is essential and that no equally suitable alternative exists.
- The item is used for research or for a special type of construction on relatively short sections of road for experimental purposes.

Trying to get this approval is a time-consuming process for contractors who are already in the midst of assembling competitive bids and who have no guarantee that the FHWA will grant their request. The reality of low-bidding is that it discourages innovation and encourages contractors to cut corners, jeopardizing the safety and health of workers and the traveling public. It's important that the FHWA revamps and streamlines the process for awarding construction and maintenance contracts. When contractors and state DOTs have less red tape to wade through, work zones will be less dangerous for the workers tasked with building and maintaining the nation's roads and for the public traveling on them.

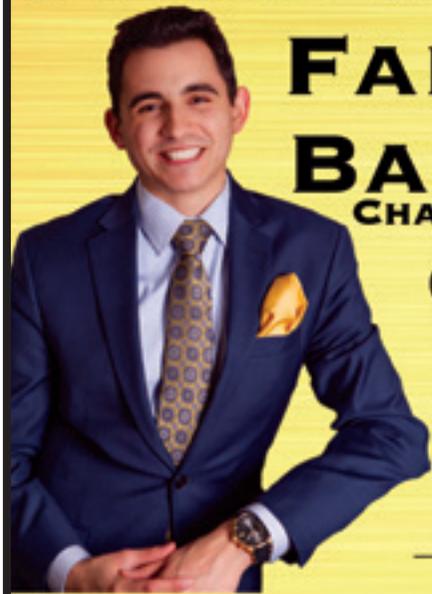
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