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Neglected Third Street Tourism District Casualty of State Park

James Hufnagel



This is what was envisioned for the Third Street Tourism District by state and local politicians. Unfortunately, the tourists you see pictured here are all in the Niagara Falls State Park.

As you read this, work on the state's \$50 million upgrade of Niagara Falls State Park, expanding parking, food service and gift shop facilities, is being rushed to completion in anticipation of the estimated eight million tourists who will come to visit Niagara Falls this summer.

Meanwhile, the city of Niagara Falls' Third Street "tourism district", as you can see in these photos, is looking more than a little

shabby, with less than a month remaining before the official tourism season gets underway.

USA Niagara, the local subsidiary of Albany-based Empire State Development, highlights on its web sites the "THE REVITALIZATION INITIATIVE OF DOWNTOWN NIAGARA FALLS, USA", emphasizing its impact on the Third Street "transitional zone between downtown and

city neighborhoods to the north and east."

Back in 2005, USA Niagara and the city jointly spent \$3.7 million on streetscape and other infrastructure "improvements" to Third Street, such as "replacement of the water mains, reduction in the size of traffic lanes to allow for widened sidewalks; the planting of trees along the promenade to drive foot traffic; the identification of gateways to the area; and the installation of special markers,

new lighting and street furniture."

"The goal of the Third Street Business District," stated USA Niagara, "is to create a vibrant, pedestrian-friendly neighborhood, with commercial, retail and residential development elements that will service several market segments and ultimately result in capturing more of the tourist visitation to downtown Niagara Falls."

It failed.

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The potholes persist well into Mayor Dyster's third term.



A gob of blacktop was the sloppy repair strategy for a cobblestone crosswalk at Third and Niagara. Funded by USA Niagara and the city, ten years later the collapsing cobblestone of the "Revitalization Initiative" is scandalous, stark evidence of yet another "economic development" boondoggle .

While Third Street does feature a few small businesses such as a pizzeria, liquor store and a couple of restaurants, and plays host to one or more festivals and events during the peak tourist months, the lofty goals of a decade ago appear largely unmet.

That's mainly because many, perhaps most of the eight million tourists who come here every year drive into Niagara Falls State Park on the state owned Robert Moses Parkway; the tourists then park their cars on one of over 1500 parking spaces inside the state park, ride the Maid of the Mist, eat at Delaware North food stands and Top of the Falls restaurant inside the park, purchase gifts and souvenirs from one of several shops inside the park, then leave on the same state-owned Robert Moses Parkway, without entering or spending money in the city of Niagara Falls, one of the poorest cities in the state.

The so-called state subsidized USA Niagara Revitalization Initiative was a whitewash, another cruel joke perpetrated on a city that's been systematically deprived of its waterfront assets by Albany and the worthless local government officials who genuflect to them.

That's why the "tourism district" is being



Potholes abound on Third Street, on what was once hoped to be a tourist magnet.

allowed to sink into disrepair. Why invest time and money sprucing up Third Street when everybody's in the state park?



A storm drain on Third Street plugged with refuse and muck graces the city's vaunted tourism district.

Gawel To Seek Chairmanship Of City GOP Committee

Tony Farina

Former Councilman Michael Gawel says it is time for new leadership at the helm of the Niagara Falls City Republican Executive Committee and he will be challenging current GOP Chairman Vince Sandonato for the top job at the reorganization meeting in September.

Gawel, who has been a highly visible figure in local political circles in recent weeks, said on Wednesday the party needs an energetic chairman to lead the charge on petitions for Republican candidates "and I believe I can be that person."

Gawel, in announcing his candidacy to lead the GOP committee, noted that he was the emcee of last week's party celebrating Councilman Ken Tompkins as the highest elected Republican in Niagara Falls and while there was a strong turnout of residents and elected officials, "no one from the City Executive Committee or from the Niagara County GOP leadership team showed up for the event" which was held at Gagster's.

The people who did turn out are concerned with what's happening in Niagara Falls, said Gawel, adding "they want to make things better and they are not happy with the current leadership," citing Sandonato for not holding a committee meeting during his chairmanship over the last two years.

With that as motivation, Gawel said "I am throwing my hat in the ring to be their leader and the next chairman of the Niagara Falls City Republican



Michael Gawel ...seeks to lead city GOP

Committee. We need someone to lead the charge on petitions for Angelo Morinello (Assembly), Robert Ortt (Senate), and the Republican candidate for district attorney and I believe I can be that person."

Gawel said he is urging that everyone who wants to make Niagara Falls better and who believes in a two-party system to circulate GOP committeemen petitions and make the party relevant again, adding he will be glad to help anyone who wants to circulate GOP petitions.

Sandonato, a former county lawmaker who currently serves as a Niagara County public defender, said he plans to seek re-election as chairman and said of the challenge launched by Gawel "he can do what he wants."

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Sad History Of Warshaw Here Points To High Level Administration Bungling

Mike Hudson

You've got to hand it to Niagara Falls Mayor Paul Dyster. He chose a city engineer, Ali Marzban, who was unlicensed to practice engineering anywhere in The United States. And he picked as his preferred hotel developer Mark Hamister, who not only had never built a hotel before but lacked the money to build anything.

His hiring of Warshaw and Associates to oversee the city police department cost taxpayers more than \$400,000 and produced no tangible results whatsoever.

Except perhaps a future lawsuit between the Police Union and the City over a disciplinary policy Warshaw wrote the violates the union contract [more on that next week].

Dyster sold city cops down the river when he entered into a consent order with the state based on 30 citizen complaints against the police – which were never made public – alleging that officers in the department were biased against black people.

One source who has seen the complaints told the Niagara Falls Reporter that they run the gamut from use of unnecessary force to one where a woman complained that the children of a neighbor who happens to be a police officer have repeatedly kicked a football into her yard.

Warshaw had close political ties with the Cuomo administration. He served as the Rochester chief of police until 1998. His deputy chief, Robert Duffy, then became police chief and later mayor of Rochester, publicly referring to Warshaw as "my dear friend."

In 2010, Cuomo selected Duffy to be his gubernatorial running mate, and within days of their election victory, the lieutenant governor's "dear friend" received a lucrative no-bid contract in Niagara Falls.

Warshaw made headlines when the city administrator of Oakland, CA, accused him of sexual impropriety.



Robert Warshaw was hired by Mayor Paul Dyster to oversee policy for the Niagara Falls Police Department. Sources say trouble is brewing over some of his policies.

In 2012, Oakland City Administrator Deanna Santana accused Warshaw of making sexual advances toward her. That prompted attorneys seeking to put the department under federal control to demand an investigation as to how that information became public.

In one case, Warshaw allegedly took the hand of the married mother of two and told her she looked "stunning." It was further alleged that the former Rochester police chief proposed Santana meet him at private locations. Warshaw also allegedly used abusive language when talking to Santana about Police Chief Howard Jordan, sources familiar with the case said.

U.S. District Court Judge Thelton Henderson, who had selected Warshaw in the first place, dismissed the case without addressing the issue of whether or not the lurid accusations were true. Henderson ordered all information regarding the alleged sexual impropriety sealed forever from public view.

Warshaw's family troubles were also the subject of extensive press coverage.

In September 2000, a federal grand jury indicted his brother, Donald Warshaw, the former Miami police chief and city manager, on charges of conspiracy to commit fraud and mail fraud. In a stunning announcement that capped a yearlong investigation, U.S. Attorney Guy Lewis said the grand jury's five-count indictment charged Warshaw with illegally funneling tens of thousands of dollars from the Miami Police Relief and Pension Fund, and a charity into his personal accounts over a six-year period, beginning in 1993.

According to the feds, Donald Warshaw committed an especially reprehensible offense: using his position as an assistant police chief, and later as chief, for personal gain. He was accused of using the corporate American Express cards of the pension fund and Do The Right Thing of Miami Inc., a charitable organization that helps disadvantaged youth, for his own benefit. The charity was funded in part by law enforcement trust funds administered by the city.

According to the indictment, from May 1993 to April 1999, Warshaw charged to the credit cards of the pension fund and charity personal expenses amounting to \$86,563. He then paid the bills using funds of the two

organizations. The money paid for Florida Panthers hockey tickets and for shopping trips to Lord and Taylor's and Victoria's Secret.

The indictment also charged Warshaw with depositing checks and cash belonging to the charity into his personal bank account and using that money to pay for personal expenses and bank overdrafts. He pleaded guilty to one charge of federal mail fraud in 2001 and served a year in federal prison. Warshaw, 61, was released in 2002. In 2004, he was denied a \$128,000-a year pension because of his conviction.

But the problems were far from over for anyone in the Warshaw family, which has certainly known its share of sadness and tragedy. In April of 2007, Jodi Lynn Warshaw – Donald's daughter and Robert's niece, was murdered at the age of 36 by her abusive, estranged husband, Ben Barone, in the parking lot of a Pennsylvania convenience store. Barone then shot himself.

Having nationally recognized law enforcement officials for a father and an uncle was no protection for Jodi Lynn Warshaw, whose obituaries and gravestone list her by her maiden name.

In November 2011, the names of both Donald and Robert Warshaw surfaced in a lawsuit filed in North Carolina by Donald Warshaw's ex-wife Karen against her husband, his mother and brother Robert Warshaw when Karen tried to collect a \$119,362.50 judgment against Donald Warshaw from their 1995 divorce settlement.

She learned Donald had transferred a major asset — half-interest in the seven acres in Sylva, NC, — to Eugenia Warshaw, the brothers then 95-year-old mother, who immediately deeded the property to Robert Warshaw, who had a home on the acreage.

Karen Warshaw, a certified paralegal, filed a Miami-Dade court motion to undo the real estate transaction. The court ruled the property transfer was "fraud" designed to "hinder" Donald Warshaw's creditors, including Karen, but lacked jurisdiction in the matter.

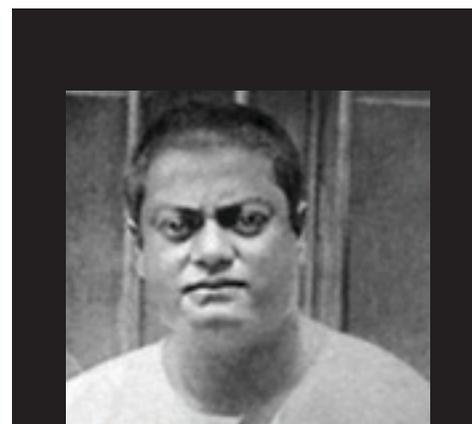
So Karen sued Donald, Robert, and Eugenia Warshaw in North Carolina, claiming collusion in a "fraudulent transfer." Robert and Eugenia filed papers denying any wrongdoing. In those documents, Eugenia mounted her "cross claim" against her black sheep son Donald, who, she claimed, deeded his half-interest as "restitution" for spending her annuity funds.

The result of Warshaw's involvement with the Niagara Falls Police Department? Crime has steadily increased and numerous websites have given the city the dubious honor of being the most dangerous municipality in the state.

Police morale plunged as rank and file officers realized that their boss, Mayor Paul Dyster, regarded them – and not the criminals who roam our streets – were the problem.

And the taxpayers are out as much as \$1 million.

Nice work, Mr. Mayor.



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Hamister May Need More Taxpayer Money to Revive Failed Project

Tony Farina

According to informed sources in the Buffalo development community, Mark Hamister is about \$6 million short of the mark in financing for his much-hyped \$35.7 million Niagara Falls hotel project on Rainbow Blvd. that was trumpeted by state and local officials more than three years ago as the city's best hope to revive downtown.

State and local officials only talk about the long-delayed project in short clips, hinting something may happen soon. Nothing has, and there's no sign of development activity at the prime parcel at 310 Rainbow Blvd. Now, according to our sources, Hamister is looking for more state help in the already heavily taxpayer subsidized project for the \$6 million he needs to close the deal, money that in fact would amount to his own investment in the project which he apparently doesn't have available. Sources suggest part of the problem is the \$35.7 million he wants to finance for a Hyatt Place many see as a \$19 million project.

The Hamister hotel story is shrouded in secrecy with none of the key parties, including Hamister, willing to talk about why the project is so far behind schedule that Canadian developer Michael DiCienzo has called for the city and state to void the deal and award development rights to his company, Niagara Falls New York Hotel Management, LLC, so that work could begin soon.

But despite the nearly four-year delay and no sign of anything happening on the Hamister front, state and local officials cling stubbornly to the politically-connected Hamister who was awarded the development rights in a secretive RFP process that required bidders to have the financial resources to complete the deal. Somehow, Hamister won the rights despite the fact he obviously did not have the financing in place while others, who may have been ready to move forward, were passed over.

As I reported last month, DiCienzo, the



Mark Hamister needs millions from taxpayers to pay for his hotel.

Canadian developer with a string of successes on both sides of the border, called the failure of the Hamister project "a complete joke," and Niagara Falls Council Chairman Andrew Touma also expressed frustration, saying the lack of progress "is very disappointing." But nothing changes and the Niagara County Industrial Development Agency (IDA) added to the "joke" last month by granting Hamister a six-month extension on the \$4.25 million in tax breaks even after the Hamister group told the IDA that it has yet to arrange financing. The state has committed a \$3.9 million grant (taxpayer money) to the Hamister Group, but despite all the public help, the project remains in limbo.

DiCienzo, whose family has reportedly spent \$800 million on development on the Canadian side and is now heavily invested on the U. S. side, upgrading the Holiday Inn to a Sheraton (\$34 million), says he's ready to go to work on the Rainbow Blvd. site if the city tosses Hamister and gives him the green light. And he's not alone. A Buffalo developer, speaking on the condition of anonymity, tells me that he knows of a group of investors ready to pony up \$30 million in private money to develop the prime Niagara Falls project if the opportunity presents itself.

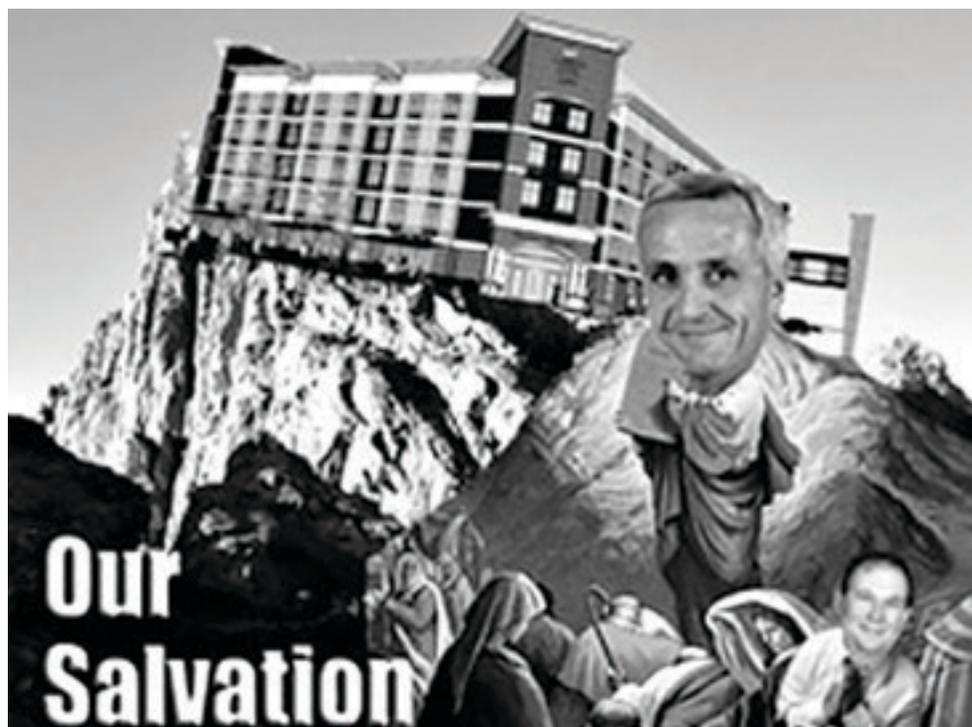


A coming soon sign adorns the site where the Hamister hotel is to be built.

It all begs the question of what's more important: holding on to the Hamister deal that so far as been an embarrassing disaster for its backers, or pulling the plug and finding developers who are ready to put a shovel into the ground and give downtown Niagara Falls a real development boost, maybe something more than a business hotel.

It is all reminiscent of the Hamister folly of 1992 when he and his partner were going to save the bankrupt Buffalo Sabres for the city by buying the team, only to back out

when they couldn't secure the public money they needed to complete the deal. Here we are again, 24 years later, with Hamister apparently not willing or able to put any of his own money into the Niagara Falls project and going hat in hand to the state for more taxpayer money. When will somebody finally blow the whistle on the failed project and turn it over to a developer who actually has the resources to do something at the prime site, something more than put up a sign that something is in the wind.



Artist's conception: The Hamister hotel – shown atop Mt Sinai – was said – when it was first announced – to be the salvation of Niagara Falls – the literal tipping point development.

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Mainstream Media Gets Wise To Smoke And Mirrors Hamister Hotel

Mike Hudson

While some media outlets still cling to the fantasy that do nothing Buffalo developer Mark Hamister will one day build a boxy, truck stop style hotel on one of the choicest pieces of property in the Niagara Falls tourist district, more are coming to the realization the Reporter reached on the day the project was announced.

That the deal was stillborn, and Hamister lacked both the money and experience to do what he said he was going to do.

Recently, WGRZ reporter Dave McKinley did a report on the troubled

representative Sam Hoyt, Congressman Brian Higgins or Gov. Andrew Cuomo made some breathless announcement about an imminent groundbreaking.

The result would be hilarious if it wasn't so sad.

"Mark Hamister is a serious developer with a serious project," Higgins told WGRZ three years ago.

"We're looking forward to a groundbreaking we hope sometime in the spring," Dyster said two-and-a-half years ago.

"A building permit will be issued in late June, then they start in 30 days and we'll have a shovel in the ground in late July," he said 10 months ago.

Five months ago, Dyster said that Hamister would have the hotel financing set up "in a couple of weeks."

Sam Hoyt comes off almost as clueless as Dyster in McKinley's report.

"You and I will be talking again very soon where we'll be celebrating that deal finally getting done," he said three months ago.

McKinley seemed skeptical.

"The state chose Hamister to develop the project more than four years ago," he told the audience. "However, after several fits and starts which have lead to numerous set backs, the only thing that's been erected at the site has been a sign announcing the hotel would be 'coming soon.'"

In a recent interview, Chris Schoepflin said he was optimistic that the project would get underway this year.

"Hamister is reviewing currently, as we understand it, financial proposals from three different lending institutions and we expect him to finalize and close his financing with one of those three in the very near future," he

said.

The statement would probably carry more weight had Schoepflin not said essentially the same thing last year, the year before that, and the year before that.

In the years since the project was first announced, Hamister has downgraded its' scope, from the resort class Hilton he first announced to a faceless Hyatt Place not dissimilar from a dozen other hotels in the tourist district and on Niagara Falls Boulevard.

At the same time, he has inflated the projected cost of the project, from \$22 million to \$36 million, and is set to receive more than \$7 million from the state under a formula in which he gets one dollar for every nine dollars he claims to have spent.

Successful hotelier Michael DiCenzo has publicly offered to take the project over and build the same hotel for \$18 million – half of what Hamister says he needs – and with half the taxpayer subsidies – but thus far his offer has fallen on the deaf ears of what passes for political leadership here in Niagara Falls.

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St Francis of Assisi

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Uber Taking Country By Storm; Everywhere Except For Here!

Mike Hudson

While most people consider New York to be a progressive state, many of the rules and regulations imposed by Albany's notoriously big government seem downright archaic by 21st Century standards.

Take the state's byzantine laws regarding taxicabs. Passed back when John Montana's taxi monopoly in Buffalo made him look more like a genius businessman than the organized crime kingpin he was, the laws were clearly designed to discourage competition.

Today, those regulations are being used to prevent the high tech car service company, Uber, from operating in much of the state. While the service is available in New York City, it operates there differently than it does in the rest of the country.

Founded in San Francisco in 2009 Uber uses a patented smartphone app to connect people who need transportation with drivers who use their private vehicles to pick up passengers and get paid for it.

No cash changes hands. The rider's credit card is automatically charged for the cost of the ride, which is estimated prior to being picked up, and transacted when the destination is reached.

The service is currently available in 27



For those who drive, Uber represents a flexible new way to earn money. For passengers, it helps strengthen local economies, improve access to transportation, and make streets safer.

states, over 60 countries and 405 cities around the world. Uber has surged in popularity among riders as an alternative to taxis, while participating drivers have said they like the flexibility of working as much or as little as they want.

In Los Angeles, where the service has

become wildly popular, the cost of an Uber ride is about half that of riding in a medallion taxi.

But in New York, the legality of Uber has been challenged by the state and local governments and taxi companies, who allege that its use of drivers who are not licensed to

drive taxicabs is unsafe and illegal.

State law still does not permit non-taxi from picking up passengers for payment. Uber operates in New York City, but only as a commercial livery taxi, with full-time drivers that obtain city licenses and spend approximately \$5,000 each to buy commercial insurance.

The company is currently lobbying lawmakers in Albany to relax the state regulations.

According to a recent article in the Washington Post, Uber provides employment for more than 160,000 drivers in the U.S., who earn anywhere from \$10 to \$15 on average an hour for their work, depending on location.

"As Uber has grown into a tech giant valued by investors at more than \$5 billion, it has become something of an economic Rorschach test. Some see in it the hopeful future of work in a digital age, where anyone with a car can be his own boss, choosing hours and determining income with a flexibility that makes other pursuits — like raising children or going back to school — more feasible," the Post reported.

High tech?

"Good paying jobs"?

Not in Niagara Falls or Buffalo, where clinging to a failed past seems to be the main goal of the political class.

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Niagara Falls School Board Election on May 17; Two Seats Up for Election

Gia DeGennaro

The Niagara Falls City School District election will be held on Tuesday, May 17, 2016. Not only will the annual budget be voted on that day, but there are also two [out of a total of nine seats] for the School Board up for re-election.

Incumbents Robert Restaino and Carmelette Rotella hold the current seats. Both have announced they will seek reelection.

Traditionally, school district elections have low voter turnout. For example, in 2014, 2741 voters turned out to vote out of 26,000 registered voters in Niagara Falls [10.5 percent]. In 2013, only 1730 people voted [6.6 percent].

Classified as “very needy,” the Niagara Falls School District has nearly 75% of its students receiving free or reduced lunches, and a lower than New York State average

(78%) graduation rate of 70% in 2015, according to the New York State Education Departments website.

Last year’s approved budget exceeded the tax cap, however this year’s proposal does not include a tax increase, and includes plans to add after-school mentoring, summer activities and health services for needy students.

Besides the two incumbents, Johnny Destino, a former school board member, has announced he is running.

Also mentioned in local media as possible candidates are Ken Hamilton (columnist for the Niagara Gazette), Colene Melson (instructor at Buffalo Center for Arts and Technology), Diane Quarantello (executive director of the Niagara Falls Boys and Girls Club), and Earl Bass (Niagara Falls firefighter).

The highest two vote-getters will be elected to the board.

Polls are open from noon until 9 pm.

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Tax Burden in New York (1=Highest, 25=Avg.):

- 1st – Overall Tax Burden (13.12%)
- 6th – Property Tax Burden (4.65%)
- 1st – Individual Income Tax Burden (4.76%)
- 20th – Total Sales & Gross Receipts Tax Burden (3.71%)

With Tax Day here and with many Americans finding the current tax code too confusing to determine exactly how much their home states are actually taking from their income in taxes, the personal finance website WalletHub conducted an in-depth analysis of 2016’s States with

With Three Popular Candidates, School Board Election May Have Higher Than Usual Turn Out

Matt Ricchiazzi

There are two seats up for election on the City of Niagara Falls' school board, which will be held on May 17th. The full slate of candidates is still in flux, with a crucial filing deadline of April 27.

As a body, the school board has immense power. Beyond hiring and firing administrative personnel, the board must approve budgets and union contracts with the district's teachers, administrators, and laborers.

The 2015-16 budget exceeded \$133 million, serving 7,101 students in 11 schools including eight elementary schools, two preparatory schools, and one high school providing instruction from Pre-Kindergarten through Grade 12. That figure is up \$7.24 million from 2014-15, \$4.5 million of which is because of increased debt service costs associated with the district's "Inventing Tomorrow" project.

Only 20% of the district's 2015-16 budget was generated from local property tax revenues; while 74.9% came from state aid; and 5.1% from other revenue.

The district spends 40.6% of all revenue on salaries and an additional 23.9% on benefits, a result of decades old union contracts. Over \$15 million is spent on administration costs (which includes administrators' compensation); \$93.4 million on programing (which includes teachers' compensation); and \$25.1 million on capital improvements.

According to the Niagara Falls City

School District website, The Niagara Falls High School's 5-year cohort graduation rate, inclusive of August graduates, at 79%, is better than the state average of 74%. In 2012, the district claimed that 85% of Niagara Falls High School graduates received a Regents Diploma or better.

The percentage of students who qualify for free and reduced lunch is 75.14%.

Under Governor Andrew Cuomo's proposed budget - with the legislature recently repealing the Gap Elimination Adjustment - will increase state aid to all districts by \$3.55 billion. It is unclear how much additional aid might flow through Niagara Falls.

School board members are unpaid, must be residents of the district, and represent students, parents, and taxpayers. Those nine volunteers have final say in all matters pertaining to finances, operations, and curriculum in the city.

Among the announced contenders for the two seats are incumbent board member Carmelette Rotella, who served as board president after retiring from a teaching career with the district. Rotella also sits on the Niagara Falls Housing Authority's board of directors.

Niagara Falls attorney Robert Restaino, an incumbent on the school board, is also running.

Restaino, a former Niagara Falls City Court Judge, and father of recently elected City Court Judge Danielle Restaino, is in general law practice.

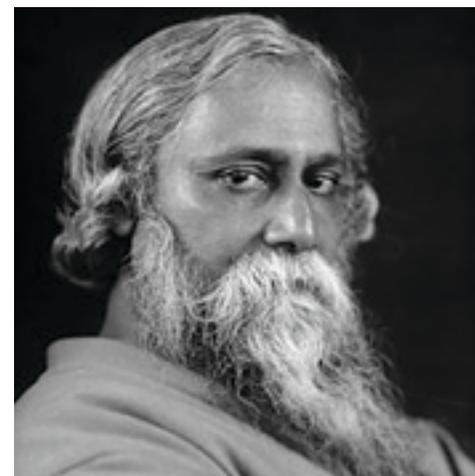
Among Restaino's clients is the City of Niagara Falls who retained him to advise the city on conflicts between its city charters and ordinances.

Restaino has been mentioned as a future mayoral candidate and the draft Restaino for mayor last year failed when Restaino himself refused to run, preferring to aid his daughter's ultimately successful campaign for judge.

Attorney and former State Senate candidate Johnny Destino is also expected to file petitions. Destino presently is employed at city hall as the head of the purchasing department. Destino was a former school board member.

Some observers say that these three candidates - all with strong name recognition - may prompt the typically low-turnout school board contest into a record breaking voter turnout election.

Only two seats are open, and the highest two vote getters are elected to the board.



Where The Mind Is Without Fear -Rabindranath Tagore

Where the mind is without fear and the head is held high

Where knowledge is free

Where the world has not been broken up into fragments

By narrow domestic walls

Where words come out from the depth of truth

Where tireless striving stretches its arms towards perfection

Where the clear stream of reason has not lost its way

Into the dreary desert sand of dead habit

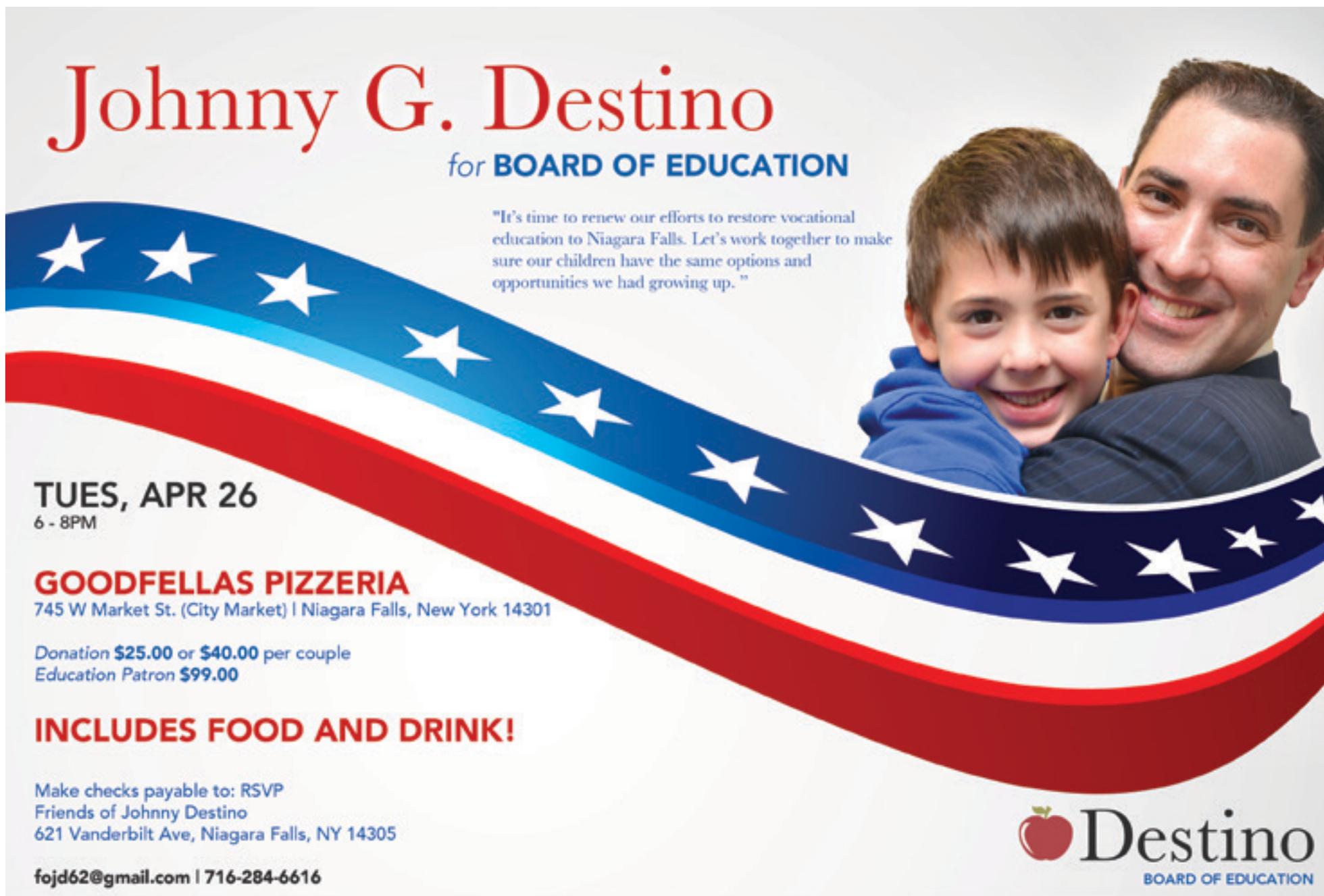
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Into that heaven of freedom, my Father, let my country awake.



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Educated, Experienced Board Member Seeks Re-Election, To Provide Quality Education To Secure Our Future

Carmelette Rotella

Being a member of the Niagara Falls Board of Education has been a tremendous challenge and responsibility. I am pleased with what we have been able to accomplish but realize that there is much more to do.

I am seeking re-election because I believe it is essential to provide a quality education for our children. An educated community is the key to our future. I believe that I am the most qualified candidate in the field; my credentials in education are second to none. I have had over thirty years of experience, both as a teacher and guidance counselor. I have had the opportunity to work at every grade level in the NF school district — secondary, prep, and elementary. I am well versed in state mandates, higher academic standards, testing, graduation requirements and the many challenges facing our students in this community.

During my tenure on the NF Board of Education, student test scores have improved, graduation rates have increased; a \$116.7 million capital fund was created that enabled the rebuilding of Niagara Street School, improved technology and science labs (STEM) in all our schools, infrastructure improvement in all our schools, and the building of new athletic complexes – at no cost to the taxpayer. Personally, I have actively participated in Board planning concerning new construction, finance, program, personnel, and technology.

I am dedicated to the community and the school district and have fostered my leadership ability through training with Leadership Niagara and have been recognized by local and statewide organizations for my leadership and commitment. I currently serve as the Board of Education Vice-President. In the past I was elected President of the Niagara Falls Teachers. I have served as the Orleans-Niagara representative, where my experience as a school counselor at Trott Vocational High School, gave me firsthand knowledge of vocational education. I have worked hard to assure that students have the opportunity to pursue career and technical training. I have participated in community organizations including the Niagara Falls Housing Authority where I have served as commissioner and chairperson. In these capacities I have lobbied local, state and federal officials on issues and



Carmelette Rotella is a retired teacher and guidance counselor from the Niagara Falls School District. She was an active participant in the Teachers Union serving as president and vice president. She also served on the Teacher Center Resource Board and participates in community service on behalf of organizations including the Niagara Falls Housing Authority where she served as commissioner and chairperson.

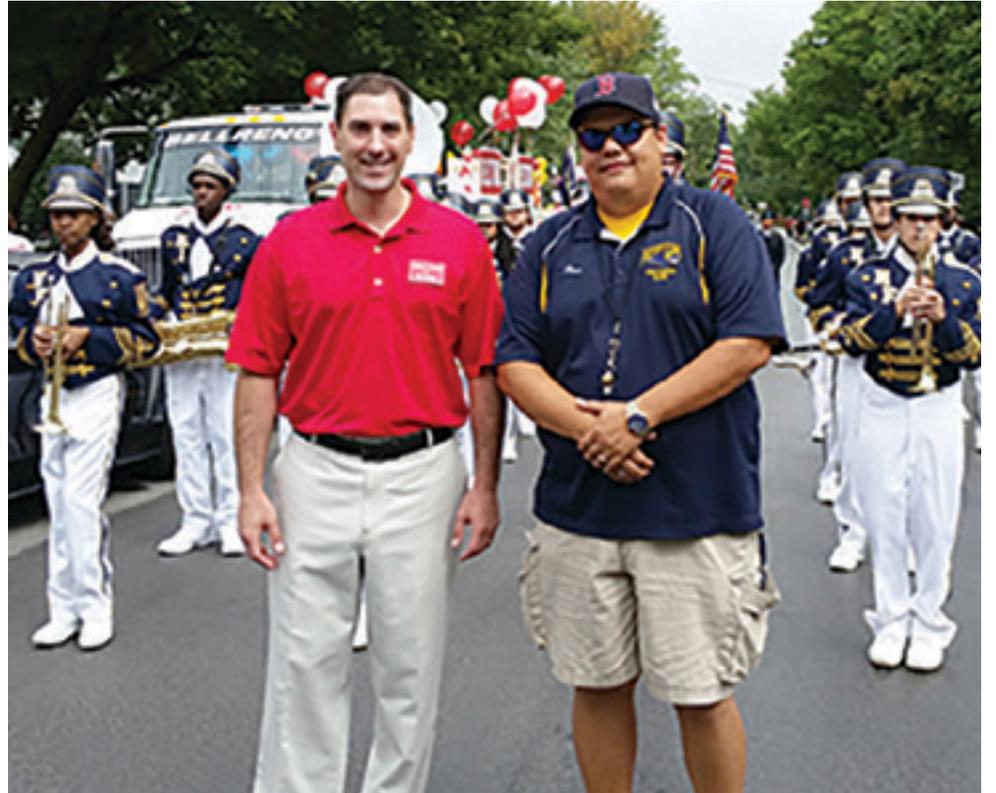
funding. I have a track record that indicates that I am willing to devote the time: I walk the walk—not just talk the talk. I get involved and get things done.

Finally, there are many challenges facing the Board now and in the future. They include:

- The effects of the presence of charter schools.
- Inadequate funding by the State Of New York.
- Maintaining and improving academic performance.
- Continuing to work for no increase in the district tax levy.
- A number of social issues.

I believe that I have been a conscientious, committed member of the Board of Education and am prepared to ask for your support to continue to serve our students, staff, and community.

Destino Announces Candidacy For Niagara Falls School Board



Johnny G. Destino (left) and Alan Stockings (right) with the Niagara Falls marching band. Destino is a 2014 Leadership Niagara graduate and a recipient of the NYS School Board Association's Lifetime Achievement Award in recognition of the extensive time and effort he has spent as a school board member striving to expand his knowledge and skills for better board governance.

Attorney Johnny Destino announced this week that he is running for one of two seats up for election this year on the Niagara Falls School Board. Destino was a former member of the school board who served from 2010-2015.

Destino was appointed by Mayor Paul Dyster to head the city's purchasing department in May 2015.

Over the past several years, Destino has promoted various plans to provide alternative pathways to graduation. As a candidate for New York State Senate, Destino championed fixing the disastrous implementation of the Common Core curriculum and restoring funding for programs he said are "necessary to educate the whole child and reduce property taxes."

His supporters say that as a result of his and other public education supporters' efforts, New York State responded by eliminating the Gap Elimination Adjustment – restoring funding cuts to the Niagara Falls School District – and is reforming so-called "high-stakes testing" thereby easing the stress children are forced to endure.

"Now that the State is moving toward fully funding public education, it's important we make sure the money is used to help those most in need," Destino said. "We've been forced to balance the budget on the backs of our children and now we can start to replace the Teacher's Assistants and Social Workers laid off as a result of austerity budgets."

Serving as the Orleans-Niagara BOCES representative, Destino promoted vocational education and adult-education programs for

Niagara Falls residents. Destino is actively working to bring a BOCES nursing program to downtown Niagara Falls and has been working together with City and State officials to ensure that the methadone clinic is relocated to a more suitable location.

Destino said he knows residents of Niagara Falls "share in his vision" of restoring Vocational Education to Niagara Falls students. He said he is placing emphasis on promoting Career and Technical education programs as an alternative to post-secondary schooling. Further, he believes "we need to bring back meaningful physical education programs, including time for recess, so that our children can burn off their seemingly-endless energy reserves so they can focus on in-class instruction."

"Recently, a new operator for Sal Maglie Stadium was announced by the City of Niagara Falls. Wouldn't it be a great idea for our schools to start working together with the local little leagues to get our children playing ball again? It's time to start promoting the virtues of physical activity in education," Destino said.

Destino, as a father of three young sons, said he is invested in the future of Niagara Falls and is dedicating his time and effort to serving the public interest by continuing his educational pursuits.

An attorney by trade, Destino is also pursuing his Certificate of Advanced Study

(Continued on next page)

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Striking a Balance Between Educational Goals and Respecting Taxpayers is the Goal of Niagara Falls School Board

'Time To Bring Back Vocational Education And Restore Recess For Children.'

(Continued from previous page)

in Educational Administration as a School District Business Leader at SUNY Brockport.

"I am investing my own time and money into furthering my understanding of school finance because this is important to me. There is nothing I take more seriously than my fiduciary responsibility to the taxpayers," Destino said. "Some people criticized me for not completing the remaining few months of my term last year [due to some personal matters], but I felt that dividing my efforts between the BOCES board and the NF board would have diluted my effectiveness. I was glad that my recommendation to the Niagara Falls board members resulted in the appointment of Rev. Kevin Dobbs to finish the remainder of my term."

During his first term on the Niagara Falls School Board, Destino points to his role in the successful completion of the \$66.7 million capital improvement plan – carried out at no-cost to local taxpayers – called "Inventing Tomorrow." This project increased security in schools, improved energy efficiency, built STEM labs in every school, and created turf athletic fields at Niagara Falls High School and LaSalle Preparatory School. Through his advocacy, he leveraged state funding to benefit local skilled-tradesmen and companies doing business in Niagara County.

"The best part was we accomplished this major initiative at no cost to the local taxpayers and put our men and women to work," Destino said. "I am ready to get back to work for the people of Niagara Falls."

"I am asking for your support on Tuesday, May 17th to represent you on the Niagara Falls School Board," Destino said. "Together, I know we can give our children a brighter future."

Robert Restaino

Each year board members for the Niagara Falls School District work diligently to present an on time budget with no increase in the tax levy. Budget preparation is among the most important tasks of the board. Critical thinking and inquiry into the educational goals of our district while remaining considerate of property taxpayers, is the balance that the board confronts in each budget season. During budget deliberations there are a few school board members who argue for a tax increase and/or cuts in certain program areas.

While on the board I have taken a leadership role with a group of board members who successfully withstood this push for higher taxes and, after several personal discussions; we were able to convince others that a no-new-taxes budget was not only fiscally responsible for the school district but the right approach for taxpayers.

I am proud that as a result of these efforts the board was able to deliver a budget which is sound in programming and fiscal management, as well as attentive to the property taxpayers of the city. Our fight to hold the line on the tax levy also resulted in the second consecutive year that city property taxpayers received refund checks from New York State as a direct result of our work on the board, to keep costs down while continuing to deliver exceptional educational opportunities for all. Through our efforts we have instituted several new programs, including our Pre-K-3 program and our specialized autism class,



Candidate Robert Restaino. Niagara Falls attorney Robert Restaino is seeking reelection. Restaino is a well known figure in Niagara Falls politics, who nearly took an Assembly seat in 2012. Restaino is a graduate of Niagara University (BA '81) and the University at Buffalo (JD '85). After 25 years in private practice, he spent 12 years presiding over four separate Courts within Western New York, including as a City Court Judge where he presided over the Juvenile Justice Court and the Domestic Violence Court. From 2008 to 2012, Restaino worked as a Special Assistant to the Medicaid Inspector General, where he was responsible for investigating fraud within Niagara County. During that tenure, he identified more than \$3 million in provider fraud. He is a member of the Echo Club, the Cristoforo Colombo Society, the Knights of Columbus, and the Polish Heritage Museum. Restaino has also been actively involved with initiatives of the Pine Avenue Business Association, the Make-A-Wish Foundation, the March of Dimes and the American Heart Association.

education can be crippling to many families, I also worked to continue our Early College Credit Program, in partnership with Niagara University, to assist qualifying students to achieve college credits in advance of their college years.

Of course, all this could not be done without the great effort of our school administrators, teachers and staff.

Throughout the year, under the direction of the superintendent, the administration carefully monitors the budget and provides reports to the board, so that we can remain ahead of any changes that may be required. This allows the board to view the budget as an evolving document throughout the year, in order to plan and prioritize for the coming budget deliberations. It is a system that works well and provides excellent oversight and control of the budget. I remain committed to keeping education costs reasonable and affordable for property taxpayers, while continuing to provide the dedicated teachers and staff in our school district, the tools they need to provide a "world class education" to our students.

Without the dedication, commitment and innovative thinking of our administrators, teachers and staff the accomplishments and innovations I have shared in this article would not be possible. They not only provide ideas to expand the horizons of our children, but they also "roll up their sleeves" when asked by the board to address a need in the district and provide a first class program to help our students.

As you can see, our method of managing programs and budgeting expenses includes all stakeholders: administrators, teachers, and staff and, on behalf of the community, the members of the board of education. Together, during my five years on the board, we have been able to advance our performance as educators, create new innovative programming, develop a first class educational environment and stabilize our finances ... while holding the line on the property tax levy!!

I know we are not perfect, and that there is more work to be done, but over my past five years of service on the board I am proud of our innovative program development, cooperative on time budget preparation and management, holding the line on taxes and resulting in rebates on property taxes! — It's all in a day's work.

On May 17th, the budget and board election, you will have the opportunity to help me continue to provide quality leadership for our city school district, the property taxpayers and, most especially, our students. I appreciate your vote.

(Robert Restaino, a Niagara Falls lawyer, is a current member of the Niagara Falls School Board and is seeking reelection on May 17.)

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Our district was an innovator in NYS with the design of our Science, Technology, Engineering, Mathematics (STEM) lab classrooms – partnering local industry leaders with our excellent teachers to develop a curriculum that helps our children become college and/or career ready. Early in the discussions I realized the great potential in this program and worked very hard with the administration to ensure that we "got it right". Understanding that the cost of a college

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(BEFORE TRIAL)
- CONSTRUCTION ACCIDENT - \$3.5 MILLION RECOVERY (DURING TRIAL)
- CAR CRASH - DEATH AND SEVERE FACIAL SCARRING - \$3.9 MILLION (VERDICT)
- CONSTRUCTION ACCIDENT - \$7 MILLION (VERDICT)
- CAR AND TRUCK CRASH - \$7.5 MILLION RECOVERY (DURING TRIAL)
- PRODUCT LIABILITY - \$7.5 MILLION RECOVERY (DURING TRIAL)
- FALLING TREE ON AUTOMOBILE - \$8 MILLION RECOVERY
- AIRPLANE CRASH - UNSAFE LOAD OF STEEL COILS - \$10.5 MILLION RECOVERY
(BEFORE TRIAL)
- LIBEL - \$18.5 MILLION (VERDICT)
- MEDICAL MALPRACTICE - \$35 MILLION RECOVERY (DURING TRIAL)

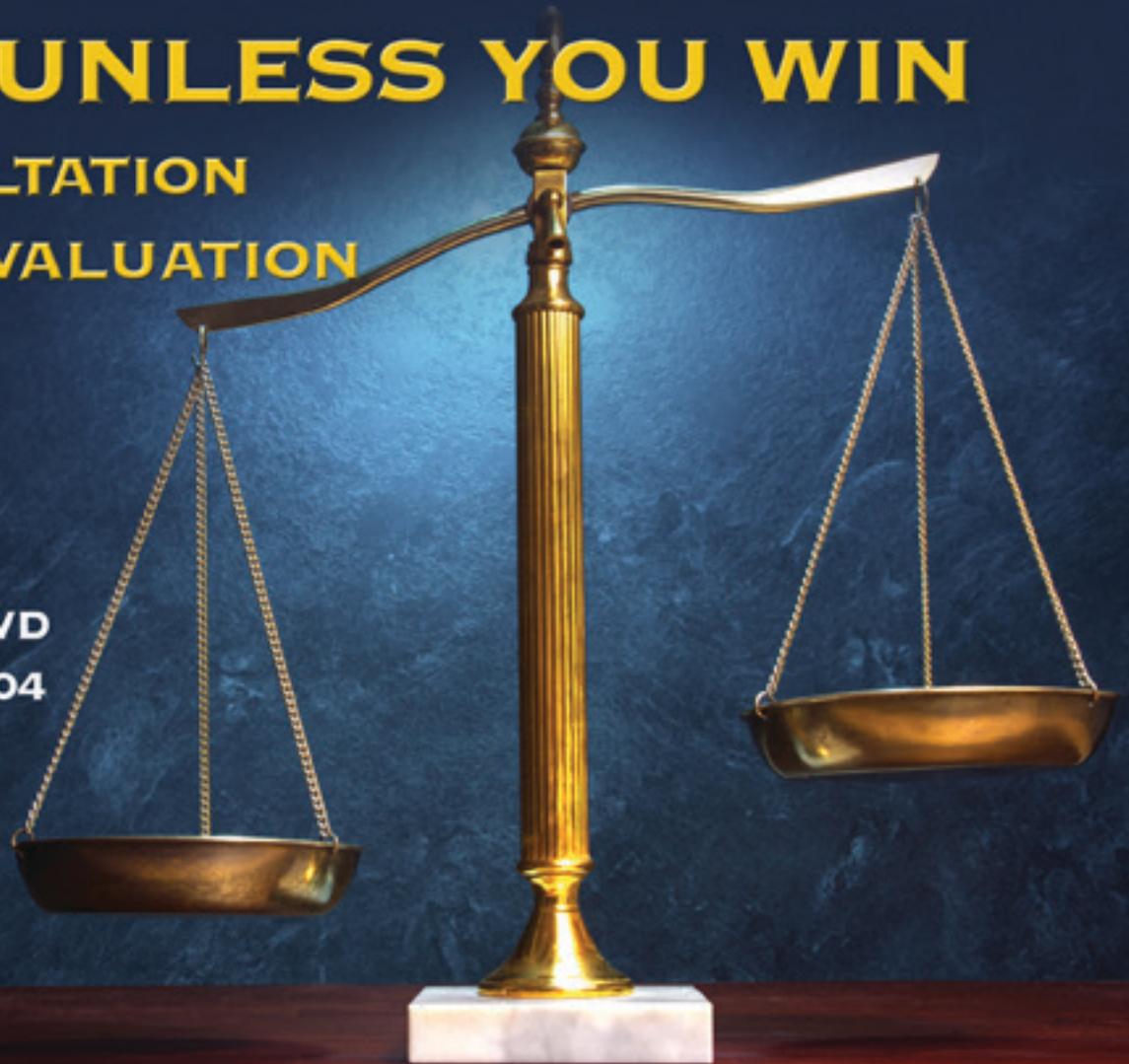
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HIGHWAY AWARENESS MONTH

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This is the slogan adopted by the US Department of Transportation marking Highway Awareness Month in the United States. This week is National Work Zone Awareness Week. Each spring, National Work Zone Awareness Week is held to bring national attention to motorist and worker safety and mobility issues in work zones. Since 1999, the Federal Highway Administration has worked with the American Association of State Highway and Transportation Officials and the American Traffic Safety Services Association to coordinate and sponsor the event. National Work Zone Awareness Week, now in its 16th year, began as a small event in a single Virginia Department of Transportation district and has grown into a national program that involves virtually every State in the Union. Statistics suggest the effort is having a positive effect on safety. According to the National Highway Traffic Safety Administration's Fatality Analysis Reporting System, the number of work zone fatalities has decreased in the United States every year since 2002. Data show that crashes in work zones in 2008 are down 39 percent from 2002.

The 2016 theme was the original theme which initiated the program some 16 years ago. It highlights the complexities of work zones, especially in urban areas, and the need for awareness and planning on the part of everyone affected by work zones – DOTs, road workers, drivers, bicyclists, motorcycles, pedestrians, emergency response, law enforcement, utility workers. Driving safely in construction work zones is a major concern of everyone including the New York State DOT.

Road construction season is upon us, so every driver is reminded to: reduce speeds in work zones, be alert for traffic lanes that may change, watch for people and vehicles that may be working on or near the road, obey all orange warning signs, be prepared to obey the flagger's directions, and expect delays. Work zones are not there to personally inconvenience you. They are necessary to improve the roads for everyone. Remember, road construction workers want to return home safely to their families every day just like you.

The "Democratic" Party And Hypocrisy At Its Best!



J. Gary DiLaura

The Right Side

The lexical definition of Democracy is a form of government in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system. The definition of Democratic is relating to or supporting democracy.

So when did the Democrat Party become the Democratic Party? Democrat leaders – Obama, Reid, Pelosi, Clinton, Sanders, Wasserman-Schultz – are as far as you could possibly get from being Democratic.

Do you remember the Obamacare debates of 2008, when then-Speaker Nancy Pelosi notoriously demanded of her House members, that we have to vote for the bill "so that we can find out what is in it."

Not one single Republican in the United States Senate voted for Obamacare, after the administration notoriously drafted the bill behind tightly closed doors. The two Democrats' two presidential contenders are both socialists of varying degrees. One could even argue that they strongly resemble communists.

I can imagine that the meeting went something like this...

"Debbie, since our President rules by

executive orders and has no taste for the Constitution, what can we do to make the American people think we are still Democratic?"

"Hillary, let's change the name of our party to the 'Democratic Party,' that way nobody can say that we're not DEMOCRATIC... Get it?"

If you thought you belonged to a party that cared, you are sadly mistaken.

Did you want to be told what health insurance you can have? Did you want all of your medical and personal info put online by the government? Do you like being asked by your doctor, "are you nuts, yet?" Do you want to keep your gun for self-defense?

Did you want the Somerset Plant and the Huntley Plant closed? What took their place? How do we make up for the lost power?

Did you want your Military reduced below longtime standards set by our military leaders? Ask any fired General or Secretary of Defense what they think. That's right – if they don't agree things are great – Obama replaces them with someone who does! That's real progressive leadership!

Fortunately – and in my humble opinion – Hillary will be indicted for violating multiple Sections of Title 18 USC regarding her failure to treat classified information as such and for a host of other charges (including conspiring to sell our uranium to Russia in return for donations to the Clinton Foundation.

The evidence and charges will be so overwhelming and egregious that Attorney General Loretta Lynch will be forced to prosecute. Mrs. Clinton has lied, cheated, and stolen so many times – always dodging the bullet. But not this time: her behavior is on par with espionage, the Hobbs Act, and treason!

Voting for Hillary because she's a woman would be like biting a dog turd because it looks like a Tootsie Roll. Voting for Hillary is equally as distasteful.

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What Is The Difference Between “Joint Custody” And “Sole Custody”



Nicholas A. Pelosino, Jr., Esq.

When your life changes because of a break-up or divorce, you may have feelings of anger and fear about the future. These feelings often make it hard to make decisions about what will be best for your children. Decisions about custody and visitation can be especially tough.

There are no easy ways to decide about custody and visitation. Each case is different because each child and each parent is different.

Sometimes you must compromise or do something another way for the sake of your children. As time passes, you may need to change things again because both your needs and your children’s needs change.

Your children deserve your love and protection. You should not use them to hurt the other parent.

If you cannot work out custody and visitation with the other parent, a Judge will decide what will happen to your children.

I have handled thousands of cases involving disputes over custody of children

between parents either in the context of divorces or out of wedlock situations. Without a court order of custody, neither parent has a preferred right to custody of their children in New York. This means, for example, that the child’s mother does not have a greater right to custody of the child than the legal father. If there is no custody order, either parent can keep the child or children with him or her.

I am often asked what is the difference between joint custody and sole custody. As with anything having to do with the law, the exact definition of joint custody can become a little confusing for the lay person and is often defined incorrectly by many. In any event, I will endeavor to explain the difference.

In New York, when the term “joint custody” is used, it refers only to joint legal custody. Joint legal custody means that both parents have the right to decide major issues for their child. In a joint custodial situation, one parent is typically identified as the “residential or primary parent” which means that the children primarily sleep at this parent’s home. The other parent is typically referred to as the “non-residential parent” which means this parent would likely have regular and meaningful access with the children each week. The non-custodial parent’s access could be as the parties mutually agree and arrange each week or the parties can agree on a specific weekly schedule of access which usually also includes holidays and vacations.

Many people believe that if you have a “joint custody” arrangement that neither party pays child support which is completely inaccurate. Unless otherwise agreed between the parties, the non-custodial parent will typically pay child support.

Joint custody does not necessarily mean that each parent has 50/50 time with the child although in many cases the parties do agree

to share equal time with the child each week. It is not necessarily about the amount time spent with the children as it is the ability to make mutual decisions that consider the best interest of your child that is the benefit of a joint custodial arrangement.

Another benefit of joint custody is the ability of the non-custodial parent to have access to the child’s educational records, attend and participate in school functions and activities, such as parent/teacher’s conferences, school plays and performances, sporting events, etc. In contrast, when there is a sole custody order, one parent is the “sole custodial parent” and the other parent is the “visiting parent”. The visiting parent does not typically have rights to decision making, nor does this parent have access to their children’s educational or medical information. Thus, the difference between “sole custody” and “joint custody” is certainly substantial.

Parents can voluntarily agree to a joint custody arrangement when their divorce is amicable, and a judge will usually approve it. On the other hand, New York courts will generally not force joint legal parenting on a family. When parents must go to court to have a judge decide custody for them because they can’t reach an agreement on their own, they probably don’t get along well enough to make decisions together for their child. In other words, if the parents cannot agree on joint custody, the Court will typically not order it.

I hope that the foregoing helps the general public understand the difference between joint and sole custody in case you ever find yourself in this unfortunate situation.

Written by attorney, Nicholas A. Pelosino, Jr., Esq.

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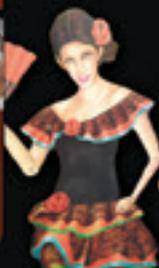
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