



**Are Politics Behind Pigeon Prosecution**



**Committee targets Touma, claims reassessment will raise taxes!**



# NIAGARA FALLS REPORTER

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## US Dept of Energy Surveys show Radioactive Areas under Portage Rd; Should this be evaluated before repaving?

**EG&G Energy Measurements Group**  
 SUMMARY REPORT  
 AERIAL RADIOLOGICAL SURVEY  
 NIAGARA FALLS AREA  
 NIAGARA FALLS, NEW YORK  
 DATE OF SURVEY: SEPTEMBER 19

**ORNL OAK RIDGE NATIONAL LABORATORY**  
 DATE OF SURVEY: SEPTEMBER 19  
 RESULTS OF THE MOBILE GAMMA SCANNING ACTIVITIES IN NIAGARA FALLS, NEW YORK AREA



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# Portage Road Repaving Presents Danger of Radioactive Contamination

**Lou Ricciuti and Frank Parlato**

**N**iagara Falls - A section of Portage Road - between Ferry and Niagara - is scheduled for road work this summer and is expected to start any day.

The Portage Road work - which is listed as part of Mayor Paul Dyster's "in-house street paving & other roadway re-construction costs" in his proposed 2016 capital spending plan is budgeted for \$650,000.

It may cost more than that depending on the type of work the city winds up doing on the road and what they unearth.

According to the US Department of Energy's landmark 1979 EG&G Aerial Radiological Survey and subsequent Oak Ridge Laboratories Ground Level Survey, what is likely buried under Portage Road is a fairly large amount of radioactive material.

In fact, Portage is the most radioactive road per-mile in the city, based on the number of "hot spots" that registered unnatural levels of radioactivity on this road when the federal government conducted its surveys.

The surveys were initiated by concerns stemming from the Love Canal environmental disaster and were meant as an inquiry into the past history of the industrial activities of Niagara.

The 1979 surveys revealed about 100 hot spots in the city. Thirteen alone are on Portage Road.

Buried under Portage Road is what is likely a portion of the derivative radioactive waste product from Niagara's pioneer role at the beginning of the atomic age, circa 1942, and onward.

At that time the city chemical and met-

allurgical companies were tasked by the US Government to develop and create radioactive materials necessary for the world's first reactors and atomic weapons.

The radioactive materials handled by these local industrial complexes ranged from uranium to plutonium and nearly every known isotope of the time. In those early atomic energy days safeguards were not strictly enforced, or were ignored altogether.

The processing and refining of radioactive chemicals and metals produced large quantities of wastes as Niagara Falls became the free world's largest production center for radioactive uranium metal-from-ore.

That also made Niagara Falls the free world's largest producer of nuclear wastes.

Because the quantities of usable radioactive isotopes being refined from the ore were in trace quantities, the refining process necessitated leaving significant amounts of the remaining isotopes in the massive tonnages of waste associated with this production.

These wastes - which were originally called by those tasked with quietly disposing of it as "slag" - contain significant radioactive materials from a range of isotopes.

Incredibly, it was considered practical to dispose of this waste under various roads, parking lots and driveways in Niagara Falls and surrounding areas.

At the time, people were led to believe that once buried under pavement the radioactivity in the so-called slag would not penetrate the surface, or be less of a hazard.

Today's science proves this to be a fallacy.

This same method of disposal was unfortunately utilized in other locations around the nation where nuclear wastes were disposed of, often to the knowing devastation of those communities.



A copy of one of the maps from the US Dept of Energy's 1979 survey. The map shows that Portage Road has 13 hot spots of concentrated radioactivity that was detected from aerial surveillance.

In Niagara Falls it is largely unknown, unheeded and ignored. Still, scores of roads in Niagara Falls have radioactive material buried underneath them decades ago.

This came to light a few years ago when Lewiston Road was reconstructed and nuclear "slag" buried there and its partial removal increased the costs of the work by millions of dollars.

Perhaps more significant than cost is the human toll. Scientists have learned that radioactive materials buried under roadways are not completely insulated or made "safe" by pavement over them. This was amply illustrated in the 1979 US Dept. of Energy radiation surveys where unnatural amounts and

levels of radioactivity could be detected from the sky on Portage Road and elsewhere in this city.

Although the surveys are 36 years old, absent removal of the slag, the surveys are not outdated.

Slag buried under the roads by and large remain intact and are often part of the road beds.

There is no known record of the slag being removed.

The radioactive materials are still as potent today as they were when they were buried under Portage and other roads in this city. The isotopes found in the radioactive wastes in Niagara Falls have half-lives ranging from

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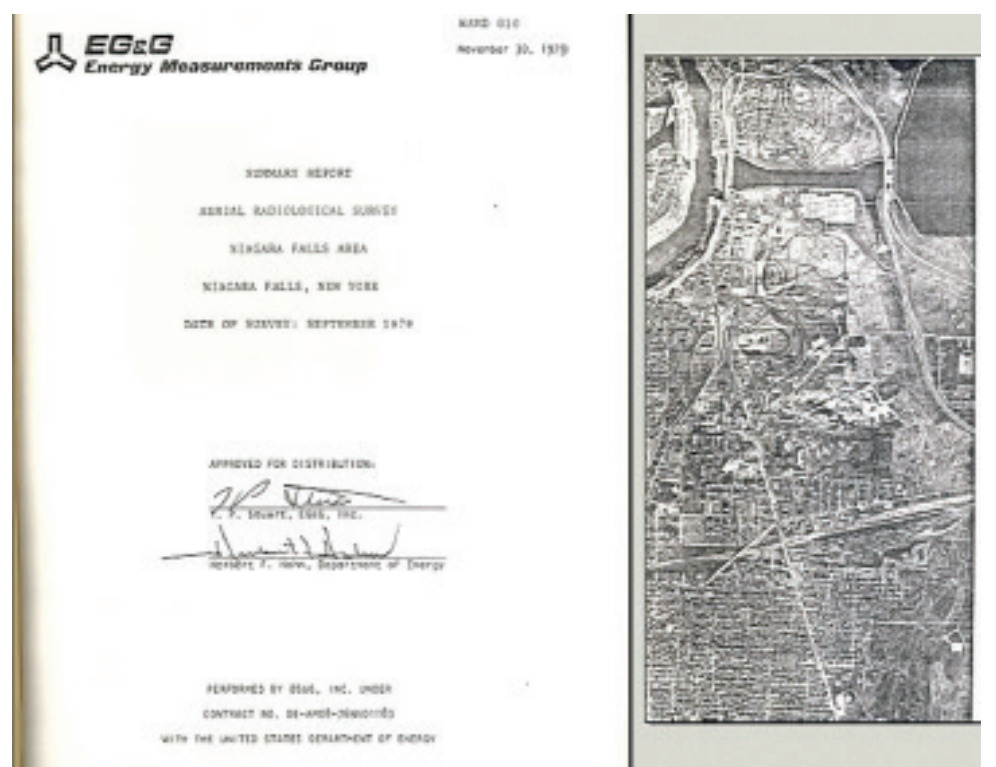
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The US Dept of Energy conducted surveys in 1979 to determine the amount of radioactive sites there were in Niagara Falls. They found more than 100.



# US Surveys Show high concentration of radioactive material likely under the road

1600 years to 4.5 billion years, depending on the particular isotope.

As anyone who has recently driven it knows, Portage Road is uneven and coarse and badly deteriorated. Signs are posted on the road warning motorists that they will encounter “rough road” ahead.

Perhaps the road will be much rougher than anticipated.

The Niagara Falls Reporter urges the City of Niagara Falls to conduct an immediate, transparent and public analysis of Portage Road prior to construction.

A disturbance of dangerous radioactive materials buried beneath the road for perhaps now more than 65 years could create a health hazard.

The proper protocol would be to do bore-holes and have the materials tested in a qualified laboratory (split-sampled with public oversight) to discover their origin and what, if any radioisotope or isotopes are present.

Then, if it is discovered to be radioactive, which previous surveys indicate, the creation of an enforceable and replicable plan to safely dispose of these materials – beyond the boundaries of Niagara Falls to a licensed out-of-state landfill, needs to be implemented.

New York State does not license the waste that is buried under our roads even in remote licensed landfills.

As a takeaway please consider: What is buried under Portage Road is, according to

the US Dept. of Energy surveys, part of the citywide problem of under-road burials of some of the oldest, most widespread, and un-addressed nuclear waste in the country.

Failure to test the material before commencing construction, if it is radioactive, could result in the winds and rain scattering nuclear waste, spreading it into people’s homes, their gardens, their children’s hair and ground water. All of which constitutes a danger of inhalation or ingestion.

Radioactive contamination is invisible to the eye and consequently many people ignore it. No one feels the health hazards immediately.

If there is nuclear waste there and it spreads out from under Portage Road through roadwork construction, its manifestation into diseases such as suppression of the immune system and cancerous tumors, may take years or decades to appear.

Former EPA official, Dr. Jeanette Sherman, M.D. specializes in internal medicine and toxicology, with an emphasis on chemicals and nuclear radiation that cause illness, including cancer. Regarding Niagara Falls, she called it a wide-scale nuclear dump site from the mid-20th century.

Dr. Sherman said, “The situation in Niagara Falls and Niagara County is already manifest through statistical (high) morbidity and mortality rates.”

If that is true, let’s not add to it now.



What lies under Portage Road? A test would find out conclusively.

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# Dyster's New Train Station Open House Event Will Feature Toy Trains But Not The Real Ones – Yet!

## Mike Hudson



Are crowded train stations a thing of the past or of the future?



The new train station at 22,000 is more than 10 times the size needed by Amtrak to operate a station. Why was it built so big? How much will it cost taxpayers? Will it be empty most or all of the time?

tion's main entrance.

The main entrance itself consists of a two-story glass structure with a terrazzo floor atrium designed to mirror the colors of crashing water at Niagara Falls.

According to a news release put out by the city, "The space functions as a public area, welcoming individuals catching a train, grabbing a bite or attending the Underground Railroad Interpretive Center's museum."

As of now the building is empty. Critics, including this newspaper, have said that the spending of \$44 million of taxpayer money on a 22,000 square train station for a city that lacks the demand for such a facility suggests that the train station will be mostly empty all the time.

Annual ridership at the current Niagara Falls train station was 31,831 in 2015, according to Amtrak. That is an average of 87 passengers per day (about 43 coming and going).

Part of the reason Amtrak may not have agreed to lease space in the new train station is that it is 10 times larger than what published Amtrak guidelines call for based on ridership figures.

Since 1978, Amtrak officials have used about 800 square feet on Willard Avenue near Lockport Road.

Peak traffic at the present Niagara Falls station averages not more than 30 passengers during an hour. The present waiting room, about the size of a dentist's office, never lacks for seating, with 15 people getting on a train as another 15 disembark, plus the people who come to meet and drop off riders.

Dyster and DeSantis stressed that only a relatively small part of the \$44 million was paid for by city taxpayers. Most of it was paid for by state taxpayers and federal taxpayers.

They have also not disclosed estimates of maintenance and operational costs will city taxpayers will fund.

Presently, Niagara Falls taxpayers pay nothing for the Amtrak station. Amtrak pays expenses for its modest station.

City taxpayers will pay for security, janitorial and cleaning services, window cleaning, escalator maintenance, HVAC maintenance, plumbing & electrical, maintenance and repair for buildings and grounds, utilities – heat, water, electric, supplies, and planning, supervision, and other costs.

In studies available online, operational costs are calculated by annual cost per square foot.

The newly renovated Union Depot Intermodal Transportation Center in St. Paul was estimated to cost \$40 per square foot per year to operate. The Anaheim Regional Transportation Intermodal Center was estimated to cost \$53.71 per square foot per year.

Taking the lower figure of \$40 per square foot cost, the Niagara Falls Intermodal will cost \$885,721 per year.

If a contract is reached with Amtrak, the federally subsidized and regulated company will pay an estimated \$50,000 per year.

US Customs will not be required to pay rent.

An Underground Railroad exhibit will occupy a portion of the first floor in the adjacent old Custom House. It is a not for profit and based on demand for visitors to an exhibit



The modest size of the current train station - which costs taxpayers nothing - is more than ample to accommodate the 87 train passengers who on average come here daily.

may not be able to pay much rent at all.

That leaves about \$800,000 to be paid by city taxpayers this year and every year no matter how few riders appear at the station.

"This (train station) is designed for 75 or 100 years in the future, and I'm guessing that long before you get to 50 years, this will seem cramped, in terms of the people going through it," DeSantis told the Buffalo News in an interview this week.

Will trains be a major form of travel in the future as they were in the past? Will there even be passenger rail service 50 or 100 years in the future?

Amtrak has been cutting lines and closing ticket offices in recent years rather than adding them. Since its founding in 1971, the heavily taxpayer subsidized railroad has never turned a profit, and billions of federal tax dollars are all that has kept the trains rolling.

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# Crime, Poverty, Fiscal Distress Here Direct Result Of Cuomo's Policies, Broken Promises

## Jim Hufnagel

**O**n January 6, 2015, halfway through an interview with actress Nicole Kidman, NBC late-night host Jimmy Fallon casually dropped a bomb on the city of Niagara Falls, NY.

The conversation turned on an appearance the week before by Kidman's husband, country singer Keith Urban, at a New Years Eve concert on the other side of the border in Canada, attended by tens of thousands.

The playground of the region, its hotels, casinos, restaurants and night life framed by the most famous natural attraction in the world, Niagara Falls, Ontario is widely regarded as a tourism success story, effectively capitalizing on the millions of tourists who visit every year.

"The Canadian side... beautiful," mused the Australian Kidman.

"The Canada side is like lights and it's like, almost like Vegas. It's fun," responded Fallon. "The New York side looks like a Lemony Snicket book cover... sad, and trees with no leaves on it."

"And you go, what happened? Why is (this) side so much worse? Canada's side, that's the place to do it... We've got to work on (this) side of Niagara Falls."

Fallon's pointed observation as reported the next day in the Niagara Gazette was slightly tweaked, possibly in deference to the feelings of New York Governor Andrew Cuomo, who had recently visited and made some campaign promises regarding the city's chronically-distressed economic condition. The Gazette replaced "New York" side in its quotes of Fallon with "American" and "US".

During visits here in the run-up to his 2014 re-election, Cuomo proposed state aid packages for a \$150 million WonderFalls hotel project as well as something he called

the "Downtown Niagara Falls Development Challenge", a five-year, \$40 million initiative "to transform the downtown Niagara Falls area into a premier destination that will attract tourists and fuel private investment", providing "a real opportunity for champions in the development and investment industries to face off right here in the Falls" resulting in "creative and innovative projects that will spur private development."

It's been two years since Cuomo made those promises. So far, the city hasn't seen one thin dime for either WonderFalls or the "Development Challenge", although the Governor has spent \$70 million on his state-owned Niagara Falls State Park and associated Robert Moses Parkway. Tourists park, sightsee, dine, purchase gifts and souvenirs and then exit on the newly-upgraded parkway with little reason to enter or spend money in the city.

Niagara Falls, NY, a city of 50,000 situated on a international border, once had busy factories, vibrant communities and a thriving downtown. Over recent decades, however, it's been the town that just can't seem to catch a break.

While other so-called "rust belt" cities like Pittsburgh, Cleveland and Buffalo experience comebacks, retooling their economies, capitalizing on existing urban assets including their waterfronts and make steady progress, Niagara Falls has, by all appearances, been left behind.

Indices of societal stress for the city of Niagara Falls, including poverty, crime, substandard housing, low educational attainment, drug abuse and teen pregnancy, are across-the-board higher than New York State averages. For example, according to US Census figures, 40.6% of children in Niagara Falls live below the poverty level, nearly twice the state average of 22.5%. Niagara Falls ranked 44th on a recent list of



Gov. Cuomo addresses the crowd at the Hamister hotel ground-breaking last month, a shabby consolation prize in lieu of tens of millions of dollars of economic aid for downtown that the governor promised two years ago and never delivered on.



Governor Cuomo's austere smile says it all as he reflects on the natural wonder of the campaign donations he receives from Maid of the Mist owner James Glynn and Delaware North billionaire Jeremy Jacobs, who run Niagara Falls State Park as if they own it.

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the "Top 100 Most Dangerous Cities in the U.S." compiled by NeighborhoodScout.com, derived from FBI and other law enforcement sources.

The probability of being a victim of a violent crime in Niagara Falls is triple that of the New York State average, and according to the same study, there are more than five times more crimes per square mile of the city than



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

elsewhere in the state.

Why is the city of Niagara Falls so dangerous and downtrodden, despite being on the doorstep of one of the world's greatest tourist destinations?

In a nutshell, the city of Niagara Falls has been systematically deprived of the economic benefits of one of the most valuable waterfronts in the world, a process accelerated during the Cuomo years.

In addition to the iconic waterfalls, many miles of Niagara River waterfront, including a scenic gorge that has been referred to as the "Grand Canyon of the East", together comprising 80% of the city's waterfront, are owned and operated by New York State Parks and the New York Power Authority (NYPA). Together, these state agencies siphon many millions of tourism and hydropower dollars out of the city and into state coffers, while streets here go unpaved, abandoned buildings abound, poverty, crime and misery predominate, and taxes are raised as the city teeters on the brink of insolvency.



# Did Politics Have a Hand in the Pigeon Prosecution?

## Frank Parlato

### A POLITICAL QUESTION

The question of whether politics was a motive for New York State Attorney General, Eric Schneiderman's prosecution of political operative and attorney G. Steven Pigeon, 55, has been debated in a few circles.

Last month, Pigeon was charged by Schneiderman with bribing a New York State Supreme Court Justice and extorting a young attorney appointed by that judge to a receivership.

Following Pigeon's arraignment, where he pleaded innocent to all nine counts alleged against him, a reporter asked Pigeon's attorney, Paul Cambria, if he thought politics played a role in the prosecution.

Cambria responded, "... I think the community will make its own judgment as to whether or not politics are involved in this case once all the evidence comes in the courtroom."

### A WELL PUBLICIZED RAID

The community became aware that Pigeon was the target of a New York State investigation when his home was raided by law enforcement agents on May 28, 2015.

It was reported agents were searching for evidence of election law violations connected to a Political Action Committee Pigeon allegedly controlled.

Representatives from most of WNY's media outlets were on hand for the raid. Waiting outside Pigeon's waterfront condo as law enforcement agents searched his home, and left with his cell phone and computer, they filmed and took notes of the event.

Some assumed that law enforcement leaked the raid to reporters. But one law enforcement source said a neighbor saw agents at Pigeon's home and tipped off reporters who rushed to the scene.

It was not clear how the media knew about the raids in Orchard Park and Akron on Pigeon associates, Steve Casey and Chris Grant – but the media was there as well.

### THE JUDGE WAS NOT HIS FRIEND

The warrant authorizing the raid on Pigeon's home was signed by Erie County Judge Michael Pietruszka. It is not known what legal arguments law enforcement used to persuade Judge Pietruszka that a subpoena for documents concerning election law violations was insufficient and a search warrant was needed.

A longtime jurist, Pietruszka has never been accused of being influenced in any of his decisions by politics.

But if the subject is politics, it should be mentioned that Pietruszka once had a serious scrape with Pigeon.

Back in the 1990's, then Erie County Democratic Party Chairman, James Sorrentino had committed to endorsing Pietruszka, then a lawyer, for NY State Supreme Court justice. Pigeon was vice chairman.

When Sorrentino was ousted, and replaced by Pigeon, many in the party expected Pigeon would honor Sorrentino's commitment.

Instead Pigeon endorsed Eugene Fahey who went on to become state supreme court



Steve Pigeon

justice then rose to the appellate division and the court of appeals.

As everyone in the party then knew, Pietruszka came to Pigeon's office and the two men had a contentious battle.

Pietruszka later became a county court judge, but not a state supreme court judge, for which, arguably, he can thank Pigeon.

### NOT INNOCENT UNTIL PROVEN GUILTY

As for Pigeon, after the well-publicized raid on his home, his life was in shambles.

Picture your own home suddenly raided by a swarm of armed men who search your possessions and walk off with your computer and cell phone - over alleged election law violations.

The subsequent wave of publicity caused fair weather friends to run away in droves.

Pigeon's law firm, Underberg and Kessler parted company with him. The Seneca Nation of Indians publicly announced it canceled its contract with Pigeon following the raid. Modern Disposal quietly ended their consulting contract with Pigeon as well.

### I'M WITH HER

Just prior to the raid, Pigeon had planned to assist Hillary Clinton's campaign for the White House.

He helped Hillary in her race for the U.S. Senate in 1999. In 2005, Bill Clinton asked Pigeon to introduce him to billionaire Tom Golisano.

Pigeon arranged the meeting at Clinton's home. Over the next nine years, the Golisano's Foundation donated \$25 million to the Clinton Global Initiative, which some say is the genesis of the Clinton's wealth.

When Hillary Clinton launched her presidential bid in 2007, Pigeon signed on as a "Hillraiser" committed to raising at least \$100,000 for her campaign. Pigeon raised over one million dollars for Hillary.

By the time of the raid, Pigeon had raised another \$100,000 for the Ready For Hillary PAC.

He also donated \$2,700 to Hilary's campaign in his own name on April 16, 2015.

On the day after the raid, the Clinton campaign returned the \$2700 donation to Pigeon.

The Hilary PAC however kept the \$100,000.



Eric Schneiderman

### A CHANGING INVESTIGATION

After the raid and its aftermath, it was quiet.

About a year had passed before the Buffalo News reported - some say it was leaked by law enforcement - that emails found on Pigeon's seized phone or computer caused the state investigation to veer from election law violations to more serious bribery charges involving Pigeon and State Supreme Court Justice John A. Michalek.

Soon afterward, the Attorney General's Office led a special grand jury to indict Pigeon and Michalek, 65, based on an alleged two-way bribery scheme - conducted not in whispers and bags of cash - but "brazenly" and "arrogantly" through emails.

Michalek accepted a plea deal admitting to one count of bribe-receiving and one count of offering a false instrument. He resigned his judgeship, lost his law license, and preserved his \$120,500 state pension.

As part of the deal, prosecutors agreed to make no sentencing recommendations (usually prosecutors argue for tough sentences for corrupt judges) in return for Michalek testifying against Pigeon.

State Supreme Court Justice Donald Cerrio said Michalek could be sentenced to up to seven years in prison; he might also get probation.

Pigeon faces up to 15 years if convicted on all counts.

### A JUDGE WAS MADE NOT BORN

It is worth noting while on the topic of political affairs and their influence on men, that, unlike Pigeon, who is in disfavor with Democratic Party bosses, Michalek is a consummate insider.

He joined the scene under party boss Vincent J. Sorrentino who, as town attorney, named Michalek assistant town attorney in 1988. In 1994, Sorrentino, as chairman of the Erie County Democratic Party, arranged for Michalek to become a state supreme court judge- without having to run for office.

Sorrentino made a deal with Republican party boss Tom Reynolds to have Democrats endorse a Republican judicial candidate in return for Republicans endorsing Michalek.

Having both the Democratic and Republican lines, ensured Michalek had no opponent and he was elected in 1994 to the State

Supreme Court bench for a 14 year term.

In 1996, Michalek bought a seven bedroom waterfront mansion on Lake Erie - at 6286 Old Lake Shore Road - in Hamburg for the then considerable price of \$340,000.

As his 14 year term was nearing completion, Michalek became friendly with then party boss, Len Lenihan. Lenihan also traded judicial elected office with Republican party bosses in return for Michalek again getting a cross endorsement.

Michalek spent 20 years as a judge, earning \$193,000 per year before he was indicted, ruling on decisions that affected the people of his community in an elected position and never once did he face an opponent.

Never did the people have a chance to decide if he was a worthy judge.

Party bosses took care of him fully.

Maybe others did too.

### A HOUSE IS NOT A HOME

Michalek's looming indictment may have prompted him to list his lakefront home for sale recently at \$978,800.

It was noted by the Buffalo News that Town of Hamburg assessors assessed the property for tax purposes at \$255,000 -almost \$100,000 below what the judge paid for it more than 20 years ago

A search of assessment records along Lake Shore Road shows that similar homes to Michalek's are assessed for a lot more, as for instance, 6046 Old Lake Shore Road, also a seven bedroom lakefront home which is assessed at \$600,000.

Smaller and more modest homes are assessed at the same evaluation as Michalek's lakefront assessment.

Judge Michalek knew how to reap the perks of public office.

### WITNESS FOR THE PROSECUTION

At trial, Michalek is expected to be a witness against Pigeon. The prosecution may attempt to persuade a jury that Michalek was an otherwise good judge who became prey to the powerful, corrupting influence of Pigeon.

The defense might argue that as a self-admitted corrupt judge, Michalek may be lying about his bribery scheme with Pigeon (just as he lied as a self serving judge) to secure a plea and a lenient sentence.

### WHAT DID THEY BRIBE EACH OTHER WITH?

The defense at trial will almost certainly explore what Pigeon and Michalek received.

The two cases alluded to in the indictment where Pigeon was attorney- were settled out of court.

Michalek never made a final ruling on the cases.

Michalek, the defense may argue, was not shy about asking Pigeon to help him find a job for his son; get a political appointment for his wife; and help him get a higher position in the judiciary.

Pigeon was unable to deliver on Michalek's requests.

As further evidence of the bribes, the state points out that Michalek got a free ticket from Pigeon for Michalek's wife to attend a fundraiser for Gov. Andrew Cuomo and the Michaleks got tickets to two Buffalo Sabres games from Pigeon.



# Everyone had at least one brush with Pigeon



News that Judge John Michalek admitted he was corrupt startled many people in the area.

## A CAST ALIGNED AGAINST PIGEON

Almost the entire team who led the charge to indict Pigeon had previous political experiences with Pigeon or Michalek.

The two Assistant Attorneys General appointed by Schneiderman to prosecute Pigeon have had political brushes with Pigeon and rewards from Michalek.

While it may not be political it is at least ironic, that the lead prosecutor, Susan H. Sadinsky, served as Michalek's campaign treasurer for his 2008 re-election.

Sadinski likely helped craft the Michalek plea deal which includes the provision that Michalek be a witness against Pigeon.

Assistant Attorney General Diane LaVallee will assist Sadinsky. And while the facts may be of a political nature, no one is alleging it will bleed into the courtroom.

Yet, it is at least interesting that in 2008, when LaVallee ran against Frank Sedita for Erie County DA, Pigeon was the architect of Sedita's winning campaign.

In 2013, Pigeon was asking Gov. Cuomo to replace a number of former Republican Governor George Pataki hires – with Democrats as is customary with changes in administration.

It was well known in political circles at the time, that Pigeon sought to have Republican LaVallee fired from her job at the Department of Tax and Finance and replaced with a Democrat.

According to a source, LaVallee voluntarily left the position and Schneiderman, who is a political foe of Cuomo, hired her based on her abilities and merit.

## SCHNEIDERMAN AND PIGEON

It is also a fact that Attorney General Eric Schneiderman knew Pigeon - before he became attorney general.

Backed by billionaire Tom Golisano, Pigeon directed a political action committee (PAC), called Responsible New York PAC which spent more than \$4 million on key races in 2008 to support Democrats in the state senate.

Golisano and Pigeon's plan was to help give Democrats control of the senate and in return they expected an increased share of influence and attention to Western New York, normally controlled by New York City.

The 2008 election put Democrats in the

majority for the first time since the 1960's, with a one seat majority - 32 seats (out of 62).

As for Schneiderman, he had been a state senator for 10 years. Since Republicans controlled the senate the entire time, as a minority party member Schneiderman had little power or prestige.

Now with Democrats in the majority, Schneiderman, a bull among the herd, rose to deputy leader of the senate.

Things went awry however when Golisano and Pigeon felt the NYC Democrats were not honoring their WNY commitment.

Pigeon met with Schneiderman at Justin's Restaurant on Lark St. in Albany and asked him to intercede with Senate Majority Leader Malcolm Smith.

The meeting was unproductive and that's when Pigeon engineered the famous coup by persuading two Democrat senators — Pedro Espada Jr. and Hiram Monserrate to organize with Republicans.

The Republican majority lasted a day as Democrats persuaded Monserrate to return. But Espada remained with the GOP and a deadlocked senate at 31-31 was the result. Nobody was in control; everybody was scrambling.

Schneiderman, a lawyer, devised the Democrat's litigation strategy to combat the deadlock as it spilled into court. Schneiderman wrote to his constituents. "This shameless takeover attempt is undemocratic."

State Sen. Ruben Diaz Sr. recalled, "In 2009 when the coup ... happened, the head behind it was Steve Pigeon. Eric Schneiderman was one of the shining stars in the Senate Democratic conference, and from that time, there has been bad blood."

According to three sources who claimed to have witnessed it personally, after the coup, Schneiderman and Pigeon met accidentally in a parking lot of a hotel on Holland Street in Albany.

Schneiderman appeared wroth, and, according to all three sources, threatened Pigeon with eventual retaliation for his role in the senate upheaval.

## SCHNEIDERMAN MOVES ON

The next election cycle, Democrats lost the majority and Schneiderman left the senate, running for attorney general in 2010.

Pigeon opposed him. Andrew Cuomo



Assistant Attorney General Diane LaVallee will assist in the prosecution of Steve Pigeon.



Judge Michael Pietruszka signed the warrant to search Steve Pigeon's condo.

wanted Kathleen Rice for attorney general. Pigeon flew Rice to Florida to introduce her to Golisano and Pigeon and his committeemen openly supported Rice against Schneiderman at the state Democratic convention

Rice narrowly lost the primary to Schneiderman, 34% to 32.

Schneiderman went on to great fame as one of the leading state prosecutors in the nation and wound up investigating and then indicting Pigeon based on what was at first a political investigation that morphed into a bribery case.

## MORE POLITICS

The genesis of the Pigeon investigation was also touched with politics.

It began when complaints were filed with the Erie County Board of Elections concerning a political committee tied to Pigeon.

The complainants were former Assistant District Attorney Mark A. Sacha, who blames Pigeon as the reason his boss DA Frank Sedita fired him, and two Erie County Legislators, Betty Jean Grant and Timothy R. Hogues, whom Pigeon funded campaigns against.

When Erie County Democratic Election Commissioner Dennis Ward and Erie County Republican Election Commissioner Ralph Mohr got the complaint, they publicly said they had "a meeting of the minds" where they determined that Pigeon should be investigated.

Of course, it is too easy to conclude that the two election commissioners were Pigeon's foes over many campaigns.

Mohr in fact complained about Pigeon in 2008, when Pigeon backed popular ex-fighter Joe Mesi against the Republican Party boss backed Michael Razenhofer of Clarence.

There was worse blood between Ward and Pigeon because of the same race. For years Ward had tangled with Pigeon who sometimes beat the party bosses' handpicked candidates.

But this time the Democratic party bosses picked Michelle Ianello.

Pigeon picked Mesi and Mesi beat Ianello in the Democratic primary. This probably did not make Ward happy. Ianello is his wife.

## IN CONCLUSION

So let's recap: The question of politics was raised in the context of whether it had

anything to do with the prosecution of Steve Pigeon.

The Attorney General was a political foe of Pigeon.

The lead assistant attorney general was the campaign treasurer for the chief witness against Pigeon.

Pigeon tried to get the second lead prosecutor fired from her job.

The judge who signed the search warrant was denied a state court judgeship by Pigeon.

The Democrat Election Commissioner who gave the case its original gravitas was married to a candidate who Pigeon defeated.

The Republican Election Commissioner was often foiled by Pigeon candidates.

But this is politics and none of these good people would mix politics with justice.

One is sordid and one is pure, how can they converge?

Just to complete the picture of politics as it presently exists, Steve Pigeon supplied Andrew Cuomo with early backing for his failed gubernatorial bid in 2002.

He was the only upstate county chairman to endorse Cuomo over the other party bosses' choice, State Comptroller H. Carl McCall.

Four years later, Pigeon challenged local party bosses to back Cuomo for state attorney general against Buffalo attorney Denise E. O'Donnell.

When Cuomo became governor in 2011, Pigeon was influential in New York for the governor and contributed \$54,000 to his campaign fund in 2011 and 2013.

The New York Post reported that Pigeon was part of key strategy meetings for the governor's campaign in 2014.

After Pigeon was indicted, Cuomo was asked to by the media about Pigeon.

He failed to recall that Pigeon ever had a position in government.

John Kelly, a Cuomo spokesman, released a brief statement about Pigeon: "As the governor has previously stated, 'when it comes to the integrity of the government, if there is anyone who ever does anything wrong, there will be zero tolerance for that and I will be the first one to throw the book at them.'"



# Cambria Seeks Info on Plea Deals in Pigeon Case

## Tony Farina

Political operative and former Erie County Democratic Chairman Steve Pigeon faces nine felony counts in a state prosecution involving former State Supreme Court Justice John Michalek who has already pleaded guilty to two felony counts, including taking bribe, and who is expected to be a key witness against Pigeon if the case goes to trial.

But Pigeon and his lawyer, prominent defense attorney Paul Cambria, seem prepared to vigorously fight the charges brought by the attorney general's special grand jury, claiming Pigeon did nothing wrong in his dealings with Michalek.

A look at the discovery and bill of particulars filed by Cambria July 14 suggests Cambria is going to dig very deeply into the government's case, especially the motives of the witnesses, looking for weaknesses and possibly errors in bringing charges against Pigeon that were initially triggered by complaints locally of election law violations and were advanced after the seizure of computer and email records during a raid at Pigeon's waterfront condo back in May of 2015.

In a discovery motion aimed at Michalek and other key prosecution witnesses, including lawyer Edward Betz, Cambria seeks "any

information which may indicate that the cooperation of any potential witness was induced by threats, expressed or implied, that unless such cooperation was forthcoming, the potential witness would be prosecuted."

In simple terms, did the government force Michalek and Betz or others to cooperate or face the threat of prosecution.

Cambria is also seeking any plea bargain deals with Michalek, Betz and possibly others not to charge them or members of their families. Betz reportedly received a guardianship from Michalek that he wasn't qualified for and has reportedly claimed that Pigeon squeezed him for a \$5,000 political donation in return for the help.

Cambria is also seeking documents from the government that support the charges against Pigeon, specifically how Pigeon came to an "agreement" and/or "understanding" with Michalek. And Cambria is seeking "exactly how John A. Michalek's vote, opinion, judgment, action decision and exercise of discretion as a public servant were influenced by Mr. Pigeon."

Lawyers familiar with the case expect Cambria and Pigeon to put up a very strong defense, suggesting it will come down to the credibility of the witnesses who undoubtedly will face a withering cross-examination by the skilled Cambria in a prosecution that despite the enormity of the press coverage to date is



Attorney Paul Cambria seeks to learn whether the government threatened attorney Edward Betz, former Judge John Michalek and possibly others with charges if they failed to cooperate in the prosecution of Pigeon.

seen by legal experts as anything but a lock. One prominent lawyer, who spoke on the condition of anonymity, said Cambria will have plenty of ammunition in a case that may have been overcharged because of government's desire to clip Pigeon's political wings.

If it comes to a trial, possibly next year, it could be the most sensational legal battle in local history.



"Such was the will of the Father that his Son, blessed and glorious, whom he gave to us, and who was born for us, should by his own blood, sacrifice, and oblation, offer himself on the altar of the cross, not for himself, by whom "all things were made," but for our sins, leaving us an example that we should follow his steps."

St Francis of Assisi

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## Did Touma Lie By Omission when telling Time Warner about tax hikes?

### By Members of Stop the Reassessment Committee

**T**ime Warner News was in the neighborhoods yesterday taking photos of stop the reassessment signs and interviewing residents.

The link to the Time Warner video is <http://www.twcnews.com/nys/buffalo/news/2016/07/26/niagara-falls-property-reassessment-.html>

A reporter interviewed Council Chairman Andrew Touma, and again, he deceived the people. He said that if an assessment increased by \$10,000 that taxes would only increase \$180.00 per year.

Not true, the taxes would increase \$465.40 per year.

He is only telling us how much the city taxes will increase. He is leaving out how much the county and school taxes will increase.

\$17.98 City Tax Rate  
\$ 9.14 County Tax Rate  
\$19.42 School Tax Rate



\$46.54 Combined Tax Rate  
x 10 (For \$10,000)  
\$465.40 Total Yearly Increase  
In addition, he said that NYS Law says You Should Reassess Annually.



According to New York State's Financial Restructuring Board for Local Governments, Niagara Falls is the highest taxed municipality in New York which, according to a recent study by WalletHub, is the highest state in the US. Therefore, the City of Niagara Falls is the highest taxed municipality in the highest taxed state.

NYS Real Property Services does not mandate that reassessments are done every year. They only recommend it. What they say is that the Level of Assessment (LOA) has to be adjusted every year, for example, the LOA

right after a reassessment would be 100%. The LOA for Niagara Falls is currently listed at 84% on our tax bills. Many cities and town don't reassess for years, they just adjust the LOA on the tax bills. All that means is we are currently assessed at 84% of market value which is fine.

We were also told by a Councilman that the Assessor told him that it would cost \$700,000 to \$800,000 to hire a firm to do the reassessment, although they are telling the taxpayers it will cost \$500,000. It doesn't make sense that they would spend that money if the City wasn't going to benefit from it. Since when have they ever been concerned about being fair to the taxpayers which is why they say they are going to reassess?

Touma is trying to spin this tax increase by saying some people are paying more than they should, and we say okay, then send those property owners a letter suggesting that they should submit an application to the Assessment Board of Review to have their taxes lowered and leave us taxpayers alone.

Thank you.

Committee to Stop the Reassessments and Continuous Tax Increases

## Dyster, Touma Continue To Deceive Taxpayers On Reassessments & Ignore The Will Of The People

### By the Committee to Stop the Reassessments & Continuous Tax Increases

**A**s mentioned in a previous article, Mayor Paul Dyster, with the support of Council Chairman Andrew Touma, deceived the taxpayers by waiting five days after the mayoral election to tell us he was planning to do a citywide reassessment.

We were told this will raise assessments from between 17 and 40 percent!

An attempt to deceive us by trying to convince us that this is not a tax increase is so great that even Chairman Touma cannot keep his own versions straight and keeps contradicting himself.

Version #1 In a Niagara Gazette article dated November 8, 2015, Touma said a citywide reassessment is a source of further revenue. He said the city's residential parcels are currently assessed at 83 percent of their current value, while some commercial properties clock in at roughly 60 percent. He said he would like to see assessment values brought to 100 percent citywide, and to do so would raise property taxes in the city of Niagara Falls. "We are not where we need to be." He said. "That's revenue the city is losing out on." Mayor Dyster, in that same article



Some of the elected denizens who work inside this building continue to push for a tax reassessment. With any luck the voters will evict them.

you claim it has not been done in some time, you claim it needs to be done.

Version #2 In a Niagara Gazette Guest View dated June 22, 2016, Touma said that reassessments do not raise more tax dollars; what they do is redistribute tax burden.

Version #3 In a Niagara Falls Reporter article dated July 21, 2016, Touma stressed that it is unlikely that property owners will see major up-or-down changes in their assessments, with the possibility of a 10 to 15 percent increase very rare.

Which version is the truth? We believe it is version #1, uttered before the protesting started.

As Touma said, "A lot of people believe it is a good thing to determine fair market



Council Chairman Andrew Touma, who will face reelection next year if he chooses to run, has led the charge to reassess every property in Niagara Falls.

value, starting with the city's Financial Advisory Panel".

The truth is, on November 29, 2015, the Advisory Panel recommended a citywide reassessment to raise revenue and they estimate the increase in assessments would add up to \$112 million. The panel's chairman told the city that if it does not control its profligate spending...the money from casino... would be diverted to the general fund. Another member suggested increasing taxes for homeowners and businesses.

Do you still think we are fooled by the nonsense you are feeding us about fair market

value, etc., etc., etc.? We are not!

We know that a reassessment is the only way that they can get more money out of us as the city is nearing the maximum taxable limit allowed by New York State. If they reassess, they lift that bar too. We know that a reassessment will raise our county and school taxes as well.

Our elected officials cannot have it both ways, the highest taxed city in the United States and 100 percent assessments!

The Niagara Gazette had the audacity to tell home and business owners that we need to respect and participate in whatever reassessment process may eventually unfold in an editorial published on June 26, 2016. We are sick of participating! The Niagara Gazette has no right to tell the residents and business owners in the highest taxed city in the United States that we should respect and participate in, yet again, another huge tax increase.

The chorus of voices calling for Mayor Dyster and Chairman Touma to resign in light of this deceit and breach of the public trust continues to get louder.

Stop the proposed reassessment and start putting OUR casino money into the general fund so it benefits the people to whom the money belongs.

We will continue to put up signs, pass petitions and protest until our elected officials heed the voice of the people who pay their salaries and stop the proposed "reassessment" on the highest taxed residents and business owners in the United States.



# Black Squirrel Home and Garden Walk, Park Place Porch Fest, and Neighborhoods Taking Charge

## Councilman Kenny Tompkins

Last Saturday, July 23, my wife Terry and I had the pleasure of experiencing two of Niagara Falls' newest events: The Black Squirrel Home and Garden Walk and the Park Place Porch Fest.

It was refreshing to participate in both.

On 12th Street and Memorial Parkway - the Black Squirrel and Garden Walk- we encountered spectacular lush gardens, none of which showed signs of this summer's unending dry spell. Each one gained praise from Terry, who is has an amazing green thumb of her own.

Not only did the Black Squirrel Home and Garden Walk offer a glimpse into homeowners' beautiful landscapes, but they offered information on the history of this hidden gem of a neighborhood.

There were several associated events that took place in conjunction with this self-guided tour, including demonstrations on using herbs for cooking and a guided tour of Oakwood Cemetery.

The Porch Fest in the historic Park Place district was also a perfect way to spend a hot, sunny day. We sat in the shaded refuge of the homes' expansive porches, listened to live music and enjoyed the company of other city residents while sipping frosty beverages.

What made these events amazing wasn't simply the vibrant gardens or the hospitality. It was that each of these neighborhoods strongly reflect a powerful movement that could spur the revitalization of Niagara Falls.

Here are city residents who decided to make a difference in reviving sections of town in which they live, without use of city funds.

Ruth Cooper, a 12th Street resident, leads the Black Squirrel Block Club which organized the garden walk.

As she explained, Black Squirrel is an ongoing movement to stop blight in a neighborhood that has unfairly been perceived as "feral and dangerous."

"Some have taken advantage of this perception as justification for using the area as a 'dumping ground,'" Mrs. Cooper explained. "Unscrupulous landlords and benign neglect has added to what people believe is occurring in the core of our city,"

The purpose of the Black Squirrel is, Mrs. Cooper said in a press release, to "reconnect people with the downtown core and dispel those beliefs."

Points along the garden walk were punctuated with doors salvaged from demolished homes and repurposed as markers which also told the story of the neighborhood's history.

At Andrea and Tina Galyn's house, we enjoyed a history lesson and some delicious home-brewed sun tea. The women are new to the neighborhood and did extensive work to restore their home, as we could see through a pictorial journey of which they proudly shared.

"We had a before and after scrapbook to talk to people about our renovation. We also had free plans in the backyard to make a DIY



Councilman Kenny Tompkins visits Black Squirrel Garden Walk.



Tompkins at Porch Fest. He commends the good neighbors who put on events without government subsidies.

birdbath that is on display in our garden," said Mrs. Galyn. "As if we hadn't gone overboard enough, we gave out free herbs and made a display about the price of goods and the nature of American society in 1908, the year our home was built. It might have been a little overkill (laughter)."

Mrs. Galyn reiterated the impact that the Black Squirrel Home and Garden Walk had on visitors.

"We showed that there are good quality people who live downtown and who are restoring and improving these grand old homes and gardens," she said. "I think we succeeded in doing that and in possibly attracting new people to join us. We also had several people who do not currently live in Niagara Falls asking about properties that might be for sale in our neighborhood.

"My favorite moment was when a lady who grew up on our street and moved to the suburbs said that she was so proud of how far the neighborhood has come and that she might consider retiring downtown."

In addition to the garden walk, in the short time since its inception the Black Squirrel has hosted a perennial sale, entered a float in the Community Memorial Day Parade (which took third place!), and entered the "Queen of the Black Squirrel" in the Lewiston GardenFest's container contest.

"With the help of the Niagara Falls Police and Fire Departments, Lewiston Garden Club and the Niagara Falls Public Library, a 'plant library' has been established to sustain current plantings and help with expansion to additional blocks," Mrs. Cooper said. "Plantings were done at five houses that otherwise would have been barren of landscaping."

In addition, the committee created flower baskets for residents who might not be able to afford such luxuries.

According to Mrs. Cooper who has lived in the neighborhood with her husband John for 10 years, "The Black Squirrel committee members are looking forward to holding some workshops for new gardeners, specifically our gardeners-in-training. Landlords and renters have expressed an interest not only in flower gardening, but vegetable gardening. We will be connecting with other people and potentially holding some fundraisers to do a mass planting of bulbs throughout our neighborhood and local park."

One major concern in the neighborhood is the ash borer an insect that feeds on Ash trees and kills them.

"This is a problem ... in neighborhoods throughout the city," Mrs. Cooper said. "We will be connecting with our state representatives within the next two weeks to see what we can do from the state level to clear out

dead trees and replace with big trees."

On Park Place, Rick Crogan and his husband Michael Murphy were key organizers of the Porch Fest event.

"We wanted to accomplish several things," said Mr. Murphy. "First, we wanted to showcase the neighborhood and local musicians at a time when many people who have not come downtown would actually be here for the garden walk. Second, we wanted to get the creative class looking at a neighborhood with a ton of potential. Finally, we wanted to have a way to say thank you to our friends and neighbors for taking pride in Niagara Falls."

According to Mr. Murphy, three of the historic homes opened their porches, featuring six musicians. In addition, two of the neighborhoods churches showcased their architecture and beautiful music.

"Zach Carr and Jonah Crull wrapped up the day with an amazing set in front of our house," he added. "We had an impromptu jam session during our post fest BBQ."

With Mr. Crogan being the key organizer for two of Niagara Falls' finest music festivals, the Niagara Arts and Music Festival in June and the upcoming Boots, Brews, and Bacon Festival at the end of September, it wasn't a surprise that the Porch Fest included top quality local music.

In addition to the open porches, Mr. Murphy commended neighbor Mary Leahy, who he said was instrumental in organizing a neighborhood clean-up prior to the event, and Nina Manzare from DPW, who worked with the neighborhood's block club to get lawns on abandoned properties mowed and to collect the trash gathered during the clean-up.

Interest in participating appears to be growing. There were residents on Whirlpool, 5th Street, and 4th Street who, although outside the 'district,' seemed thrilled to be a part of the event.

The Black Squirrel Home and Garden Walk may be expanding next year to include other blocks, specifically Fort Avenue, across Portage Road and the 7th Street and 5th Street areas.

In my role of councilman, it's heartening to see residents like the Coopers, Galyns, and the Crogan-Murphys who want to take a lead in revitalizing their own neighborhoods and making a difference.

These are people who aren't waiting for the city to come to their aid. They are finding creative ways in which to rebuild and attract people to these neighborhoods and let them visualize the opportunities of living a small city like ours.

The biggest takeaway I learned from this experience is it doesn't take government funding to host wonderful city events, to create oasis-like gardens in the middle of the city, or build sustainable neighborhoods that reflect the vibrant and diverse culture in which we have here in Niagara Falls.

In fact, Terry and I are inspired to consider extending the walk to Deveaux next summer.

I hear that both neighborhoods are considering Christmas-themed events and you can be sure that I'll be headed down to see what's in store.





Ask the Judge – Question #9  
Dear Judge Bayger:

I'm really miffed at my lawyer. Over a year ago, I fell off of a ladder after it slipped while I was repairing my neighbor's roof. I was trying to do someone a favor; but the ladder he provided didn't stay in place. Anyway, I got a lawyer, and at first he seemed happy to have me. He talked about suing my neighbor's insurance company, the store he bought the ladder from, and the company that made the ladder. That was then. Now, I call to check on the progress of the case, and I rarely hear anything. He doesn't return my calls, and when I get a call back, it's usually his assistant. What can I do to get his attention?

Sincerely,



Judge Frank R. Bayger

John Q. Annoyed

It is not for you to get his attention. It is incumbent upon him to earn your business. In a previous column, I have touched upon the concept of changing lawyers in the middle of a case. Allow me to now elaborate further.

As I explained before, in a typical personal injury case, an attorney is bound to

charge 33.33% on a contingency basis, which is the percentage he can take out after the trial or settlement of the case. This percentage is not a random figure; it is set by the Rules of the Unified Court System. It makes no difference whether you have one attorney or three. If the case is resolved in your favor, you will collect 66.7% of that award. It will be up to the attorneys to figure out how they are going to split the remaining 33.33%.

This is important because the power is truly in the hands of the client, not with the lawyer, as some would have you believe. You always have the option of changing attorneys, particularly if you are not satisfied with the service you are receiving. The client is the boss. A qualified attorney is an advisor; a well-educated, knowledgeable guide to be certain, but he or she works for you. Their job is to meet your needs, not the other way around.

Without knowing more facts, I cannot say whether or not your ladder case has merit, but you should discuss the case with your attorney to find out how they view the case,

and if they have a viable approach towards resolving it. If they are unable or unwilling to discuss their plan with you, you have every right to pull your file and go to someone who will respect your opinion and your time.

This is not so much about getting a second opinion as it is getting peace of mind. Being involved in a lawsuit is a stressful event. Your lawyer should be a supportive partner in this endeavor, not some distant functionary who cannot be bothered to talk to you. I consider it a privilege to serve my clients, and others within this profession would do well to remember the same.

(Retired State Supreme Court Justice Frank R. Bayger is inviting you to submit legal questions pertaining to personal injury or wrongful death cases to him for a published response. Email your questions to Judge Bayger, a Hall of Fame trial lawyer, and the judge will respond in writing in the Niagara Falls Reporter. Send your email to frankrbayger@gmail.com or write to the Law Firm of Frank R. Bayger, P.C., 2578 Niagara Falls Blvd., Niagara Falls, NY 14304.)

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--  
Swami Vivekananda

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Expires 4/30/16  
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# Biosolids Are a Normal Part of Agriculture

**Ned Beecher,  
Executive Director  
NEBRA (www.nebiosolids.org)**

Last week, the Town Board in Wheatfield decided to defend the town's local ban on biosolids use on farms. Biosolids are treated and tested wastewater solids that are excellent soil amendments.

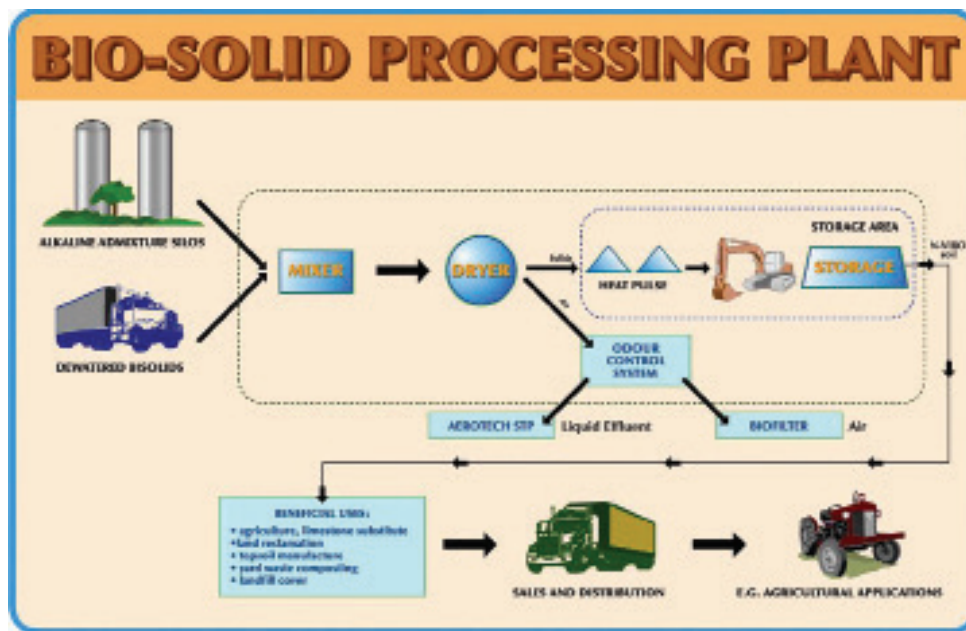
In June, Wheatfield was notified by the Department of Agriculture and Markets (NYSDAM) that the Town Biosolids Law runs contrary to the state's "right-to-farm" law, which is intended to protect farms from arbitrary restrictions. In their response (available at the Wheatfield website), the Town Board claims that NYSDAM "largely ignored the mounting scientific evidence concerning the inadequacy of the federal and state governments' outdated biosolids regulations and completely failed to address the scientific evidence of the unfavorable local soil conditions within the town." They claim that unregulated pollutants in biosolids (e.g. trace chemicals from products used in homes every day) create risk.

The Board's actions are not surprising; they have been pressured by a few citizens who are more active and vocal than the few farmers who may be interested in using biosolids. They are responding to (some of) their constituents.

But their entrenched, absolutist position is unfortunate and unnecessary. There is no valid "mounting scientific evidence concerning the inadequacy of federal and state" regulations. Decades of research at universities across North America – and two National Academy of Science reviews – have determined that biosolids use in accordance with regulations is acceptable. And local soil conditions and water tables are addressed under state biosolids regulations; if a local soil doesn't meet the research-based state requirements, then biosolids can't be applied. (In contrast, manure applications can present similar risks if not properly managed, but are far less regulated.)

Biosolids' safety is also supported by experience. Biosolids compost has been in use in the area for some time, and New York has had ongoing biosolids recycling for decades. Across the U. S., about 60% of wastewater solids are recycled to soils as biosolids, mostly on farms. Like animal manures, biosolids contain critical plant nutrients and organic matter that build soil health. Biosolids increase carbon storage and replace some need for imported fertilizers – significant environmental benefits. Many farmers rely on biosolids as just one normal part of their soil fertility program.


Wheatfield's Board claims that protection of public health and the environment requires the Town ban. They don't recognize that those involved in biosolids recycling



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Mr. Cardinale via [news1926@gmail.com](mailto:news1926@gmail.com)

are themselves dedicated to protection of public health and the environment. Wastewater treatment was identified by the British Medical Journal as the most important public health advance of the past 150 years. Biosolids management is a part of it. Public wastewater treatment officials around the country, the federal EPA, the U. S. Dept. of Agriculture, the U. S. Food & Drug Administration, and every state environmental agency – not just NY's – support regulated biosolids use. These agencies exist to protect public health and the environment. Although Wheatfield's leaders have learned a lot about biosolids over the past two years, their expertise cannot be expected to equal that of these many agencies.

The NYSDAM ruling (to which Wheatfield's Board has just responded) provided an independent review of the merits and risks of biosolids. The agency found "the Town of Wheatfield did not provide any new information demonstrating that the existing DEC and EPA regulations for the land application of biosolids in New York have not been adequate to protect the public health and safety." The state Department of Health came to the same conclusion.

NYSDAM provided a similar letter to the town of Bennington last year, requiring that town to not enforce its ordinance restricting biosolids use. Bennington complied. Under the state "right-to-farm" law, using biosolids is a normal agricultural activity. Notably, Pennsylvania's highest court came to the same conclusion last year in a ruling based on that state's "right-to-farm" law.

Wheatfield's Board, driven by a few vocal citizens, are choosing to fight - at considerable cost to all involved. Their technical arguments about local conditions may have merit; but those arguments can be made as part of local oversight of biosolids use under existing state regulations. Instead, the Board is choosing to defend an extreme outright ban.

Wouldn't it be more constructive for all parties to engage in more direct dialogue, working toward local compromise solutions? The Board could be instrumental in advancing such dialogue and mutual understanding. Like many things, biosolids recycling is continually improving – in part because of such dialogues. Rather than spending public funds on more years of conflict, isn't there some way to work through the technical issues locally, with transparency and local oversight, to advance learning and understanding?

Biosolids recycling as a concept is not going away. Wastewater solids have to be managed. We all contribute to their production, even if we're on a septic system. You can burn biosolids or landfill them – both of which have environmental impacts. But recycling them to soils is usually the best environmental option. Let's work together on biosolids recycling, making it work for farmers - and their neighbors and towns. We welcome dialogue.



# LIUNA!

Laborers' International Union of North America



## LIUNA HEALTH & SAFETY LAUNCHES EXPANDED SUN SENSE CAMPAIGN

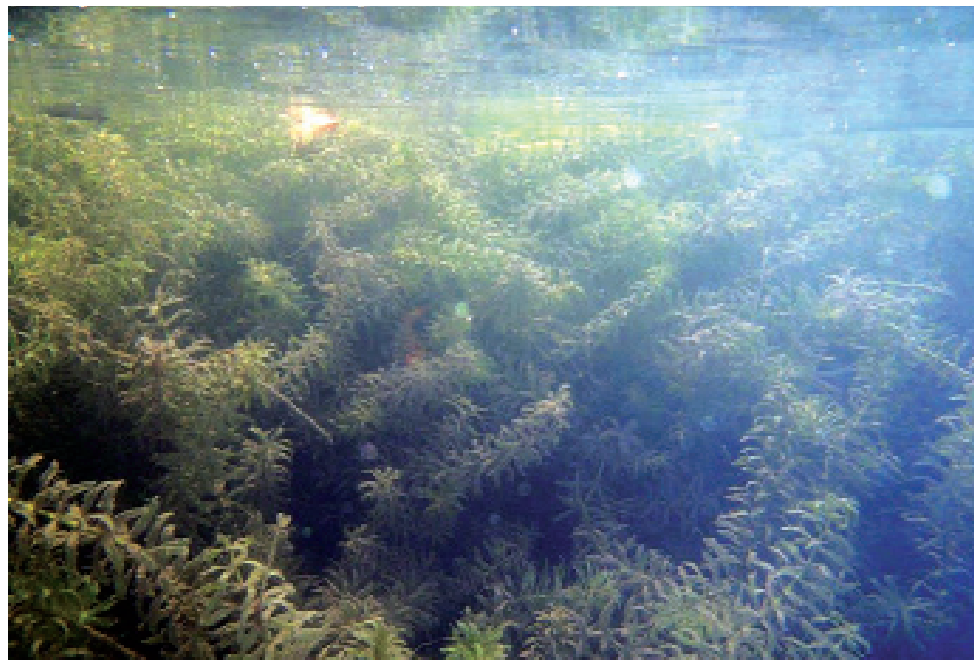
For over 16 years, the Laborers' Health & Safety Fund of North America has run an annual Sun Sense campaign to raise awareness about the dangers of skin cancer. According to the American & Canadian Cancer Societies, nearly 3 million people in North America are diagnosed with skin cancer each year. Overexposure to the sun is the most common cause of skin cancer. LHSFNA through Laborers' Local 91 distributes sunscreen, lip balm, and neck flaps to protect laborers from the exposure to sunlight. Laborers or anyone spending time outdoors should take the necessary precautions to minimize their skin exposure to harmful ultraviolet (UV) rays.

Of course, being outdoors for many is unavoidable so when you go outside, take these precautions:

- Most importantly, always wear sunscreen. Men, women and children should put it on every day and reapply throughout the day. Using an SPF (sun protection factor) of 30 is recommended. Any lower SPF will not protect your skin from harmful UV rays and any higher SPF gives a false sense of protection.
- Try to avoid sun in the middle of the day, from about 10 am to 3 pm. The ultraviolet rays, which cause sunburn, are strongest during this time. When you do go outdoors, especially for long periods in the middle of the day, wear protective clothing. Wear sunglasses that filter UV light.

This year in addition to the precautions of sun exposure, we are focusing on preventing heat stress. Working long days under the hot sun, sometimes in confined spaces or wearing personal protective equipment (PPE), puts Laborers at high risk for heat stress. Heat stress occurs when high heat or exertion levels do not allow the body to cool off fast enough. It leads to dehydration, muscle cramps, heat exhaustion and in extreme cases, heat stroke. New information on preventing heat stress and ways to stay cool at work will be available at the training facility this summer. The Laborers – Employers Cooperation and Training Trust encourages all members and employers to incorporate sun protection measures into their daily routine just as they would any other safety behavior. Regular and liberal application of sunscreen and minimizing midday and high sun exposures throughout the year will usually prevent skin cancer. Laborers need to use lip balm, neck flaps, cooling clothes and sun screen packets available free at the Union hall to protect against damaging exposure to sunlight. The Laborers encourage everyone to take appropriate steps to protect themselves from harmful sun exposure.

## Corps of Engineers to use herbicide to kill hydrilla in Erie Canal



An underwater view of dense hydrilla beds in the Erie Canal, September 2012.

In an attempt to eradicate the invasive aquatic plant *hydrilla* in the Erie Canal, the U.S. Army Corps of Engineers, Buffalo District, will be treating the canal from the Delaware Bridge in the cities of Tonawanda and North Tonawanda, to West Canal Marina in the Town of Pendleton, approximately 5-miles upstream - with an application of endothall (Aquathol K) an aquatic herbicide.

After application, swimming is prohibited for one day. The concentration of endothall in treated areas will not be toxic to dogs, cats, or livestock exposed to the herbicide. There are no restrictions on catching and eating fish.

"This is the third year of treatment to reduce *hydrilla* in the Erie Canal and we continue to see a reduction of *hydrilla* as a result of the treatment methods," said Mike Greer, US-ACE project manager. "Our biologists have documented that native plants have begun to repopulate and grow in areas that had been previously infested with *hydrilla*. The reintroduction and growth of native plants will ultimately provide more habitat for native fish populations throughout the canal."

*Hydrilla*, an aggressive and competitive plant, displaces native species sometimes creating monocultures and causing imbalance to ecosystems.

It was first introduced to the southern United States in the 1950s when a Florida west coast aquarium dealer began shipping live *Hydrilla* from Sri Lanka under the common name "Indian star-vine."

Some *hydrilla* was dumped into a canal near Tampa Bay, where it flourished. Other reported releases helped it spread throughout Florida and the southeastern U.S. *Hydrilla* has become the most serious aquatic weed problem for Florida and most of the U.S. causing economic, environmental, and ecological damage.

Recently *hydrilla* has spread to some of the glacial lakes of the Northeast and Midwest. Many of these sites are also being treated to eradicate *hydrilla*.

The eradication of *hydrilla* in the Erie Canal is considered important since the canal can be a major conduit for spread of *hydrilla* eastward to the Finger Lakes and westward into the Great Lakes.

DEC Regional Director Abby Snyder added, "We encourage all boaters to take action to protect local waters from *hydrilla* and other aquatic invasive species that move easily between waters on boats and trailers. By following proper boat cleaning and inspection practices, you can make a difference."

To learn more about what you can do to help prevent *hydrilla* from spreading, visit <http://www.stophydrillawny.org>.

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- Airplane Crash - \$9 Million - Recovery - Pilot Error & Lack of Training
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