



Councilwoman's plan to arrest cat lovers backfires



Falls residents gear up for expensive new train station



NIAGARA FALLS REPORTER

THE TRUTH IS ALWAYS FAIR

FREE

APR 28 - MAY 4, 2016

VOL. 17, NO. 17

FREE

He created it, now he 'don't' understand it



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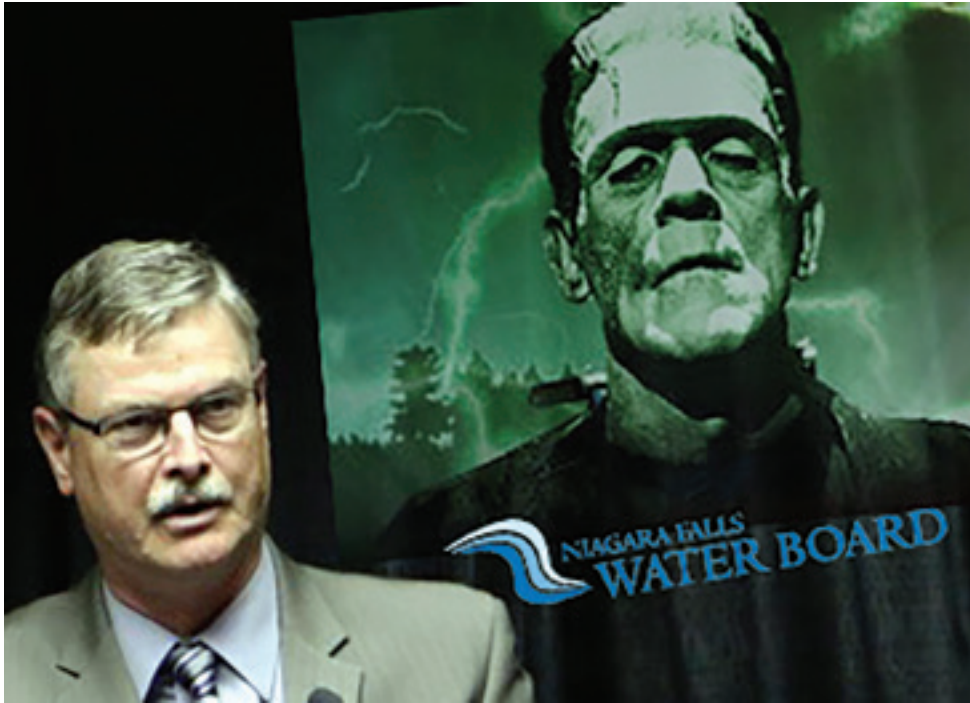


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Politicians Want Water Board Answers On Outrageous “Availability Fee” Here



Paul Dyster voted to create the Niagara Falls Water Board which ceded control of the city's water supply - and the right to set the rates for water in this city famous for abundance of fresh water - to Albany - in order to escape the short term political consequences of having to raise water rates in 2002. Now rates are out of control and the city is powerless to do anything about it. You have to hand it to the uninformed voters of Niagara Falls: they rewarded perhaps the most incompetent, politically expedient and extravagant [with taxpayers' money] mayor in Niagara Falls history [he blew through \$100 million in casino cash]. The voters elected and reelected Dyster three times. In this artist's conception, Mayor Dyster [left] is depicted telling the people of Niagara Falls how wonderful a job he has done for them while a Niagara Falls Water Board member [right] looks on. [Not a real picture].

Mike Hudson

Businessman Dave Bieksza, who owns a commercial property at 259 24th Street, has been battling the Niagara Falls Water Board for five years over what the board refers to as an “availability fee,” \$20 a month charged to property owners in the city who have no water service.

Bieksza's property on 24th St. has no running water and no water pipes to his property to even carry him water if he wanted it.

Yet the Water Board charges him \$20 per month because his property has the potential of receiving water service [if he put in water lines and connected them to the street] but does not.

He is not alone. Many shell out \$240 a year even if not one drop of water runs through water lines to their property.

The Water Board budgets \$150,000 in annual revenue from this fee, which means about 625 properties account for the funding.

No such fee was charged before 2002 when the Niagara Falls Water Board was created following appeals to Albany by then city councilman Paul Dyster and former mayor Irene Elia.

Together, Elia and Dyster – who is now serving his third term as mayor of Niagara Falls -- handed control of the city's water supply over to the state.

The Niagara Falls Water Board – with its five-member board of directors which control it – consists of one member each picked by the governor, the state Senate and the State Assembly, and one member each picked by the mayor and the city Council.

That gives Albany politicians control with three votes on the water board to only two votes for the entire council and the mayor of the city which represent the people who use and pay for the water.

Only in Niagara Falls.

So why would anyone in their right minds do such a thing? Be-cause Mayor Elia was so fond of raising taxes that water rate increases, then controlled by City Hall, increasingly became a political liability for her and an ambitious young city Council member, Paul Dyster, who already had his sights set on the mayor's office.

Bieksza said he was listening to U.S. Rep. Brian Higgins on Tom Darro's WJL radio show and decided to call in. When told of the “availability fee,” Higgins said, “No wonder no one wants to do business in Niagara Falls,” and Higgins asked Bieksza to call

his office after the show and he'd see what he could do.”

Other public officials have questioned the fee in the past.

Niagara County Legislator Dennis Virtuoso described the fee as “like another tax,” and noted that other utilities, like cable, phone or gas companies, don't charge such a fee.

Charging for doing nothing seems egregious in light of an audit of the board by state Comptroller Thomas DiNapoli that showed the Water Board in possession of a \$6.3 million budget surplus, in a city that operates at a \$7 deficit every year.

But that's what you get when you turn control of your assets to Albany – high rates, poor service and no accountability.

Niagara Falls Councilman Kenny Thompkins called for the dissolution of the Water Board.

“The \$6 million surplus could have been used to reduce rates for the people,” said Thompkins. “To think that our residents on 72nd Street went without water for two winters and were forced to pay exorbitant amounts of money to repair their homes' connections to the water main, when the money for infrastructure repairs could have been available, is inexcusable.”

Council Chairman Andrew Touma concurred.

“We had been looking for [the Water Board] to help the city with half of the \$1 million needed to fix the pipes on 72nd Street and they said they didn't have the money.”

But despite the cries to dissolve the water board by city council members, they have no control.

The water in Niagara Falls is under Albany's control.

Back in 2002, Dyster led the charge to hand the city's water supply over to the state. Today, the Water Board has become a Frankenstein's monster, turning on its' creator.

And the short term gain he and Elia gained by not having to say they raised water rates in an election year has long been offset by the continuous raising of rates by the Water Authority.

Despite having one of the largest and nearby fresh water supplies in the world, Niagara Falls residents pay among the highest water rates anywhere - and without the direct control of their water either.

Turning the control of the city's water over to Albany politicians was the first of Dyster's initiatives to cost taxpayers in Niagara Falls millions of dollars, but far from the last.

NIAGARA FALLS REPORTER

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Looming Train Station Disaster Has Dyster Looking For Cover

Mike Hudson

Although the Dyster administration has had more than five years to come to an agreement with Amtrak and the Underground Railroad Interpretive Center for use of the new, \$44 million train station on Whirlpool Street, market the facility to other prospective tenants and come up with a budget to run the place, it has done none of those things.

Not a single shred of paper exists saying that anyone at all will take up residence in the new facility, which is set to open in less than 60 days. It is entirely possible that the train station will open without a train.

Just last week, the administration released an open call for tenants, the first step in a public bidding process that is likely to take months.

Thomas DeSantis, the city's senior planner, said that Amtrak and its tenant, U.S. Customs and Border Protection, will be responsible for pro-rated percentage of the \$345,000 annual operating cost – roughly 60 percent – which would obligate the organizations to pay about \$207,000 per year.

He said this despite the fact that no agreement exists between the city, Amtrak, U.S. Customs and Border Protection, the

Underground Railroad Interpretive Center or anyone else to use the facility in any way.

If all the tenant spaces are filled on the projected terms, DeSantis said, the city would pay \$86,250 per year to operate the place, a decrease from the \$100,000 number he threw out in February.

According to documents obtained by the Niagara Falls Reporter under the Freedom of Information Law, the city's North Main Street courthouse costs \$500,000 a year to heat, light and maintain. To say that DeSantis's projections are rosy would be insulting to roses.

"We could have had a budget a year ago, or two years ago, but they would have just been projections – the closer we get to the opening, the more accurate the projections become," he hemmed and hawed. "The object going forward will be to normalize a monthly annual cost after the first year. Then you would say, based on actual costs that were either higher or lower than the projections, we can adjust rents or look to ... add to revenues in some way."

The city will have to provide for maintenance and security needs, heat, air conditioning and lighting, snow plowing in the parking lot and a myriad of other expenses. DeSantis's \$86,250 figure would not even cover the salary and benefit packages of two janitors.

Two full time \$25,000 maintenance persons with \$21,000 health insurance, \$4,000 pension and other benefits comes to \$100,000.

About 10 percent of the station's footprint, or \$34,500 in costs, is the space now being advertised by the city. No bids have been reported.

Among the planned tenants at the site is the Underground Railroad Interpretive Center, occupying five-percent of the available space, and projected to pay \$17,250 annually. But no contract has been signed.

While DeSantis says costs at the new station will be shared with Amtrak, there is no reason to believe the money-losing passenger train service will need any more space than the 800 square feet it now occupies at its' current Lockport Road station.

Councilman Charles Walker said what everyone else is thinking.

"I am still somewhat concerned that there's not actual signed documents," Walker said.

Other than the proposed museum, the 22,000 square foot train station facility only has one other prospective tenant – Amtrak itself. Though DeSantis and Niagara Falls Mayor Paul Dyster made much of the ability to attract other tenants like offices and restaurants to the facility, none has come forward.

This is perhaps due in part to the fact that very few people ride the train into and out of Niagara Falls. On an average day, just 64 passengers use the service. A small corner of the massive building will be more than adequate for all of the railroad's needs.

City Controller Maria C. Brown said officials are in the process of setting up a separate stand-alone fund for the train station, rather than mixing operational costs into the general budget.

Maintenance, utilities, security and other expenses will be the responsibility of the Niagara Falls taxpayers for generations to come or until whenever money-losing passenger train service finally comes to an end, whichever comes first.

Back in 2010, Dyster and DeSantis were talking about high speed rail service, an "intermodal transportation center" that would house upscale shops and restaurants, a cutting edge moneymaker that would be the envy of municipalities throughout the state.

Now, in less than 60 days, the city will open a train station that has cost taxpayers \$44 million. There are no signed tenants, no operating budget and officials here seem clueless about what the ongoing costs will be for city taxpayers.

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Dyster's Train Station Ten Times Larger Than Needed, According To Amtrak



Artist's conception: A Niagara Falls resident expresses joy upon learning that Mayor Dyster has just built for him a brand new train station.

Mike Hudson

Niagara Falls Mayor Paul Dyster hasn't said a word about the \$44 million train station he built on Whirlpool Street in weeks, leaving public pronouncements about the project to his associate, City Planner Thomas DeSantis.

The station, set to open in less than 60 days, currently has no tenants and no railroad committed to use it. And DeSantis's estimates of what it will cost the taxpayers of Niagara Falls have been nothing short of ridiculous.

Last week, he estimated the cost to be just \$86,250 a year. In reality, the figure will likely be more than four times that amount.

Security, for example is required. Larger stations like the one Niagara Falls is building generally require 24 hour security.

Janitorial and cleaning services are required.

Then there is window cleaning, escalator maintenance, HVAC, plumbing and electrical, maintenance and repair for buildings and grounds, utilities - heat, water, electric, supplies, and planning, supervision, and other operational costs.

In study after study, all available online, operational costs are reduced to 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. The Anaheim Regional Transportation Intermodal Center was estimated to cost \$53.71 per square foot per year.



The new giant train station will likely cost more than \$500,000 per year to operate. Amtrak will not pay for most of the cost - city taxpayers will. As the picture shows- the new station will be huge, but ridership will not necessarily increase since people do not choose to ride trains simply because you increase the size of your train station.



Mayor Paul Dyster has built a \$44 million train station for a city that has only a handful of riders per day - for the first time shifting the cost of operating a train station from Amtrak to the taxpayers of Niagara Falls. Perhaps more people will ride the choo choo train once there is a new train station, but don't bet on it.

Based on \$40 per square foot cost, the Niagara Falls Intermodal will cost \$885,721 per year.

Since 1978, Amtrak officials have been content with the 800 square feet they operate on Willard Avenue near Lockport Road. Peak traffic at the Niagara Falls station averages 30 passengers an hour, an event that occurs no more than four times each day. The smallish waiting room, about the size of a dentist's office, never lacks for seating, even with the hustle and bustle of 15 people getting on a train as another 15 disembark.

There is no likelihood whatsoever that Amtrak will be renting the entire 22,000 square foot new train station. The heavily subsidized and money losing passenger rail line's policy is to rent just enough square footage needed to service the passengers using the station, currently well under 100 a day.

The new station is about 10 times larger than what Amtrak would require based on ridership figures.

The Rensselaer Rail station - the second busiest station in New York and the ninth busiest in America is an example of to what extent Niagara Falls may have been overbuilt. Last year Rensselaer had 781,597 passengers - 20 times the number Niagara Falls had.



Artist's conception: Mayor Paul Dyster poses in front of his new train station. Even if there are few trains and almost no riders, he can at least boast he built a new train station - empty though it may be.



The present train station is small, but large enough to accommodate the average of 30 passengers who leave the falls every day. The good news is that it costs taxpayers nothing to operate. The cost of running it is borne by Amtrak. That will soon change.

Amtrak generated more than \$38 million in sales there to Niagara Falls \$1.9 million or 20 times as much money.

While the Rensselaer Rail Station building has a total of 67,000 square feet on four floors, including offices for rent, and a post office, the public space for the train station is 27,000 square feet.

Amtrak leases 17,000 square feet of that.

The ninth busiest train station in the nation is only slightly larger than the Niagara Falls International Railway and Intermodal Transportation Center.

For a top 10 station, Amtrak doesn't need a train station as large as Niagara Falls.

When Amtrak first leased Rensselaer from the Capital District Transit Authority in 2002, the rent was \$50,000 a year.

The CDTA estimated operations and maintenance costs for their new station at \$900,000 a year.

At \$50,000 per year, Amtrak offered to pay in rent what was expected to be six percent of overhead cost of running the station.

Niagara Falls should expect the same.

Amtrak only pays based on the space it needs - and the space it needs is by the book. Then it pays a proportionate share based on what it thinks is a reasonable overhead.

Niagara Falls will be lucky to get \$1,000 a month from Amtrak for the 800 square feet it needs.

There is no lease now. And readers will no doubt castigate the Niagara Falls Reporter just like they did when predicted the Hamister deal was a phony.

But mark our words, Amtrak will pay only tiny fraction of the cost of operating a wildly oversized train station; the taxpayer will foot the bill for hundreds of thousands of dollars per year - far more than the disingenuous figures DeSantis and Dyster are throwing out today.

The new train station will be an expensive boondoggle which will be utterly empty almost of all of the time.

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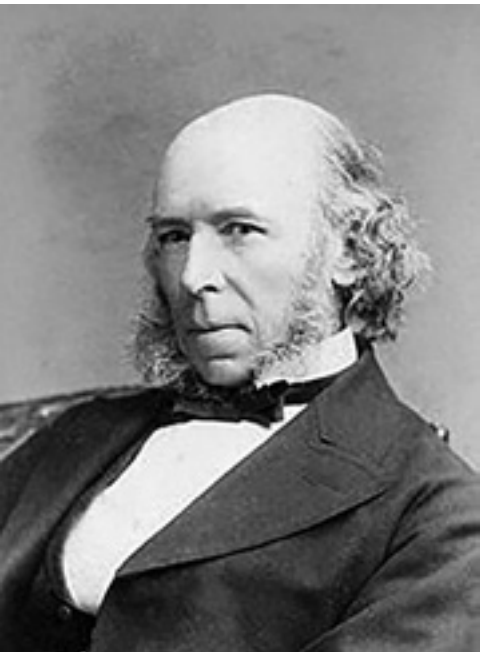
A Libertarian View: War of the Words

Jim Ostrowski

The older I get, the more I think that politics is a battle of the dictionaries. Whoever has the best words, wins. The political movement I have been active in for 35 years is the contemporary revival of the movement that is responsible for most of what is good about the modern world. Alas, today we are stuck with the ungainly term “libertarian”. Is that why we are getting our asses kicked in politics? Don’t tell anyone, but I have a secret plan to recapture the beautiful and etymologically-correct word that our movement was known by for a hundred years or more and still is in parts of Europe: *liberal*.

When I was a senior at St. Joe’s, I was voted “most liberal.” I suppose that was based mostly on my anti-Vietnam War and pro-marijuana legalization views. Although I was in those days a McGovernite Democrat, those views, anti-war and pro-individual liberty, were quite consistent with the original, historic liberal movement that tried to free the world from the old regime of kings, tyrants, dictators, emperors, feudalism and slavery and bondage of various kinds. The great liberals of that era bequeathed to us numerous monumental intellectual and political accomplishments for which they get zero credit today:

- The right of self-ownership.
- The right to own property, derived from the right of self-ownership.
- Natural rights. That is, rights are inherent in the nature of things and not bestowed by government.
- The right of revolution: people have the right to revolt and overthrow governments that systematically violate natural rights.
- The theory of spontaneous order—the ability of individuals in society to coordinate their activities without dictates from a central authority.
- Freedom of religion.
- The Industrial Revolution. It lifted mankind out of the mud, the muck, the despair and the insect, vermin and disease-ridden hovels, shacks, huts and caves of the previous eons. It liberated us from slavery and serfdom and drudgery.
- War and Peace. Before liberalism, war was generally assumed to be an inescapable part of the human condition. War has even been touted for having alleged beneficial effects on the economy. Liberals pioneered antiwar analysis.
- Abolition of slavery.
- Free trade. The early 20th Century liberal Albert Jay Nock accurately viewed tariffs as



Herbert Spencer (1820-1903) said, “Each has freedom to do all that he wills provided that he infringes not the equal freedom of any other.” Was he a liberal?

the robbery of the domestic consumer by the domestic manufacturer. Another aphorism, attributed to liberal thinker Frederic Bastiat, graphically stated another powerful reason to establish free trade: “If goods don’t cross borders, troops will.”

- Free speech and habeas corpus.
- Equal rights for women. It will come as a shock to those who incorrectly view libertarians as extreme right-wingers to learn that their ideological ancestors, the liberals, pioneered women’s rights. See, Herbert Spencer, Social Statics (1851)(Chapter XVI).
- Opposition to conscription.
- The right to bear arms.
- Gay rights. Gays have the exact same natural rights as every other person, no more and no less.
- The Bill of Rights.
- Freedom of travel.

After paving the way for the modern world, around 1900-1920, the old liberals were quickly swept aside by a movement that stole their name and promised to usher in progress even faster using the magic potion of state action (force). The new “liberals,” better known now as progressives, had a better dictionary and dressed up their advocacy of government violence and thuggery with fancy words like “regulation” and “democracy.” If a Martian came to earth and watched what the state does when it “regulates,” she might scientifically report that the government just mugged a guy who was minding his own business. Alas, the progressive state lies with words to cover up its crimes.

What if we stopped lying and told the truth?

- Taxation is extortion.
- Regulation is the extortion of property and liberty.
- Eminent domain is land theft.
- Inflation is counterfeiting.
- Conscription is slavery.
- War is mass murder.

And so begins a new dictionary for these mendacious and troubled times.



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Niagara Falls Boy Battles Rare Cancer As Community Leaders Step Up To Help

Mike Hudson

“Baby Shawn” Kennedy is a happy 5-year-old boy with a big problem. He is full of life and always smiling, but has been diagnosed with a rare form of brain cancer, Diffuse Intrinsic Pontine Glioma (DIPG), a very aggressive cancer located on his brain stem.

This tumor is not operable, and the survival rate for those stricken with the disease is zero.

Last August, Nicole Vathy, Shawn’s mother, noticed what she called ‘night twitches,’ and told her son’s doctor. Soon tests were completed and Shawn was diagnosed.

Niagara Falls City Councilman Ezra Scott has taken a personal interest in Baby Shawn’s plight.

“I’ve known Shawn Kennedy almost since before he was born,” Scott said.

Scott, a Community Liaison Director with Roswell Park, had long worked as a volunteer with children here.

“I did a lot of work with kids in the neighborhood, and I came to know Shawn, his brothers and sisters, and his mother, Nicole.”

Scott is currently working behind the scenes with other city officials to create a series of September events that will highlight the problems posed by pediatric cancer.

“I think we just need to focus attention on this,” Scott said. “Niagara Falls can really take a leadership role here and Shawn and Nicole will be great representatives.”

Baby Shawn is being treated at St. Jude Children’s Research Hospital in Memphis, TN, and the costs associated with treatment and travel have put a strain on the family, his mother and six siblings. He has just reached his six months post diagnosis, which is monumental as DIPG patients are given a survival span of six months to a year after diagnosis. Again this week, Shawn’s mother had to leave her other children behind in New



Shawn Kennedy is fighting for his life.



Niagara Falls Councilman Ezra Scott is working behind the scenes to aid in fundraising efforts for young Shawn Kennedy who has been stricken with cancer.

York, which makes life chaotic and stressful for the family.

An online fundraising drive, at <https://www.gofundme.com/2ueywcwv>, has been successful in raising over \$5,000 of an announced \$25,000 goal, and local fundraisers have helped out as well.

“He never got into toys or cartoons, it’s always been basketball,” Nicole Vathy said. “And the support from the community, I think it’s beautiful.”

Recently, Baby Shawn was able to spend an evening with the Golden State Warriors and his hero, reigning NBA MVP, Stephen Curry. He sat with the team during warm-ups and then afterward got to spend some one-on-one time with Curry.

The NBA star signed and gave Shawn his sneakers and invited him and his brother into the locker room before a game against the Miami Heat.

“You know, if that can find a cure for pediatric cancer, it’s going to be the cure for all types of cancer,” Scott said. “And we really just need to put the children first for once.”



The old religions said that he was an atheist who did not believe in God. The new religion says that he is the atheist who does not believe in himself.

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Swami Vivekananda



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Grandinetti Targeted By Cat Lovers Online For Proposed Anti-Cat Legislation

Mike Hudson

When the Niagara Falls Reporter broke the story of city Councilwoman Kristen Grandinetti's draconian anti-cat legislation here a couple of weeks ago, we had no idea that she would become the target of harassment and threats from cat lovers across the country.

Sometimes a conflict has to occur before a solution can be found," said Grandinetti, who is no stranger to conflict. Her sometimes bizarre Facebook postings alone have generated reams of newspaper copy.

Grandinetti filed a police report over harassing messages that encouraged her to "drown your children" and "kill yourself," delivered both through Facebook and to her personal email account.

The violent remarks directed at Grandinetti were delivered by individuals digitally, and it is uncertain who the distributor, or distributors, of the messages were. According to the report filed with the Niagara Falls Police Department, Grandinetti claimed "aggravated harassment."

"I would like to see you drugged and (urinated) on," one message said.

"Do us a favor and kill yourself," read another.

A majority of her more sensible colleagues moved to table Grandinetti's proposal earlier this month before it saw the light of day.

"No cat shall be fed, sheltered, maintained or harbored that is not domesticated," her proposed new rules stated. "No person shall harbor, maintain or feed any unlicensed or stray cat."

In Grandinetti's perfect world, cats would no longer be permitted to "interfere with garbage receptacles," or to "defecate, urinate or dig" on any property not belonging to the cat owner.

Exactly what constitutes a "domesticated" cat was never spelled out.

Criminal penalties for stray cat feeders and harborers were clearly spelled out by Grandinetti.

"Any person who observes or has knowledge of a cat violating any provision



Niagara Falls Council woman Kristen Grandinetti was not prepared for the outcry that erupted from her humble proposal to put people behind bars if they fed stray cats.

of this chapter may file a signed complaint under oath with the animal control officer or the city specifying the objectionable conduct of the cat and the name and address, if known, of the person harboring said cat."

Grandinetti's rules were replete with penalties for non-compliance, with fines of up to \$250 and jail sentences of up to 15 days for repeat violations.

Amy Lewis, Niagara County Director of Niagara County Society for the Prevention of Cruelty to Animals, spoke strongly against the Grandinetti legislation. Last September, Lewis made headlines when she took to the airwaves and made a startling claim. There are more feral cats, 60,000, in the



Kristen Grandinetti tried to pass a law that would put women like this one in jail for the crime she is committing: feeding stray cats. After an expose in the Reporter the proposed law unraveled as thousands of cat lovers complained.

city of Niagara Falls than there are people, 49,000, she stated. While many doubted her allegation, she never took it back.

In a national survey by the Humane Society of the United States, it was estimated that there are 60-100 million feral cats in the U.S., with approximately 17 million people

feeding about half of them.

In any event, one thing is for certain. Grandinetti's proposed cat legislation is deadlier than the deadliest cat you've ever seen by the side of the road. Her propensity for causing controversy, both in person and on the internet seems very much alive, however.

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Reclaim Niagara Aims To Get Albany Out Of Our Pockets

Mike Hudson

The ways in which the Niagara Frontier, and the city of Niagara Falls in particular, has been ripped off for decades by Albany has been a recurring theme for the Niagara Falls Reporter since the paper was founded 16 years ago.

The New York Power Authority, Parks Commission, Bridge Commission, the Love Canal settlement fiasco, the lopsided payments from the slot machine revenue and more has provided fodder for hundreds of stories.

Now, a group of Falls businessmen have formed a not-for-profit organization dedicated to righting these wrongs. Reclaim Niagara is promising to do something about the inequity.

How is it that a small city that is home to one of the natural wonders of the world and generates enough hydroelectric power to light much of the Eastern United States is also one of the most impoverished and highly taxed cities in the state of New York?

“We have an amazing waterfront, amazing parks, we have power,” said Jason Cafarella, former county legislator who is also a city firefighter and practicing attorney said. “Unfortunately, we can’t succeed as a city as long as the state and its authorities continue to seize our resources from us.”



Businessman Shawn Weber said the group is not looking to take all the money now flowing into Albany’s coffers, but a reasonable percentage that he believes the city is cheated out of year after year in the state budget process.

“They took these assets from us,” Weber said.

According to the group’s website -- www.reclaimniagara.com -- the region’s most precious resources, including Niagara Falls State Park, the Niagara Gorge Corridor and the Robert Moses Power Project, have been effectively seized by state government while the Cataract City built around those natural assets continues to suffer. Among the

website’s chief complaints:

--- The Niagara Power Company was one a privately owned company that paid city property tax. At one point, the taxes paid by this private company contributed to 40 percent of our city’s budget. Now, the New York Power Authority operates a larger, more profitable power project, yet pays no real estate tax to our city.

--- 2015 was a record breaking year for the New York State Park at Niagara Falls. Although the state generates millions of dollars of profit from the park, the state forces the city to use casino money to pay to USA Niagara, the state’s development corporation here.

casino. First, the city gave up very valuable property to the Senecas for the development of the casino. Additionally, the city provides infrastructure and public safety for the patrons. And finally, it is likely that the casino actually hurt local tax paying businesses because local businesses cannot compete with the tax free casino eateries and bars inside. What has the state sacrificed to justify their share of their casino money?

--- New York State has stolen thousands of acres of prime real estate in Niagara. The state has cut the city off from the Falls themselves with its state park and the Robert Moses Parkway. The state has inundated the city with power lines and underground tunnels for the benefit of its power project. The state has taken not only state park, but it also has taken all possible revenue generated therein. And the state has taken advantage of the water rights with the Maid of the Mist. Yet the city has to have the yearly debate about what public service shall be cut to balance the budget. Why do we continuously have to pay to support the state’s prosperous ventures while receiving nothing in return?

Cafarella said the group has been planning its campaign for over a year. A May 7 walking tour is planned and will begin in Schoellkopf Park at the intersection of Walnut Avenue and Portage Road. The tour will proceed along the Robert Moses Parkway South, through the state park, up Old Falls Street and to the casino.

“In a half a mile walk we’re going to see all of our great resources that are all huge opportunities from our city,” Cafarella said.


Patrick Proctor, the owner of Rainbow Air Helicopter Tours and a member of the Niagara Falls Tourism Advisory Board, said the looting will continue until residents “voices are heard.” The group is also circulating participatory petitions, because “with education comes mobilization,” he said.

Every point made by the Reclaim Niagara group has been made for years by the Reporter in 100’s of stories – in almost identical language as any online search will easily demonstrate.


It is gratifying to see that after years of being denigrated as radical, the Niagara Falls Reporter is being accepted as the voice of reason, of foresight, of telling truth to power.

As one of stories headlined eight years ago: Albany is killing the town.


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A look at these cartoons published by the Reporter years ago show that The Reporter has been trying to get people to reclaim Niagara from Albany for years.



Robert Moses, an award winning, epitome of an Albany official (shown with hat) explains to happy and intelligent Niagara Falls residents how Albany's controlling the hydro power generated from the Niagara River will be a great benefit to them.



ALBANY'S VIEW: A thoughtful Albany official, contemplates its perception of the intelligence and perspicacity of a resident of Niagara Falls, N.Y.



Robert Moses (with halo) leads Niagara Falls officials to surrendering local control of Niagara's hydro-power to Albany.



An Albany official explains to happy Niagara Falls officials how creating a tax-free nation in their midst will be really great for them.

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Cuomo Lavishes \$70 Million On Parkway, State Park Little Benefit Seen For Local Economy, Quality Of Life

James Hufnagel

By the time the Niagara Falls State Park Landscape Improvements plan and south Robert Moses Parkway upgrade are finished sometime next year, Gov. Andrew Cuomo will have spent \$70 million derived from Niagara Greenway, “Buffalo Billion” and “NY Works” economic development programs. That’s more than \$140 for every man, woman and child living in the city of Niagara Falls. As the projects near completion, local residents are questioning whether anything much has really changed as the result of all that money being spent. What did we get out of it?

The oft-cited 2011 New York Times piece that infamously pronounced Niagara Falls State Park “shabby”, and that many believe provided the impetus for Cuomo’s extensive alterations to the 130-year-old former nature preserve, was written by Times travel columnist Barbara Ireland.

Comparing the tourist experience on both sides of the border, Ireland cryptically observed that, “in Niagara Falls, New York, the visitor who ventures inside the shabby, underfinanced state park is surprised to discover vestiges of something like a natural landscape.”

The article appeared three years after the 2008 start of the new Niagara Greenway, the first handful of grants from its projected 50-year, \$450 million funding stream having just been awarded. In fact, by 2011, State Parks had already “banked” the greater share of its annual \$3 million allotment. A solution looking for a problem, the Greenway windfall was burning a hole in the pocket of the local office of the staid State Parks agency when the Times travel article fortuitously surfaced.

Ireland is from Buffalo, and prior to joining the New York Times, wrote books and articles on travel and served on the editorial staff of the Buffalo News. You don’t have to be a conspiracy theorist to wonder if James Glynn, owner of the Maid of the Mist monopoly in Niagara Falls State Park, and Jeremy Jacobs, owner of Delaware North, which has the exclusive license to operate food, beverage and souvenir sales in the park, realized that tens of millions in government funding suddenly available to State Parks might somehow end up enhancing their bottom lines through “improvements” to the park, and utilizing close-knit local tourism connections, planted a story in the influential New York Times, the nation’s “newspaper of record”, to get the ball rolling.

Which brings us back to the main topic: How has spending \$70 million on Niagara Falls State Park and the south Moses benefited the city? At the end of the day, what’s different?

Despite an outpouring of public opposition against restoration of the south Robert Moses Parkway (“Public blasts Robert Moses Parkway Proposals for Redesign Project” as headlined in the April 28, 2009 issue of the Niagara Gazette), the New York State Office of Parks, Recreation and Historic Preservation, partnering with the state DOT, USA Ni-



As part of its “Landscape Improvements” plan, State Parks fenced off the walkways on Three Sisters Islands, because they deemed the riverfront too dangerous, even though visitors have had unrestricted access and ventured out on the rocks for literally hundreds of years. Here, a section of the “chicken wire” fence, as some have referred to it, has been shoddily repaired with snow fence on the outermost island.



South Moses Parkway Traffic circle - what a wonderful enhancement to the waterfront, and sublime benefit to downtown Niagara Falls. Thank you, Cuomo and Dyster.

agara and Mayor Dyster, opted for a bigger, better south Moses Parkway, including new signage from the Grand Island Bridge west guiding visitors directly into Niagara Falls State Park. A new traffic roundabout, surrealistic in its splendid isolation on a barren landscape characterized by little more than an out-of-context stone chimney and assorted power authority infrastructure, has two exits - one to downtown and the other running along the river, blocking the city off from nearly a mile of scenic Niagara River rapids as it leads to the parking lots of Niagara Falls State Park.

Although the final Environmental Impact Statement for “Riverway” mentions crosswalks no fewer than eight times, supposedly to allow for public access across the newly-reconstructed parkway, only one seems to be in place, distant from downtown, connecting a particularly blighted section of Buffalo Avenue to an outlook near the power intakes. And since the speed limit at that location is 55 mph, you’d be well-advised not to try to exercise your pedestrian right-of-way when crossing on it.

How exactly did the \$20 million Riverway “fully restore visual and physical access to the various natural and cultural features along the River,” as Gov. Cuomo contends in his press release?

What’s different is that a berm has been removed and a few trees planted next to a pointless traffic circle. What’s the same is that there remains a dedicated driveway into Albany’s Niagara Falls State Park, marring the river rapids, cutting the city off from its waterfront and giving motorists the option of bypassing the downtown business district altogether. Well played, Mayor Dyster.

Originally funded by Greenway to the tune of \$25 million, Gov. Cuomo upped the price tag on his Niagara Falls State Park “Landscape Improvements” plan first to \$40 million, then \$50 million, funded by his NY



Gov. Cuomo loves the little children. He wants them to have a bright future, which is why he’s spending \$70 million on the state-owned waterfront while renegeing on tens of millions in aid promised for downtown Niagara Falls.

Works initiative, which “is designed to reinvent state economic development with innovative new strategy that will put New Yorkers back to work rebuilding the state’s infrastructure,” according to an Albany press release.

Does \$50 million spent on railings, fences, expanded parking lots, toll gates, bathrooms, a food pavilion and cutting down trees in the Niagara Falls State Park “enhance our environment, connect people to healthy, active outdoor recreation and energize local economies,” as Parks Commissioner Rose Harvey stated, or is Cuomo’s massive park makeover simply a mechanism for funneling untold millions to the numerous contractors who contribute to his campaign chest?

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DEC Launches Investigation Into Illegal Dumping In Niagara Falls

DPW participated in environmental degradation at unlicensed dump

Matthew Ricchiazzi



The city sign shop produced and placed signage that indicates that the Department was well aware of dumping activities at a city-owned composting site that has evolved into a full-scale dump – but without the containment mechanisms that are required under state law. The dumping has included construction contractors disposing of construction debris, including drywall, kitchen cabinets, roofing shingles, and blacktop millings.

Since The Reporter broke a story about illegal dumping at a city-operated composting facility last week, the State's Department of Environmental Conservation (DEC) has launched an investigation into the illegal dumping. On the same day, last Thursday, Department of Public Works supervisors instructed employees to put sweeper dirt in dumpsters rather than atop mounds already at the composting site.

When DEC officials arrived at the site on Monday, sources say, they watched a city dump truck as it unloaded more street sweeper dirt at the site. Sweeper dirt is collected by DPW's street cleaning teams, collecting loose blacktop, litter, needles, drug bags, and other debris left discarded on the street. Those DEC officials then collected samples on the site, though they did not speak with the driver of the dump truck.

Last week, DPW Director John Caso claimed that city street cleaning crews were not dumping sweeper dirt at the composting



Street cleaning teams regularly dump sweeper dirt at the corner of North Avenue and 11th Street as a temporary transport site. Sources say that those piles are sometimes left for months.



site and, that if they were doing it, that he would have it stopped. But signage posted on site by the city's sign shop indicates that the city has been well aware of the longstanding practice. One sign reads "Sweeper Dirt Only," another reads "Leaves Only," and another reads "No Dumping."

Mayor Paul Dyster says that the composting site is supposed to be used only for organics like leaves, trees, grass, and stumps.

"DEC has been on the site in the last few days," Dyster says. "We appear to not be handling sweeper dirt properly, on the assumption that it's just dirt."

"We're talking with DEC now," explains Dyster. "Sweeper dirt has to be kept segregated. Now, we're talking about putting it into dumpsters then bringing it to Modern [landfill]."

"DEC takes every tip about potential contamination seriously, and our law enforcement professionals work quickly and thoroughly to investigate any we receive," says Megan Gollwitzer, an official with the agency's regional office. "DEC is aware of nearby registered solid waste facilities and regulates landfills in NYS under the State's Solid Waste Management Regulations (6 NYCRR Part

360)."

"However, DEC is not aware of activities in the location described," she explains. "DEC will investigate the matter and will pursue appropriate enforcement action, if warranted."

They describe a situation in recent months when a contractor was seen illegally dumping "smelly black dirt" at the site. The contractor was approached by Mike Mills, the city official who manages the compost site and a city recycling program. Mills, reportedly said, "don't come back here again," without enforcing city ordinances that would have required fines for illegal dumping.

Meanwhile, near the corner of North Avenue and 11th Street, DPW has been dumping piles of sweeper dirt. Trucks regularly empty at that location. Sometimes piles are left there for months before being disposed. Jeff Smeal is the city official who manages DPW's street cleaning teams. He did not return a phone call to his office.

"There have been illegal dumping problems along North Avenue," Dyster concedes. "But we're not aware of sweeper dirt there."

Nina Manzare runs the city's Clean Neighborhoods program and is responsible

for enforcing ordinances for illegal dumping violations on both private and public property. When asked this week how much the fine for a violation would be, she responded, "I'm not sure." She refused to say how many citations that her office issues in a year, instead directing questions to DPW Deputy Director Robert Spacone.

Manzare says that residents can acquire a free dump permit from DPW offices located at 1785 New Road with their driver's license and proof of residency. With that permit, the resident can dump their garbage at Modern Landfill in Lewiston.

When asked if illegal dumping on the part of contractors looking to avoid costs associated with properly disposing construction debris, Mayor Paul Dyster concedes, "I'm afraid that might be true."

"It's a big, isolated area that is difficult to control," Dyster explains. "It's a 70-80 acre lot... there's no security gate. We have periodically used cameras in the past."

"When we're done hashing it out with DEC we're going to end up with permanent fencing around the site," he postulates.

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Christina Custode To Perform at NCCC Saturday

Acclaimed singer/songwriter/pianist Christina Custode will perform acoustic arrangements of her original music and will be shooting a live video on Saturday (April 30) at Niagara Community College, 3111 Saunders Settlement Rd. in Sanborn.

Custode, a Niagara Falls artist who has won many local and national honors, invites her fans to join her for a night of "songs, stories, & sass," and to join her in the unique live video audience setting beginning at 7:30 Saturday night.

Custode has been recognized locally as the Best Female Vocalist by Artvoice in 2013 and 2015 for her original music which transcends jazz, pop, folk, and rock. She is a classically trained pianist, vocalist, composer/arranger and a graduate of the prestigious Eastman School of Music in Rochester.



Johnny G. Destino

for **BOARD OF EDUCATION**

DESTINO CHAMPIONS USE OF LOCAL LABOR

CHEERS: A bit of good news came out of last week's Niagara Falls school board meeting as it was reported that more than half of the subcontractors providing services on the district's



\$67 million capital improvement project are located within a 20-mile radius of the city. District officials adopted a project labor agreement before starting the project in order to help the immediate area's skilled, union laborers who might have lost out on the work. "It just goes to show we made the right decision. Everything seems to be working as intended to benefit the local economy," said Johnny Destino, a board member who had pushed for officials to do everything possible to help Niagara County and Niagara Falls workers.

- JAN 31, 2014

"It's time to renew our efforts to restore vocational education to Niagara Falls. Let's work together to make sure our children have the same options and opportunities we had growing up."

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TUESDAY, MAY 17

 **Destino**
BOARD OF EDUCATION



Niagara County Judges and Police Conference Honors Law Enforcement Officers of the Year

Tony Farina

The Judges and Police Executive Conference of Niagara County honored the group’s law enforcement officers of the year last Saturday night at Antonio’s Banquet and Conference Center in Niagara Falls.

Selected for their performances in the line of duty were Officer Michael Stover and Lt. Toby Trowbridge of the Lockport Police Department., and Deputy Joey L. Tortorella of the Niagara County Sheriff’s Department.

Niagara County Sheriff James Voutour and Undersheriff Mike Filicetti , the outgoing president of the organization, presided at the awards ceremony attended by more than 230 people.

Stover and Trowbridge were honored for their cold-water rescue of a man who had jumped into the Erie Barge Canal near Main St. in Lockport, apparently intent on committing suicide. The officers swam across the cold canal water in the dark to reach the man and get a life vest on him while waiting for a police boat to reach them. The rescued

man suffered leg injuries and hypothermia but survived. The two officers suffered cuts and bruises and hypothermia but after treatment at a local medical facility, they returned to work the next day.

Deputy Tortorella was honored for his bravery in confronting an armed man on Errick Road in the Town of Wheatfield after he responded to a 911 hang-up call to the Communications Center from the residence located next to an elementary school. Deputy Tortorella confronted a man identified as Duane Bores when he arrived, and Bores was evasive in answering the officer’s questions.

As Tortorella waited for the man to leave the house, he became suspicious and after Bores came out he ordered him to keep his hands up. But Bores did not obey Tortorella’s order, and reached for a handgun in his rear waistband. The deputy fired three shots at Bores as the suspect was reaching for the gun and Bores returned fire, hitting the deputy in the lower front of his armored vest. After additional officers arrived, they located the suspect’s parents inside the house with

gunshot wounds to the face and neck area and the suspect dead in the kitchen, apparently from a self-inflicted gunshot wound to the head.

Sheriff Voutour noted in his remarks that the entire episode was captured on surveillance video from the residence, and it clearly showed the courage displayed by Deputy Tortorella in dealing with the very

dangerous confrontation with an armed and erratically behaving man within shouting distance of an elementary school.

Also on the program Saturday night was a thank you to Undersheriff Filicetti for his service over the last year as president of the Judges and Police Executive Conference, and a welcome to the new president, Town of Niagara Justice James Faso.



Deputy Joey Toetorella and son Sam ...honored for bravery in confrontation with armed man



Undersheriff Filicetti and Judge James Faso ...Faso takes over as Conference president



Officer Michael Stover (l) and Lt. Toby Trowbridge ...Lockport officers honored

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Trane Seeks Lewiston Highway Superintendent Appointment, Will Run For Post

Dave Trane has announced he is seeking both the Lewiston Town Board's appointment as town Highway Superintendent and will be running for the office in the November elections. The position has been vacant since February with the death of Douglas Janese who was re-elected last November in a narrow victory over Dave Trane.

"I have made no public remarks up until now on the position out of respect for the Janese family," Trane said. "But now is the time to publicly announce my interest in being appointed Highway Superintendent and

running in the election this November."

Trane is a retired Niagara Falls firefighter and before that service he worked for the New York State Department of Transportation for ten years. During his time with the Department of Transportation Trane worked as a laborer, equipment operator and crew chief. "I certainly know the work of road maintenance and construction and I can use those experiences to quickly move into the leadership position in the Lewiston Highway Department," Trane said.

Trane has earned New York State Code

Enforcement Officers Certificates for general construction principles and also has taken numerous courses at Cornell University's School of Industrial and Labor Relations focusing on public employee law. Trane served as Vice President and President of Local 714, the Niagara Falls Firefighters Association.

"My background in labor relations is an important credential in managing the Highway Department," Trane said. "We need to tap into the experience and dedication of our workforce to assure the most productive

and efficient services for the people of Lewiston."

The Lewiston Town Board has the authority to appoint an individual to fill the vacancy for Highway Superintendent until the special election in November. "I only ask that the Board makes its decision based on the credentials of the applicants for the position," Trane said. "But it must be noted that as the Democratic candidate for Highway Superintendent in last November's election, I lost by the slimmest of margins, only seven votes. If the Board looks at credentials and not partisan considerations, along with my proven support of the people of Lewiston, I am the logical choice for Lewiston Highway Superintendent, fully capable of taking on this important office."

Carm Rotella

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Carmelette Rotella

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Ask the Judge Column Begins



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You've seen his ad in this newspaper and elsewhere, and now retired State Supreme Court Justice Frank Bayger is inviting you to submit legal questions pertaining to personal injury or wrongful death cases to him for a published response.

Just email your questions to Judge Bayger, a Hall of Fame trial lawyer, and the judge will respond in writing on the pages of the Niagara Falls Reporter. Send your email to frankbayger@gmail.com and the judge will respond. We expect to answer at least one question every week.

Judge Bayger, who has won millions in personal injury and medical malpractice verdicts, has returned to the practice of law and has offices at 2578 Niagara Falls Blvd., Niagara Falls (see ad). He won the largest verdict in state history (\$12.5 million) against a communications company when he represented the late restaurateur John Prozeralik of Niagara Falls in a defamation action against a television and radio station.

Rotella offers experience and balanced view on school board



Carmelette Rotella

As each academic year nears its end, the Board of Education and District staff celebrate the more than 100 business and not-for-profit partners, as well as parents, grandparents, and other volunteers, who take an active role in students' education year after year. At the annual Parents and Partners Dinner Celebration, we honor these partnerships, which provide unique resources and opportunities; Niagara Falls is a leader in seeking out and maintaining these relationships. This year's dinner will be held on May 12, 2016 at Niagara Falls High School.

One of these partnerships is with Niagara University, which provides professional development for staff, academic summer camp for young students, student teachers, as well as a collaborative relationship in working with District staff to design a Pre-Kindergarten through college, vertically aligned, cohe-

sive curriculum plan. This "Pre-K to 16" model helps us assure that each student graduates prepared for college.

Our STEM program has drawn on the knowledge and creativity of multiple partners, like Roswell Park Cancer Institute, which connects teachers to expert technicians and researchers in the field of cancer study. These experts work with teachers to engage students in research on the biology and genetic basis of cancer and cancer detection, diagnosis, treatment and prevention.

The University at Buffalo has assisted in similar ways in the field of engineering; Niagara Falls Memorial Medical Center plays a similar role with respect to biosciences, and National Grid has played a key role in advising on curriculum, while DuPont has funded STEM opportunities for younger students.

Niagara Falls Memorial Medical Center also partners by providing the services of

Tony Surace, who works as an athletic trainer with students and assists NFHS sports teams when injuries occur.

New partners, too, like Menchie's Frozen Yogurt, have come on board in a strong way, providing incentives for reading programs and attending Family Fun Nights at multiple schools. Other restaurants, like Pizza Hut, have provided parent groups with fund raising opportunities, and many donate to the Post Prom Party.

The Niagara Falls Housing Authority partners in many ways, too, offering the Advantage After School Program, participating in the annual Rev. Dr. Martin Luther King Jr. Celebration, and more. When the school year ends, NFHA's commitment to students does not. The Niagara Falls Housing Authority collaborates with the District to offer a very popular Summer Camp program at Niagara Falls High School, which keeps students engaged

and entertained during the summer months. Last year the City of Niagara Falls was also a participant.

Not for profits, like Community Missions, provide another valuable experience for students: the chance to volunteer and to see firsthand the need in our community.

The time and dedication each partner contributes is secondary to the real gift they offer: encouraging young people and demonstrating a commitment to their development. These partners make it clear to our students that young people matter. They provide wonderful role modeling for students by demonstrating being part of a community means taking a role in it.

As a Board member, and a retired teacher, I know how valuable these partnerships are; we owe our Adopt-A-School Partners, as well as all our volunteers, our gratitude. They make a difference in the lives of our students.

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"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

Better Cooperation Between City And School District Long Overdue



Destino is a 2014 Leadership Niagara graduate and a recipient of the NYS School Board Association's Life-time 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.

Johnny Destino NF School Board - 2016

The most recent project I've been involved with was helping select a new operator for Sal Maglie Stadium. Needless to say, I think the City of Niagara Falls has hit a home run with the new group currently making major aesthetic improvements to the ball park – including plans to erect a new scoreboard and playing host to major youth baseball tournaments.

To make this a true success story, however, will require a serious commitment of cooperation between the City and the School District. And for that, I will need your help on May 17th in this year's election for Niagara Falls School Board. In short, we need to make sure the new baseball diamonds at NFHS are going to be made available for youth baseball tournaments.

We are finally seeing the pieces fall into place. New hotel construction throughout the city means that families traveling to our city for baseball tournaments will have increased access to local accommodations. Our biggest problem for years has been tourists bypassing our city and heading straight into the State Park for an afternoon before leaving town for dinner and family entertainment.

With Sal Maglie Stadium once again being a major city attraction, its location on Hyde Park Boulevard will draw visiting families away from the State Park and into our local restaurants and businesses. Most immediately, I would expect a rejuvenation of our Pine Avenue business corridor as traffic at our local restaurants and shops increases.

The local youth baseball leagues are excited as well and have begun to make

improvements to their diamonds in anticipation of the summer tournaments. By utilizing baseball diamonds at Hyde Park, Midtown and NFHS, Sal Maglie Stadium would become the showpiece for tournaments of substantial numbers of teams – most of which will be traveling from outside the region.

The highlight of my term on the Niagara Falls School Board was the successful completion of the \$66.7 million capital improvement plan – carried out at no-cost to local taxpayers – that resulted in the creation of the amazing turf athletic fields at Niagara Falls High School and LaSalle Preparatory School. The public was told that they would be used for the community. It's time to make good on that promise.

Another important issue I want to move forward on is the Veteran's exemption authorized by NYS in 2014. We've seen other school districts act on delivering this important benefit to those who served in our armed forces and it is time to put this measure up to a vote once and for all for the Veterans of Niagara Falls who honorably served their country.

There has never been a more important time to elect dedicated and competent leadership to our board of education. In addition to being an attorney, I am currently pursuing my School District Business Leader certificate at SUNY Brockport. My commitment to education and financial accountability places me in the best position to help make sure that we allocate the renewed and restored NYS school funding where it will do our children the most good: in the classroom.

I am asking for your support on Tuesday, May 17th to represent you on the Niagara Falls School Board.

Thank you.

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Bipartisan Senate Energy Bill Will Strengthen Economy and Unlock Good Jobs and Clean Energy

The Laborers’ International Union of North America – LIUNA made the following statement on Senate passage of S. 2012, The Energy Policy Modernization Act of 2012 crafted by Senators Murkowski (R-Alaska) and Cantwell (D-Washington):

On behalf of the 500,000 members of the Laborers’ International Union of North America, we commend the Senate on their bipartisan vote (85-12) in favor for much needed energy legislation that will strengthen our economy and unlock good jobs and clean energy.

The bill streamlines the process for construction of pipelines on federal land and the natural gas export permit application process, which will help position the United States to lead globally as a clean energy super power, bring affordable energy to U.S. consumers, and create good jobs. It will also increase investment in renewable energies such as wind, solar, and hydropower and amend the Federal Power Act to encourage hydropower development by extending the total period for preliminary permits.

The bill has important provisions to incentivize energy efficiency for new state and commercial building construction; including a requirement that the Department of Energy work closely with manufacturers to invest in the research, development and commercialization of updated energy efficient technologies.

Senate Bill 2012 also addresses critical gaps in America’s nuclear energy research and production. LIUNA strongly believes that nuclear energy is not only integral to a clean energy economy, but it provides good jobs for workers across the country.

LIUNA urges the Senate and House to work together so that this bill can be conferenced and presented to the President and become law.



Are Grandparents Automatically Entitled To Visit With Their Grandchildren?



Nicholas A. Pelosino, Jr., Esq.

We all know that grandparents do many things for their grandchildren and these meaningful relationships are as varied as the people in them and the families of which they are a part. Grandparents may become caretakers when needed; grandparents can have special teaching roles; some grandparents are all about doing fun and meaningful activities with their grandchildren; and some grandparents simply love to spoil their grandkids with love, affection, and attention.

When a positive grandparent-grandchild relationship is interrupted by a parent cutting off contact, both grandparent and grandchild can suffer. Sometimes those involved can talk through the problems and come to a solution that allows the relationship to continue, but not always.

In New York, grandparents have a right to seek assistance of the court to obtain visitation with their grandchildren. As with any legal issue dealing with children, the test is always what is in the “best interest of the child”.

A grandparent may pursue visitation when one or both of the grandchild’s parents are deceased or when the “circumstances show that conditions exist which equity would see fit to intervene ...” This is usually accomplished by the grandparents filing a petition for visitation in family court seeking visitation with their grandchild or grandchildren.

In some ways, New York’s grandparent visitation laws are more liberal than those of some other states. For example, some states only allow grandparental visitation requests in extreme situations, like the death of one or both of the child’s parents or a similarly grave circumstance. However, New York allows grandparents to petition when both parents are alive based on equity, meaning fairness.

New York may also allow grandparents to request visitation when the parents’ parental rights have been terminated or even when the child has been adopted by another family.

But filing a petition for grandparent visitation does not guaranty it will be granted. Grandparents in New York do not have an automatic entitlement to visitation with their grandchildren. The court must first look at whether the grandparent has what is called ‘standing’ to proceed, which essentially means a legally protected interest which the court will determine by looking at the “nature and extent” of the grandparent’s existing relationship with the grandchild and whether it is sufficient enough for the court to consider preserving the relationship through visitation. Standing is generally recognized where the grandparents had maintained substantial ongoing contact with their grandchild from the time of the grandchild’s birth until contact was terminated by the parent. If the parents have objected to contact, the court will look at why and at whether the grandparent made reasonable attempts at continuing the relationship under the circumstances.

For example, a parent may not have allowed physical contact, but the grandparent may have continued to try to sustain the relationship by having sent cards and gifts or having kept phone or electronic contact with the grandchild.

If the court finds the grandparent has standing, it will then determine whether grandparental visitation is in the child’s best interest. The judge will consider the unique circumstances of each family and grandchild. For example, New York courts have considered the nature of the relationship and whether the grandparent “supports or undermines” the child’s relationship with the parents, including whether the grandparent’s relationship with the parents is a negative one.

Finally, the court must give special weight to a fit parent’s choice to keep his or her child away from a grandparent, considering the parent’s constitutional right to care for the child and make parental decisions.

Having been involved with hundreds of grandparent visitation cases over the last 26 years, I can tell you from experience that grandparents and their children should try to do their best to resolve their particular conflicts short of placing their “dirty laundry” in front of a judge. Much too often I have seen family relationships forever broken by petty and insignificant arguments between family members which usually always ends with the grandchildren being adversely affected.

New York grandparent visitation law is much more complex than this introduction can cover. Any grandparent who is considering pursuing a visitation order (or custody order, if appropriate) should speak with an experienced lawyer in this area of the law.

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

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Will America Vote For Or Against The Constitution?



**J. Gary
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The Right Side

In order to get America back on its feet we need to create jobs for the American people and do it fast. We are in an energy and economic crisis. We must become energy independent if we are to survive as a Nation. Right now the Saudi King and his OPEC followers are running our economy with an overwhelming influence on the price of oil.

When North Dakota started hydro-fracking and pumping oil, we increased domestic output to over a million barrels a day – and we did it in less than 2 years. OPEC

panicked and started dropping the price of oil about a year ago – for no other reason than to shut down our fracking operations in North Dakota.

Then oil production in North Dakota's Bakken shut down, because prices couldn't sustain production costs. The average pay to all North Dakotans was over \$60,000 p/annum just over a year ago – and unemployment was near zero. Not anymore.

The cost of oil being down is a good thing, but how and why it got there is not. Saudi Arabia should not be exercising that kind of control over our economy.

President Barack Obama is a puppet of the Saudi King. A President of the United States of America shouldn't bow to anybody. He shouldn't hide his identity; he shouldn't hide his scholarship records; he shouldn't hide who paid for his expensive post college tour to Muslim Nations.

A real President doesn't hide his passport from the American people and he doesn't alter his Selective Service records. He doesn't produce a "Birth Certificate" after looking for it for 4 years only to learn that it is forensically suspect.

When Obama directed the EPA to shut

down 40% of our power plants because they are coal fired, I wrote several articles warning of Obama's use of the Environmental Protection Agency as a unilateral legislative branch. That's unconstitutional. The Supreme Court has said as much.

If a President Donald Trump were to request that all 50 States take part in an energy-to -prosperity program by building a single new power plant in each state – powered by what each state feels is in it's best interest – we would see America moving in the right direction. We'll revive steel plants and cement factories – and could do so with American materials and American citizens.

On Tuesday, March 15th Hillary Clinton echoed Obama's words in 2008: "I will close all coal mines and coal possessing operations." Clinton admits that she plans to follow in the Obama Administration's footsteps.

This election isn't a question of Donald Trump or Hillary Clinton. It's a question of whether you support the American Constitution – a brilliant triumph of human governance unparalleled in the annals of global history – or not. I, for one, will be voting for our Constitution – and in doing so, will be voting to save American itself.

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