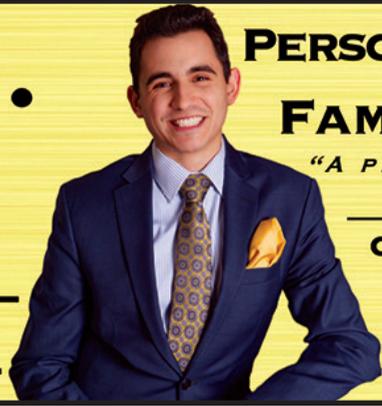


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CITY ATTORNEY: IT WAS NOT A LEGAL SALE

Seth backtracks; tries to blame Reporter for present woes.

By: Frank Parlato
Analysis

Perhaps the biggest controversy this election season centers around the sale of an old, vacant house in Niagara Falls, NY - at 424 Memorial Parkway.

The public debate over this property has been intense.

The dispute centers around the role that Seth Piccirillo, who heads the Niagara Falls Community Development (NFC), played in the sale. Seth is running for mayor, being the handpicked successor of Mayor Paul Dyster.

Here is what happened: In 2017, the city put 424 Memorial Parkway, a 3,100-square-foot, five-bedroom house, assessed for \$48,000, up for sale. It was run down and in



need of extensive repairs.

The NFC advertised a Request for Proposals (RFP) for the purchase and renovation of this property.

There were two bids.

After getting community input, the City Council

(Cont. on pg. 2)

OTB Denies Wrongdoing Retains High Profile Buffalo Attorney to Review Reports

By: Tony Farina
Analysis

Faced with widespread published reports of an FBI investigation into the awarding of contracts, Western Regional Off Track Betting Corp. has retained leading Buffalo attorney Terry Connors to conduct a thorough review.

"The board has hired me to look into the matter," said Connors, declining further comment at this time, but referring to a statement recently issued by the

(Cont. on pg. 3)

Fate of Memorial Pool Up in the Air

By: Brendan McDonough

The start of summer about a month away but the fate of North Tonawanda's Memorial Pool is on the minds of many local residents. At issue is if it should be replaced, repaired or eliminated altogether.

This past Tuesday night members of the Common Council heard from an Ohio based consulting company hired to con-

(Cont. on pg. 7)

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NIAGARA COUNTY
*** LEGISLATOR ***
7TH DISTRICT

FATHER - LEGISLATOR - ENTREPRENEUR



NIAGARA FALLS

Not Legal Sale Cont.

cil chose to sell the property to Ryan Cali and Matthew Melcher for \$1,000. They turned down a higher offer of \$7,500, from Mark, Michael and Matthew Valle, because the Valle brothers did not plan to live in the home.

On July 26, 2017, the city sold 424 Memorial Parkway to Cali and Melcher.

As a condition of the low [\$1,000] price, the city required the couple to renovate the house and live there, or else the property would "revert" back to the city.

The deed itself recited that Melcher and Cali "must rehabilitate the property up to Code within one year of the date of this deed and must reside in the home for not less than five (5) years from the date of completion of rehabilitation; THE PREMISES shall revert to Grantor upon failure of Grantees to comply with these conditions."

Mayor Dyster signed the deed.

After closing, Cali and Melcher started renovations, but it soon became apparent that renovations were more difficult than expected. They did not fix the house. They did not live there. In fact, they broke up.

Cali said, "We had big plans at the time for that home, but as many people are unfortunately aware, sometimes life has another idea. In our case, it did."

The one-year period to renovate the home ended on July 27, 2018.

On this date, Piccirillo, as head of NFCD, should have enforced the contract's reverter clause and took possession of the property.

Instead, when Cali and Melcher asked Seth if they could try to sell the property to someone else, Seth said he "wanted to help find a solution for the renovation and the purchasers" – in violation of the terms of their contract.

He authorized the owners, he said, to "look for a new purchaser, with the understanding that it would need to be approved by the city council."

But somehow the city council was not told about a sale until after the house was sold and closed to someone else- who happened to be a Dyster supporter.

Cali and Melcher sold the house to Karen Mock – a Dyster supporter – for \$10,000 - 10 times more than what they paid for the house - in December 2018.

Cali said, "This was the transfer of the property to someone who we met during our process with the house, who shares the same passion for the street and the city as we did. Someone who is going to put their heart and soul into it and stay there, for

years to come."

After the sale, NFCD was contacted by Mock, who lives across the street from 424 Memorial Parkway. She informed Seth she purchased the house.

Seth did not object, although he admitted, "The department did assume that it would be notified before sale, rather than after."

The whole thing looked pretty suspicious.

Multiple parties had expressed interest and inquired about buying the property, seeking to learn when it would be rebid so that they might compete to buy it.

Seth downplayed this saying that those other people interested in the property were owners/operators of short term rentals.

The property however was never rebid. It was purchased by Mock on December 6, 2018 from Cali and Melcher - who did not have clear title.

Mock told Seth that her son, Noah Munoz, would live in the house for five years and renovate it within one year – just as Cali and Melcher had agreed to do.

In order for the purchase to have been legal, the City Council had to approve a deviation from the contract.

The sale to Mock might have gone unnoticed, but members of the Memorial Parkway Block Club found out that the property had been transferred without anybody else getting a chance to bid. They were upset. After all, Mock had gotten more than her fair share of sweetheart deals.

She was a member of Dyster's Healthy Community Committee. Seth was also on the committee.

A few years ago, Seth helped arrange a city-owned Chilton Avenue apartment house be sold to Mock, or a company owned by her, for \$500. The Chilton Ave. property had an assessed value of \$37,260. And came with a \$40,000 reimbursable grant for renovations.

Seth said at the time that it was natural that someone on his committee should get an almost free house from the city.

"It doesn't surprise me that someone involved in the group was interested in that vacant property," he told the Gazette. "But I don't think there's a headline — member gets a sweetheart deal — that's really not the case."

Before that, Mock purchased a property on Memorial Parkway for \$500 from the city.

According to a neighbor, Mock failed to remedy code violations on a structure on a lot she owned adjacent to her home. The city demolished it and she failed to pay the

Subject: Re: 424 Memorial Parkway

From: Craig.Johnson@niagarafallsny.gov

Date: 2/4/2019, 12:59 PM

To: Seth.Piccirillo@niagarafallsny.gov

CC: Mark.Diodate@niagarafallsny.gov, Nicholas.Melson@niagarafallsny.gov, Andrew.Touma@niagarafallsny.gov, William.Kennedy@niagarafallsny.gov, Ezra.Scott@niagarafallsny.gov, Christopher.Voccio@niagarafallsny.gov, Kenny.Tompkins@niagarafallsny.gov, "James Bragg" <jbragg@nfez.org>

An email letterhead from City Corporation Counsel Craig Johnson to Seth Piccirillo. The entire email can be found online at NiagaraReporter.com.

bill for demolition. The city then took the property then put it up for sale and Mock actually purchased it from the city at a much lower price than what it would have cost her for the original demolition.

In short, she got a free demolition.

Seth insists he has no relationship with Mock "outside of this situation and other community meetings."

Meantime, as the controversy over 424 Memorial Parkway expanded, Seth realized it wasn't going away. Seth, backtracking, went to the council and proposed, after the fact, that the council approve the sale to Mock.

If they would not do that, he then proposed that the city re-purchase the home, using public money, to make sure Mock did not lose any money. He wanted taxpayers to pay Mock \$10,000 for a home the city had sold for \$1,000.

When questioned, Seth explained that his department had done this before when he decided someone faced "undue hardship."

Leaders of the Memorial Parkway Block Club became more incensed with the idea that taxpayers should bail out Mock for the illegal sale. They sent complaints to the State Comptroller's Office and the U.S. Department of Housing and Urban Development, demanding an investigation into Piccirillo's alleged "inconsistencies."

"We would appreciate your investigation into this matter," the Block Club wrote to authorities.

Then, when the media found out, Seth became defensive.

"We have not violated any of our procedures," Piccirillo told the Buffalo News.

Piccirillo claimed the Niagara Reporter "published false information about me" and, suggesting he had the moral high ground, added, "I do not think it is fair to assist one person with a hardship and not another, even if it triggers personal attacks. Being written about in your paper is not a reason to change a process that was fair to others."

Mock declined to answer questions about the case. "It's being handled legally," she told the Buffalo News.

But an internal email sent by city attorney Craig Johnson reveals that city officials knew there was no question regarding the legality. This was an illegal sale.

After he got caught, Seth asked the city attorney to give him cover for the illegal sale. Johnson could not oblige. He wrote to Seth, copying the city council and others, on Feb. 4, 2019, two months after the illegal sale to Mock.

Johnson wrote, "The proposed letter was prepared as a defensive strategy so that when the media or Memorial Park Block Club members question how this transfer in December took place and what the City planned to do about it, I had an answer. ...

"The fact of the matter is that the City Council approved the sale of 424 Memorial Parkway [to Cali and Melcher] and as part of that sale, imposed certain conditions which were among your home ownership auction conditions. The City Council is the only entity that can grant a reprieve from complying with conditions that it imposed.

"Therefore, prior to the December, 2018 transfer from Cali and Melcher to Mock and Munoz, proper protocol would

have been for a request to have been made to the City Council to amend its prior approval of this transfer based upon the extenuating circumstances of one of the parties ... That did not happen here which has resulted in certain neighbors in the vicinity of 424 Memorial Parkway to crying 'foul.'

"At this point it appears that a request should be made to the City Council to determine whether or not it will approve this transfer/sale from Cali and Melcher to Mock and Munoz nunc pro tunc. In the event the City Council approves this transfer/sale on a nunc pro tunc basis because of extenuating circumstances, I do not see this office having any further involvement in this matter. If however the City Council does not approve this transfer/sale nunc pro tunc, then I do not see this office having any choice other than to proceed to enforce the City's right of reverter."

As it stands today, the Council will be asked by Seth to decide between allowing Mock to keep the property or buying the property from Mock for the alleged price she paid of \$10,000.

As Johnson indicated, it's not the Council's only option. They may elect to direct the enforcement of the contract and have the city take possession of the property, as it should have done on July 27, 2018.

Critics of paying Mock or allowing Mock to keep the property say it violates:

1. Fair and equal competition (other parties were interested)
2. Public resources (the public is entitled to receive the best possible price for their property and this can't be known without bidding)
3. Separation of Powers (allowing Seth to exceed his authority sets a precedent that administration official may supersede the council.

A decision to enforce the contract and take back the property is the only option that does not violate principles of good governance. Mock should not be rewarded for circumventing the process to gain the property from the public.

The council seems to have little appetite to buy the property from Mock.

Councilman Kenny Tompkins said it is not going to happen.

"There is not one councilmember willing to vote to buy the property back for \$10,000 or at any price. We are going to consult with legal counsel," he said.

Council Chairman Andrew Touma said of Seth's violation of law, "He made a mistake. He didn't go through the proper protocol and he needs to. The council is going to make sure that we make this right."

In the end, Seth had as much authority to tell Cali and Melcher they could sell the property at Memorial Parkway as I would have to tell you to sell the Statue of Liberty.

Sometimes it seems to me that Seth shoots before he aims. It's always 'ready, shoot, aim' with him.

But to hear him tell it, he did nothing wrong. It's all the Reporter's fault – making up stories about him when, in reality, this young man runs his department like it was his own fiefdom.

I wonder if he will act the same way in the ungodly event that the people of this city chose to elect him as mayor.

TOGETHER WITH the appurtenances and all the estate and rights of the Grantor in and to the said premises.

SUBJECT TO the following conditions:

GRANTEES must submit a detailed repair/rehabilitation plan to Grantor within 60 days of the date of this deed;

GRANTEES must rehabilitate the property up to Code within one year of the date of this deed and must reside in the home for not less than five (5) years from the date of completion of rehabilitation;

THE PREMISES shall revert to Grantor upon failure of Grantees to comply with these conditions,

TO HAVE AND TO HOLD, the above granted premises unto the said Grantees, and said Grantee's heirs, distributees and assigns forever.

SUBJECT TO the trust fund provision of section thirteen of the lien law.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal the day and year first above written.

CITY OF NIAGARA FALLS, NEW YORK

ATTEST:

Lisa A. Vitello
City Clerk

Paul A. Dyster
PAUL A. DYSTER, Mayor

The deed from the original home sale showing conditions necessary for the buyers to complete as well as Mayor Paul Dyster's signature. The entire document can be found online at NiagaraReporter.com.

Fundraiser Set for May 11 for Young Man With ALS

There will be a fundraiser on Saturday, May 11, at the Town of Niagara Active Hose Fire Co. at 6010 Lockport Rd. in Niagara Falls to benefit Michael Pierce, a husband and father who has been recently diagnosed with ALS (Lou Gehrig's Disease) and has been unable to work because of his illness.

All of the money raised will go towards Michael's medical care, safety equipment, and to provide financial assistance according to his mother, Patricia Finley.

"Michael has worked his whole life and no longer can work due to his disability," said his mother. "As a result his business, P & K Hardwood Floor Restoration is suffering."

Anyone who wishes to support the event is invited by the Pierce family to contact Patricia Finley at 716-298-5863 or at pfinley123@live.com. to arrange to volunteer time, donate a basket, or make a monetary contribution to help this young man in his time of need.

The fundraiser will begin at noon and pre-sale tickets for beer and food for \$25 can be arranged by contacting Patricia Finley by phone or at the website. There will also be a unique basket sale and a 50/50 prize at the door with the drawings for the baskets beginning at 5 p. m.

The Town of Niagara Lions Club has committed to serve their famous cheesburgers and hot dogs with salad and beverage for \$8. The \$25 ticket covers food and drink all day and the food will include homemade baked goods.

Pat Finley said her son has remained positive despite his illness and she is hoping for a strong turnout on Saturday, May 11, to let Michael know that people are with him during these difficult times.

Councilman Tompkins Honored with DeWitt Clinton Award

Kenny Tompkins is being recognized for his contributions in community service.

DeWitt Clinton was the creator of the Erie Canal, Mayor of New York City, Governor of New York State and a noted Mason. The Award is given to volunteers who have made a notable contribution to the citizens of their community. It is the highest award given by the Grand Lodge of Free and Accepted Masons of the State of New York for voluntary community service by a person who is not a mason.

Niagara LaSalle Lodge #132 of Free & Accepted Masons in Niagara Falls, New York, released the following statement:

Six weeks prior to the 2016 annual Memorial Day parade, Kenny found out it was not going to be held. He started making phone calls and put out a social media plea for sponsors and floats. He pulled together the Community Memorial Day Parade with over 50 floats and walkers and paid tribute to 12 WWII veterans.

In 2017, he orchestrated "Summer-



Niagara Falls City Councilman
Ken Tompkins



fest at the Sal" after a local band called asking to be in the parade. Unfortunately, at that time, we were not equipped to have a flatbed truck haul a band down our parade route. He suggested having a concert at the end of summer. This benefit concert now showcases 7 bands, 25 vendors selling their wares and several food trucks all to benefit the Niagara Falls Firefighter Christmas Toy Fund. To date, over \$23,000 has been raised to give our local less fortunate children.

In 2018, Kenny was made aware of a veteran who was taken advantage of by a local contractor. He coordinated over 40 vendors and subcontractors to build a \$60,000 addition.

Finally this year he has built the Michael Lammerts Project float for the parade. It is comprised of pictures and descriptions of service for any veteran who was KIA, MIA or deceased after service.

OTB Cont.



WROTB Board of Directors which noted that all contracts are reviewed by an independent board.

The statement reads, in part, that any FBI investigation, if there is one, "would learn that our contracts are reviewed by an independent Board of Directors appointed by the County Legislatures of 15 counties and the Mayors of two cities. These contracts are audited, public documents and available for public inspection."

The statement goes on to say that WROTB has procurement policies that are strictly observed, adding "we are proud of our record at WROTB, as the only municipally owned and operated gaming facility in New York State."

In addition, the WROTB statement adds that "we are not just a strong economic driver for Western New York, but we provide critical funding for community development which creates jobs, protects families and helps to offset tax increases for residents."

During a recent interview with this newspaper, Henry Wojtaszek, president and CEO of Western Regional Off Track Betting and Batavia Downs Gaming, said "we were able to give back \$3 million in profits for 2016-17 to our OTB localities," referring to the 15 counties and two cities (Buffalo and Rochester) that comprise the OTB network.

Wojtaszek, a former Niagara County GOP chairman and former top aide to retired State Sen. George Maziarz, was the target of several charges by Maziarz last February, including allegations of a bid-rigging scheme in Niagara County and giveaways to friends and families at OTB.

There had already been several investigations into the bid-rigging allegations by Maziarz, but the probes led to no charges. Nonetheless, Maziarz, who chose not to seek re-election in 2014 as state and federal investigators were reviewing his campaign spending, has continued his attacks on his former top aide and other former associates. The alleged bid-rigging is now being reviewed yet again by a special prosecutor requested by Caroline Wojtaszek, the wife of Henry who is also the Niagara County district attorney.

The FBI has neither confirmed nor denied any probe into the awarding of contracts by WROTB which were allegedly made to politically connected firms, according to unnamed multiple sources in published reports.

Help Find a Path to Life for Children With DMD

Tony Farina

Life comes with many challenges but very few can compare to the pain faced by the parents of a child with a rare genetic disease of which there is no known cure and leads to early death.

At this time, there is no hope for children suffering from Duchenne Muscular Dystrophy (DMD) but with dedicated medical research, there is hope that someday scientists will find a way to overcome this deadly disease and give life a chance.

That's why we are asking for your help by contributing to research to find a path to life for Suneel Ram of Amherst and other children across the country, mostly young boys, who are suffering from DMD and living with the hope that someday a cure will be found that may save their life.

The good news here is that there is a way to help support the research that is needed to fight this disease simply by purchasing a colorful and decorative coffee-table book featuring photographs and brief biographical sketches of 42 of Western New York's most accomplished women.

The book, "Women in the City of Good Neighbors," was commissioned and published by the Suneel's Light Foundation with the hope of giving life a chance. It is a charitable foundation that was established with the sole purpose of fighting and overcoming this deadly disease.

You can obtain this bright and eye-catching book for your home and at the same time contribute to this most worthy cause for just \$40, plus shipping and handling costs, by going to the Suneel's Light website, www.suneelslight.org, or by calling 716-243-0882.

We all face challenges in our daily lives and we probably all know of someone close who is suffering from an illness and needs our love and affection to keep going. We do our best, but sometimes there's a chance to step up and do something that could eventually save many young lives down the road. You have that chance right now.

As a parent, I know childhood diseases all too well and can feel the pain of other parents who are living with children affected by diseases including DMD. I'm asking for your help with a small contribu-



tion to give life a chance for these children. I know you will feel better for it.

We are called the City of Good Neighbors and I'm asking that you respond to this call to arms to help give these children a chance to live. What could be more important than giving these children hope?

Thank you for the quick read and I hope that it tugs your heart in the right way and you can go to the website or make the call and contribute to this very worthy cause.



THE CRIME

WEEKLY HEADLINES

-Niagara Falls Police responded to 24th and Michigan Avenue in the morning hours of Monday, April 22nd, 2019, for a rabbit whom the caller stated had been running in circles for fifteen minutes.

-Niagara Falls Police are investigating a robbery at Dicamillo's on Pine Avenue that occurred in the afternoon hours of Monday, April 22nd, 2019. According to reports, a worker was punched in the face by the suspect who fled after the incident.

-Niagara Falls Police responded to reports of an armed robbery at the gas station on 9th and Pine Avenue in the afternoon hours of Monday, April 22nd, 2019, where an employee was punched in the face. An employee sustained some injuries as a result of an altercation with the suspect. It was reported that the suspect also sustained injuries. Police believe the suspect was the same individual who perpetrated the DiCamillos armed robbery an hour before.

-Niagara Falls Police responded to 79th Street School in the afternoon hours of Wednesday, April 24th, 2019, after reports of kids damaging property. According to police, one of the juveniles even had a fire extinguisher.

-Niagara Falls Police responded to the 2000 block of LaSalle Avenue in the late evening hours of Thursday, April 25th, 2019, for reports of shots fired resulting in property damage. According to police, no injuries were reported and an investigation is continuing.

-Niagara Falls Police were contacted this past week after municipal crews cleaning up Buffalo Avenue discovered butchered cow skulls. According to reports, this is the second time in the past six months such skulls have been recovered in the area and police are at a loss for why.

-Niagara Falls Police responded to the 1700 block of Elmwood Avenue in the evening hours of Saturday, April 27th, 2019, for a person on parole who fled on foot from a traffic stop.

-Niagara Falls Police responded to reports of a brawl at McDonalds on Pine Avenue in the early morning hours of Sunday, April 28th, 2019. According to reports, the incident left two victims shot and a number of others injured. One victim was found at 18th and Pine Avenue with a gunshot to the stomach. A second victim was found at 15th and Pine Avenue with a gunshot wound to the leg. Police believe a party bus might have been involved in the altercation.

-Niagara Falls Police responded to reports of shots fired on the 1300 block of Centre Avenue in the afternoon hours of Sunday, April 28th, 2019. An officer in the area heard approximately 10 gunshots. Police located 13 bullet casings left behind.

State Police Make Arrest of Boat Dumper in Niagara Falls

On the Tuesday, March 26th, a twenty-five foot boat was reported dumped on 15th Street in the City of Niagara Falls. The boat's motor had been removed and Identifying information, including the Hull Identification Number (HIN), and the State Registration Numbers, had been defaced. The name of the boat, "Road Rage," remained on each side of the boat. A story of the dumping appeared in the 'Niagara Gazette' on March 30, which led to Investigator Peinkofer receiving an anonymous tip regarding the incident.

Investigators Peinkofer & Piwko secured video footage from security cameras at a Transport Company in the Town of Niagara. He also interviewed employees at the company who told him that another employee, David Smouse, had used a maintenance truck bay there to grind off the HIN number and to remove the boat's motor. Smouse has since been terminated from the transportation company.

Working with the City of Niagara Falls Police Department and the Niagara County District Attorney's Office, Inv. Peinkofer drew up paperwork charging David M. Smouse, 53 of Niagara Falls New York, with Forgery of a Vehicle Identification Number, and Possession of a Forged Instrument in the Second Degree, both Penal Law felonies. He also charged Smouse with Unlawful Disposal of Solid Waste in excess of Ten Cubic Yards, an Environmental Conservation Regulation Misdemeanor. The



City of Niagara Falls Police have charged Smouse with a violation of a City Ordinance which prohibits unlawful dumping.

Smouse is accused of taking the boat to 15th Street on a trailer sometime after 1:30 AM on the 26th, connecting a chain to the boat and the other end to a tree, then pulling the trailer out from under the boat, leaving the boat laying in the middle of the road.

On Tuesday April 16th, Smouse surrendered himself to the Niagara Falls Police to receive his summons for the city ordinance. Smouse was also arraigned in City Court for the State misdemeanor charge. From there, EnCon Police transported Smouse to the Town of Niagara where he was arraigned on the two felony charges. Smouse was ordered to appear in the City of Niagara Falls on April 22nd and the Town of Niagara on May 20th to face his charges.

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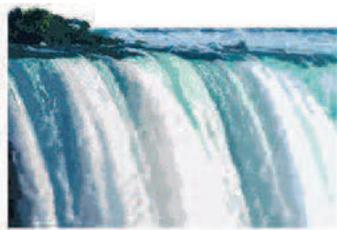
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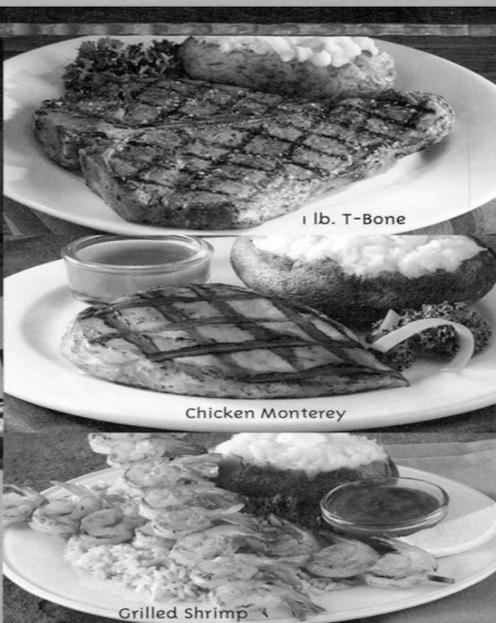
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CHOOLOKIAN: On the Campaign Trail

There is no experience that prepares you better when you are running for political office than going door to door during the long campaign season.

The campaign trail isn't meant to be a simple game of math where we figure out the best strategy to gather up enough votes for a victory. That is what the trail has become for too many, and it's what's wrong with the politics of today.

The campaign trail is meant to be an experience where a public servant, like myself, is tested and challenged through many contacts with voters at their doorsteps, at events, and even in daily life. The campaign trail should be used as an experience to really learn about your community, and how it is today and what is happening right now. You can only learn that by walking the streets and meeting the voters face to face.

My campaign trail has taken me all over the city, I have walked and will continue to walk throughout every area and neighborhood in Niagara Falls. My aggressive door knocking strategy has allowed me to personally knock on over 1,000 doors in our community so far. I will continue to walk throughout my campaign and hopefully I will cover just about every square inch of Niagara Falls.

I would like to take this opportunity to thank everyone that signed my petition to get me on the ballot, those who asked for a lawn sign and I am especially humbled by all citizens that said I have earned their vote already.

My campaign for mayor has been

about bringing people together for a stronger community and a better future for Niagara Falls, as you may know, I have been actively talking about creating change in our city. I believe there are workable solutions available that will enhance our community as a whole. Before I can serve, I must conduct a very aggressive campaign to be successful in this endeavour.

Recent elections have been marred by massive amounts of negative and false information. Over the next 7 months, I will be spreading a true positive message detailing my plan that will help turn our great city of Niagara Falls around.

Niagara Falls Residents: Let's take our city back from all those special interest groups and the elected officials beholden to them, Now, before it is too late.

There's no mystery why we're drowning in spending. Out of town groups and their armies of lobbyists have cozied up to our public officials to shove their special interest projects down our throats, while regular citizens remain voiceless and powerless.

Our city leaders are happy to bend over backward for these groups and throw residents under the bus. To stop this it will take a very strong and dedicated leader to step forward with a vision to help restore the great heritage of the city of Niagara Falls, and that leader is me. I have always said "it should be about the people and businesses that are here", and that should be the top priority of all our elected officials.



Niagara Falls Mayoral Candidate Glenn A. Choolokian.

Niagara Falls is an awesome community with great people. I have met people from all walks of life on nearly every street in the city. We have great people here that still care about what happens to our city. People want new ideas and a fresh energy. They are tired of the status quo. They want change. That is why I'm passionate about bringing change to Niagara Falls. It is what the people want.

I think strong mayoral leadership can make a difference in this community. I think a mayor with the right kind of vision, energy and a mayor that has a plan for the future can make a strong impact needed in our city.

Finally, I have learned so many things about myself and about this community on my campaign trail. I

have been blessed with the support of my family, friends, and hundreds of volunteers and donors. I am honestly humbled by the support, and I will work tirelessly to validate this support if given the chance to be your next Mayor.

Our next step in the campaign will be a kickoff fundraiser which will be held at the LaSalle Yacht Club on May 15th 6:00pm to 8:00 pm.

As always, if you have questions about me or my campaign, please feel free to call me (579-0294), send me an email (nfmayor@gmail.com), find us on Facebook, Twitter or contact me on my website at www.your-next-mayor.com

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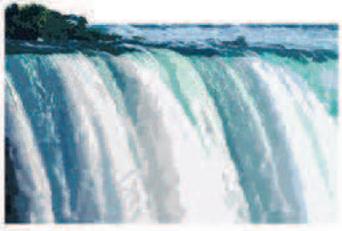
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NORTH TONAWANDA

Memorial Pool Cont.

duct a feasibility study on the pool. Nancy Nozik, an architect with for a firm that specializes in the construction of municipal pools, presented her findings.

According to Nozik the cost to replace the 70-year-old pool could top an excess of \$6 million. She says what's needed to make the pool successful is a lazy river, splash pads, a space to do laps in the pool, and, most of all, a concession stand to feed people and keep them at the pool.

"With concessions people would be staying at the pool a lot longer," said Nozik. "It's totally flexible if you want to serve hot dogs and hamburgers or just have snacks."

Of paramount concern to city lawmakers are operating expenses. According to financial records, operating the pool is costly for the City. They currently make about \$20,000 a year profit but are spending \$90,000 a year to operate it. This means that the city is spending anywhere from \$70,000 - \$75,000 of taxpayer money to subsidize pool operating expenses.

"We feel that the community is currently being underserved," said

Nozik. "The real issue is that about 48,000 people should be able to go and use the pool, but currently only about 13,000 are. That is one of the metrics that leads us to believe that there is a need in the community for the pool."

She says to repair the current problems, rather than building a brand new pool, the cost to the City would be about \$2.5 million. Part of the problem with the current pool, she says, is a lack of deck space, necessary repairs needed in the bathrooms, and that there is zero shade on the deck for people who want to enjoy the pool.

But even with repairing the pool, Nozik says the City could still be losing up to \$75,000 a year to operate the pool.

For many people the pool is a social hub and City Accountant Amanda Reimer says she is currently looking into applying for state grant money to save the pool.

If the City decides to move forward with construction, the next step in the process is for the City to draft a final report and decide which elements should be included.

SPCA Makes Pitch to Common Council

By: **Brendan McDonough**

"The relationship with the City of North Tonawanda was grossly mis-managed through lack of transparency and a lack of communication on the part of the SPCA," said Tim Brennan, Niagara County SPCA.

Along with that, Brennan is hoping the SPCA will be able to re-establish a partnership and provide dog sheltering services and possible dog control services for North Tonawanda.

One of the benefits of the SPCA is that they recently hired a full-time veterinarian, which means that all animal care services are done on site. Also in the works are plans for the SPCA to construct a brand new surgical suite thanks to a \$500,000 grant. Construction of which will be complete by next winter.

"The trailer that we are currently using has very little heat and it has been very difficult this past winter to do the surgeries in there," said Brennan.

The City of North Tonawanda currently has a contract with "All Dogs Academy" for the same service. If they opt to go with the SPCA it would have to be next year after the contract is up.



Currently, the SPCA charges \$26 a day, per dog, to keep them in a kennel.

What's different about the SPCA is that they are a "no kill" facility, said Brennan. North Tonawanda has a dog control officer and City Officials say they are happy with his work and that if they went with the SPCA's dog control services it would be for times that the current dog control officer was not available.

That being said, it something city officials say they are definitely thinking about.

"We do have that year contract with 'All Dogs,' but I think I would be leaning towards that as an option. For the space and the shelter, itself," said Eric Zadzilka, Common Council President.

More discussion will continue on this as the City's contract with "All Dogs Academy" gets closer to ending.



OSHA Reverses Course on PELs, Ignoring Opportunity to Protect Workers

It's long been recognized by just about everyone (including OSHA itself) that OSHA's permissible exposure limits (PELs) are grossly out of date. Most of OSHA's PELs have not been updated since they were first created almost 40 years ago. In many cases, these PELs are based on studies from the 1950s and 1960s. Today's workplace regulations don't reflect anything we've learned about the hazards associated with lead over the last 40 years. In 1989, OSHA tried to update its PELs and establish new ones. Several industry organizations sued and the court threw out OSHA's planned update, which became a major setback to formally update the PELs. Since then, the courts have forced OSHA to update PELs one by one.

OSHA gets the blame for having outdated – some would even say nonsensical – exposure limits. The reality is that industry opponents continue to use all the political and economic leverage they can muster against this relatively small government agency, to not only prevent them from updating rules, but to prevent OSHA from issuing non-mandatory protective guidelines. As a result, equipment manufacturers and many employers have had little incentive over the last 50 years to expand worker protections when modernizing or buying new equipment.

Under the Obama administration, OSHA tried to address this failure to protect worker health by expanding coverage of its general duty clause to include chemical respiratory hazards covered under existing standards. This change allowed OSHA compliance officers to use other recognized standards that are updated regularly and are almost always more stringent than OSHA's. For employers, this new interpretation meant that compliance with OSHA PELs was no longer a safe harbor. When workers were experiencing symptoms of chemical exposure, employers had to look to other applicable standards, such as ACGIH TLVs or NIOSH recommended exposure limits. The result would have been better protection for workers against harmful chemical exposures.

Unfortunately, these strengthened worker protections were short-lived. Under intense pressure from industry, OSHA issued a memorandum that rescinded this change. Under the new interpretation, OSHA has reverted back to using the general duty clause "only for respiratory hazards from exposure to an air contaminant that is not covered by an OSHA PEL." The overwhelming majority (85 percent) of safety and industrial hygiene professionals use OSHA's PELs to monitor hazardous substances and as part of their overall respiratory protection efforts. This is despite it being well-known throughout the profession that OSHA's PELs are out of date. Reversing this interpretation of the general duty clause removes any reasonable chance that the vast majority of employers will take steps above and beyond OSHA's outdated PELs to better protect the health of workers.

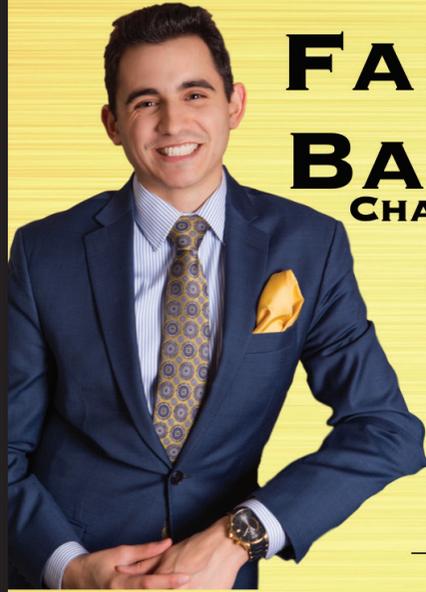
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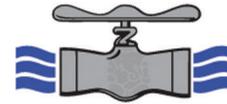
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