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Niagara, Erie Clerks Both Oppose Issuing Licenses to Illegals

By: Tony Farina

Analysis

Niagara County Clerk Joe Jastrzemski and Erie County Clerk Michael "Mickey" Kearns are in charge of issuing driver's licenses in their counties and as things stand right now, neither of the clerks intends to issue licenses to illegal immigrants as required under the state's newly approved Green Light Law.

But the clerks are taking different paths to challenging the controversial law, with Jastrzemski pushing a suit against the state on potential voter fraud and Kearns taking his argument to federal court on grounds the new law is unconstitutional "and puts us in a no-win situation," potentially in violation of federal law or violating state law.

"It exposes county clerks," says Kearns regarding the 52 clerks in the state who would be required to issue the licenses to



Niagara County Clerk Joe Jastrzemski (left) and Erie County Clerk Michael "Mickey" Kearns (right).

illegals under the law saying it is against federal immigration law to conceal someone who is here illegally.

(Cont. on pg. 3)

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THE CRIME PAGE 4
Niagara Falls

No Black Ownership on Highland Avenue is Residents Fault

By: Ken Hamilton

No excuses; if my people, African-Americans, want black businesses to grow and prosper, then instead of worrying about the dilapidated Niagara Community Center, my people, African-Americans, must use whatever resources that they have to support them.

And so I ask, will anything other than a few black-owned vanity businesses of barbershops, beauty parlors and drinking establishments ever be successful in the city's most densely-populated Black census tract of 202, the Highland

(Cont. on pg. 2)

Just How Wily is Mayoral Candidate Jeffrey Elder?

By: Ken Hamilton

In politically lopsided places like the heavily-Democratic Niagara Falls NY, most local general elections are often won or lost in the primaries – as it likely was for mayoral contender board of education member Robert Restaino, despite a surprisingly close showing by Community Development and Code Enforcement Director Seth Piccirillo.

Restaino would likely have cruised

(Cont. on pg. 3)

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Black Ownership Cont.

Community; or is it the harbinger of what is to become of the rest of the city, including Pine Avenue? And if so, as the city, in the absence of the Seneca Casino money that it feels it is owed by either the Indians or the state, seemingly vainly tries to reestablish the downtown tourist area, will the bulk of the area west of the 56-Street bridge that leads to the more successful LaSalle community fall into further decay? Who's doing anything at all about it?

Buffalonian Alexander Wright is an extraordinarily bright and well-educated man. He is the founder and general manager of both of the African Heritage Food Cooperatives in Niagara Falls and Buffalo. I spoke to him when he first purchased the building at 2616 Highland Ave, Niagara Falls, built by African-American Fred Brown as a Wilson Farms, and later purchased by the Niagara Falls Housing Authority. Wright was very optimistic about the project of providing to the community the fresh vegetables and fruits that those area residents said that they wanted. After several months in business, both his parking lots and shelves largely remain empty. He has not yet returned my telephone call for comment.

Wright's motto is "Anything Less Than Ownership is Unacceptable." But the landlocked Highland Community is bordered by an abandoned railroad switch yard to its south, a rail spur running up to Lafayette Avenue on its western side that includes the east side of McKoon Avenue in DeVeaux, and Hyde Park Boulevard forming its eastern border and separating it from the Town of Niagara's Beldon Center, where a few black lawn jockeys and some rebel flags are boldly displayed.

The Highland community of approximately 2,600 residents is woefully lacking in home- or business-ownership.

It is mainly connected to the rest of the city by a street that is in much need of repair and passes under a viaduct that leads towards the Main Street train station, Highland Avenue's Huff Bridge, the Lockport Street Bridge and the Hyde Park Boulevard Bridge that arches over the former Lehigh Valley Switchyards.

It is on the Main Street and Hyde Park Boulevard sides where the most successful businesses are, and one of those black-owned businesses was Faith's Consignment and Boutique shop that sat next to the white-owned Niagara Barber Company, a barbershop, but sadly is seemingly closed. The Gazette said that, "Brad Inzinga, the owner of Niagara Barber Company next door, is happy to have [now had] Edwards in his building. His intent is always to bring more businesses to the northern end of Hyde Park Boulevard."

The consignment shop is, or was, owned by single mother Porsha Edwards and, according to an April 14th Niagara Gazette news report, was named Faith in tribute to one of her 1-year old twins that passed away in 2017. In trying to reach Ms. Edwards, the phone's message simply said that the call did not go through and to try again later. I feel bad because of it all, including the loss of the much wanted discount opportunities that it provided for community members. Wright apparently is trying to provide much needed items as well.

While the factories that once lined the heavily-traveled Hyde Park Boulevard now look almost desert-like, there are still a couple of blossoming cacti that line it. One is George's pizza shop that is still a popular spot, though it isn't black-owned, many of its patrons are. Likewise is Marks Food Market, which is Arab-owned. There are also a few mechanic shops, none to my knowledge are black-owned, and they sell used automobiles.



The abandoned Community Center in the City's North End.

But the new business champion of Hyde Park Blvd will be near the intersection of College Avenue and it is the under-construction Dollar General store, with its twin outlet a 3-minute drive away at the corner of Witmer/Saunders Settlement Road and Military Road in the Town of Niagara. Perhaps a Tim Horton's will follow?

Even more popular with the residents than Mark's Hyde Park store is what many Highland residents call the "Back Store." It is really Main Street's DeVeaux Mini Mart, and it really isn't mini at all. Like most such stores in the city, it too is Arab owned and with a wide variety of the things that residents won't say in surveys that they want, but they do buy in droves. These are vanity supplies like hair and hair products, clothing, cigarettes, alcohol, wraps and the like. I admit that I often stop by there for ice cream bars and lotto tickets because the staff is so very friendly. I also admit that I rarely, if ever, patronize the businesses that are in the core of the Highland community, like the Elks Club (I don't drink), Mrs. King's once black-owned former store, nor Mr. Fields once black-owned store on the corner of Centre and 20th Street across from Stephanie Cowart's HOPE-VI Center Court project. These stores are strikingly smaller than the

peripheral stores of Mark's and DeVeaux Mini, and none significantly stock any fresh fruits or vegetables as Wright's much larger African Heritage Food Cooperative that Wright wants to bring.

But the public's focus is one the place that was brought to its knees by the cohort antics of NAACP Chapter President Shirley Hamilton and former Legislator Renae Kimble. There were just eleven people supporting the Niagara Community Center prior to its imminent closing; I was one of them, so I think that I am qualified to say the following:

And so I reiterate, there's money even in a community that is filled with subsidized housing and non-homeownership, and where its 2,000 black residents own less than 5% of the total property values within the census tract. If my people, African-Americans, want black businesses to grow and prosper, then instead of worrying about the dilapidated Niagara Community Center that you also didn't support, my people, African-Americans, must use whatever resources that they have to support black businesses as well. Wright is right, "Anything Less Than Ownership is Unacceptable."

This also applies to the tourist district, and to all Niagarans as well. If these businesses fail, then it is our fault.

NIAGARA



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Frank Parlato, Jr.
Publisher & Editor in Chief

Nicholas D. D'Angelo
Managing Editor

P.O. Box 3083, Niagara Falls NY 14304
(716) 870-1175 niagarareporter@gmail.com



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

Wilson: Lakeside Market

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

Licenses to Illegals Cont. from Cover

"I'm damned if I do and damned if I don't," says Jastrzemski who, like Kearns and other clerks, could be fired by the governor for not honoring state law.

Kearns, who served in the State Assembly for five years before winning a special election for county clerk in 2017, built a reputation as a lawmaker who would fight the political establishment, namely then-Speaker Sheldon Silver which didn't win him an favors from the Assembly leadership., or even an office. But that political grit may be helping him now as he takes on what he believes is an unconstitutional law approved by state lawmakers and signed by the governor.

Kearns views his challenge of the Green Light Law as an opportunity to stand up for the people and be a voice for them and now he has become the first state official to go to court to challenge issuing driver's licenses to illegals.

Jastrzemski is the driving force

behind a Niagara County resolution expected to be approved this week calling on the county "to investigate, engage counsel, and commence any and all litigation to enjoin implementation of the Green Light Law."

The Niagara County resolution refers to comments during debate on the Green Light Law legislation where an assemblyman cited a number of examples from the Suffolk County Board of Elections of cases where individuals with DMV numbers who are not citizens have actually registered to vote with that number and actually did vote.

Jastrzemski is concerned the Green Light Law could open the door to illegal voting by non-United States citizens in the state and Niagara County.

"There is no safeguard against voter fraud," says Jastrzemski, and that's the reason he is supportive of the resolution to guard against any voting by non-citizens of the United



New York State passed the Green Light Law which allows undocumented immigrants to obtain a drivers license. The measure was passed by both a democratic majority in the State Assembly, New York State Senate and then was signed into law by Gov. Cuomo.

States by county election officials.

Kearns' arguments for a federal injunction are scheduled Sept. 25 before U. S. District Court Judge Elizabeth Welford in Buffalo. Many legal experts believe the case could eventually move all the way up to the U. S. Supreme Court, although experts caution it is one step at a time process, and sometimes legal fights drag on for a very long time. In this case, the Erie County attorney's office will make the arguments on behalf

of Kearns and County Attorney Michael Siragusa.

Neither Kearns nor Jastrzemski have spoken of any opposition to legal immigration and have confined their arguments to the difficult position they find themselves in as a result of a law that puts them in a damned if I do and damned if I don't position, violating state law on one hand and a potential violation of the U. S. Constitution on the other side. The fight has begun.

Elder Cont. from Cover

through the desert, below the mesas and down the winding, cactus-rimmed highway to a November victory but for two wily roadrunners trying to drop anvils on his head: Republican-register Glenn Choolokian, and independent, opportunity-to-ballot, retired US Air Force Sergeant Jeffrey Elder. Both Choolokian and Elder will appear on November's General Ballot.

But wait!

Good ol' Wikipedia writes that, "'It ain't over till the fat lady sings" is a colloquialism which is often used as a proverb. It means that one should not presume to know the outcome of an event which is still in progress. More specifically, the phrase is used when a situation is nearing its conclusion. It cautions against assuming that the current state of an event is irreversible and clearly determines how or when the event will end. The phrase is most commonly used in association with organized competitions, particularly sports."

A Whitney Avenue resident interrupted me with a phone call on Tuesday June 23 as I was munching on a chopped salad at a local Subway sandwich shop. He said that there was a man on the porch asking if he would sign a petition for Elders for Mayor. I told the resident that the petition season was over and I knew no reason for him to be there passing any petitions at all.

But after taking the telephone call, one had to ask just how crafty is Jeffrey "Wily Coyote" Elder. I had run into him at the Burger King on Main Street and asked him to tell me more about his aims to win the mayorship election, but he cracked his tight-lipped on the subject only long enough to smile for a selfie with me.

After the Whitney Avenue man hung up, and I finished my salad, I then browsed the New York State Board of Elections 2019 Calendar under 'Party Nominations Other Than Primary' and saw that Tuesday, September 3rd will be the last day filing nominations made by a new party.



Mayoral candidate Jeffrey "Wile E." Elder and Ken Hamilton in selfie at Burger King on Main Street in uptown Niagara Falls.

So then, "Wile E. Elder's" attempt to catch Restaino the Roadrunner for a seat behind the mayor's desk is getting more and more interesting and quite a learning experience – if that is the case of him starting a new party.

But here -- whereas I admit that I am not an elections attorney -- is where it gets complicated. We might normally know when a new party has been created by now; and due to Elder's tight-lippedness, we just don't know. When I asked several people of what all of this could mean, the only thing that made any sense was said by just one of them; "... maybe he one of the [people] that Elder hired to pass petitions [between May 21 and May 28th] and just now woke up and started passing them."

Nonetheless, be it that Elder is a political dark horse, or maybe even a wily coyote in the race as is Choolokian, but if Restaino is to be the odds-on contender to win, then I am still waiting to hear his traditional "Meep-meep" followed by a streaking cloud of dust as he makes his way west through the desert, running below the mesas and down the sinewy cactus-rimmed highway off into the sunset. And while he's running, he'd better be hoping to hear the singing echoes of a soprano's song bouncing off the mesa's rocky walls, belting out the operatic tune of a November victory.

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THE CRIME

WEEKLY HEADLINES

-Niagara Falls Police responded to the 2200 block of Willow Avenue in the early morning hours of Monday, July 29th, 2019, after reports that a female had attempted to enter a home by kicking the door in. Upon arriving at the scene, police discovered a large amount of blood. Three hours later, police received a call from Niagara Falls Memorial Medical Center that a woman had walked into the hospital's ER covered in blood. As it turns out, the woman was the suspect from the attempted home invasion earlier that morning. Police officers then returned to the 2200 block once daylight arrived and discovered a trail of blood on the ground that spanned from the house on Willow Avenue to the suspect's home on Michigan Avenue.

-Niagara Falls Police responded to Niagara Street in the late hours of Tuesday, July 30th, 2019, after receiving a call of two individuals arguing over a hamburger.

-Niagara Falls Police responded to Hyde Park and Pierce Avenue in the early morning hours of Wednesday, August 1st, 2019, after receiving a call of stolen property. According to reports, a man was trying to sell another man a phone but the potential buyer took off with the phone before paying for it. Police are continuing to investigate the incident.

-Niagara Falls Police responded to the 1700 block of Welch Avenue in the evening hours of Wednesday, August 1st, 2019, after reports of shots fired. A female initially made the report to police that she was being shot at from a white vehicle with two female occupants. Officers then spotted the suspected vehicle involved in a driveway on the 1000 block of 19th Street with at least one of the suspects still inside who was taken into custody.

-Niagara Falls Police responded to the Rainbow Bridge in the early



morning hours of Thursday, August 2nd, 2019, after Border Patrol requested backup for a Canadian citizen who entered the U.S. with illegal drugs.

-Niagara Falls Police responded to a report of harassment by a city resident after they were flipped off by another person. No arrests were made as a result of the report.

-Niagara Falls Police responded to the 900 block of Depot Avenue for a welfare check after receiving reports that a female was taking off all of her clothes and banging her head against a tree.

-A 30-year-old Niagara Falls woman, Samantha Klein, is accused of being responsible for the death of a three-and-a-half month old baby who was in her care and was charged with 2nd degree murder and three separate counts of manslaughter on August 5th, 2019. Alaya Foster died in a home on North Avenue in Niagara Falls on February 23, 2019. Klein was held on \$200,000.00 bail.

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Chris's Corner: A Reserve Police Force for the Falls



Chris Voccio
NF City Councilman

Reasonable people can debate whether criminal activity is higher this year in Niagara Falls or it's just a matter of social media purveyors plastering it in our face 24/7.

When 24-hour cable news began airing in 1980 it seemed like there were more natural and man-made news events happening, but it was just a matter of them being reported on a continuous loop for the first time.

Whether true crime stats show crime is up, down or flat, we have a perception issue in Niagara Falls. More police on the streets would help reduce crime and improve the image of the city, but we just don't have the funds to hire more police officers. And as long as we're locked into union contracts that make it outrageously expensive to run the city, this problem isn't going away.

So maybe it's time we create a reserve police force, made up of retired police or military officers, as a compliment to our paid police force.

There are a lot of moving parts and complexities to something of this nature, too much for a 600 word column, but let me try to simplify it.

Let's "hire" an Auxiliary Police Commander who will report directly to the city's police chief. Working with the chief, the city administration, corporation counsel and human resources, this retired officer will develop policies for hiring and managing a part-time squad of officers, paid around \$15 per hour (with no benefits, pensions, etc., as they already have that from prior service.)

We'll need to clearly establish

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

roles, reporting lines, interaction with the paid force, level of equipment, training, etc.

Perhaps these officers are out on the streets, increasing police visibility and deterring criminal activity. Or maybe they're in the police station, staffing the jail, working the front desk, etc. All of this and so much else is best left to the experts, but the possibilities are limitless and the thought of making the city safer with reduced costs is appealing.

While these officers should be paid some token wage that will be a new line item in our budget, the goal should be to dramatically reduce police overtime. Basically, the goal will be to add to our crime fighting force while lowering expenses.

There will be plenty of objections. Legal liability will be just one, but the city has legal liability issues with its paid force, so that's nothing new. And with training and good policies, we can reduce the risks. There will be plenty of other objections, and certainly the two police unions will put up a fuss.

But just imagine having an additional dozen or two dozen uniformed officers walking the beat along Main Street, Buffalo Avenue, Niagara Street, Pine Avenue, etc. Imagine them patrolling the downtown area during the tourist season, freeing up time for our paid force to patrol the city without worrying about being locked in a traffic jam on Rainbow Boulevard.

Once we get this force established, we can move on to helping the fire department. That will be an easier task, as so many of our firefighters live in towns that have a volunteer fire company and so they'll be more sympathetic to the idea of a volunteer force assisting them in keeping the city safe.

After all, our police and firefighter unions put public safety ahead of everything else, even if it means sacrificing some overtime pay and perhaps some other sacrifices that help the city.



Identifying and Reducing Worker Fatigue in Construction

A career in construction can be very rewarding, offering both physical and mental challenges, work that's always changing and excellent pay and benefits. However, we know the nature of the work also brings risks to worker safety and health. Physically demanding work creates risk for injury, while tight work schedules and varying job locations can lead to extended shifts, irregular work hours and long commutes. These factors and others are what make construction workers among the most at-risk employees in any industry for experiencing fatigue on the job.

In its simplest terms, fatigue occurs when we're low on energy. In more scientific terms, fatigue is physical or mental exhaustion as a result of exertion. Fatigue can be physical or mental and often occurs as some combination of the two. Many additional factors can contribute to fatigue, including lack of sleep, disruption of sleep patterns, diet, times of emotional stress and chronic health conditions such as diabetes. It's estimated that fatigue is at least a contributing factor in a third of all occupational injuries. When the body is fatigued, our situational awareness suffers, along with our memory, concentration and ability to quickly make decisions. Several studies have compared the performance effects of fatigue to being under the effects of alcohol. OSHA notes that working 12 hours a day is associated with a 37 percent increase in injury risk.

A National Safety Council (NSC) study on fatigue concluded that 100 percent of construction workers had at least one risk factor for on-the-job fatigue. If that sounds hard to believe, consider that the following all make it more likely for a worker to become fatigued:

- Physically demanding labor, especially work including repetitive tasks
- Constant communication with fellow crew members about complex tasks
- Extended shifts of 10 hours or more
- Working 50 hours or more in a week
- Shifts at irregular times, including night or early morning work
- Having less than 12 hours to recover between shifts

That list is pretty much the everyday life of a construction worker, as least during many times of the year. Extended shifts, working at irregular times and long commutes all contribute to fatigue because they make it more difficult for workers to get the rest they need to recharge. In the NSC survey, 75 percent of workers said the demands of the job affected their level of fatigue. Another series of worker surveys found that workers often felt fatigued "to the point that they had safety concerns" after working 10 hours a day for three to four days in a row. It's our job as safety professionals to first educate workers that fatigue leads to a greater risk of injury for them and their coworkers, then find ways that both employers and workers can identify, prevent and lessen fatigue on construction jobsites.



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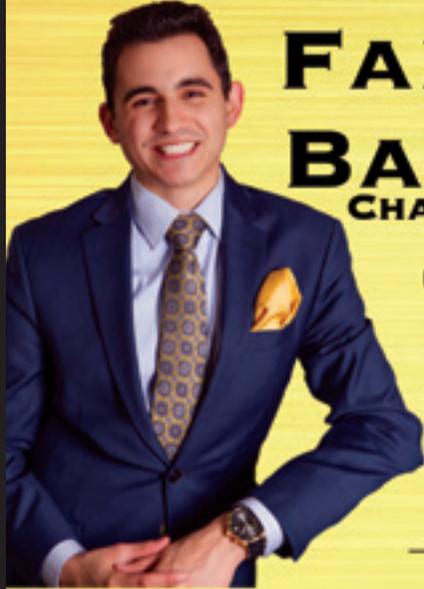
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Belmont Stakes - Saturday, June 8, 2019



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IN WESTERN NEW YORK
WESTERNOTB.COM

Monday-Thursday 11:30am - 6:00pm
Friday-Saturday 11:30am - 10:00pm
Sunday 12:00pm - Last NYRA Race



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