

Another meeting could be scheduled, possibly at a public meeting space and off CWM grounds, to discuss the issue. Caso said.

106. **LETTER: A tale of two hazardous waste dumps**

Tuesday, August 15, 2006 6:39 pm

Sitting through the public scoping sessions for Chemical Waste Management's proposed new landfill was just a harrowing experience. I mean, I love it here. I love the escarpment, the river, the lake, the villages, the people, the weather. The trouble is, CWM is my neighbor.

With neighbors, there are some things you can ignore, and some you can't. For five hours (and I left the second session early), I sat in the Lew-Port school auditorium and listened to a litany of things I can't ignore.

In case you missed the meetings, here are a few choice bits. Niagara County Department of Health maps show elevated rates of prostate and colorectal cancer in our communities, in a bullseye pattern centered just downwind and downstream of the dump.

A New York State Department of Health order banning any digging on the CWM site, for the sensible reason that plutonium-injected carcasses from Manhattan project experiments are miscellaneously buried there, was violated by CWM for 20 years, until 2004. Other "residual" radioactive contamination on the site includes nuclear reprocessing waste and high activity radioactive waste from atom bomb production.

The nearly 3,000 students and employees of Lew-Port, people who spend large portions of their lives literally on the dump's western border as well as on the truck route, were not even considered as a population in the draft scoping document.

The document assures us that the dump is not in a fault zone, disputing both our own local experts at UB's Earthquake Center and a recent article in National Geographic likening our earthquake risk to that of California. The site is supposedly safely underlain by solid clay — yet farmers have been irrigating their fields from wells in sand pockets in that clay for the better part of two centuries.

Many decision-makers — from Porter Town Board members to the NYS Department of Environmental Conservation — have a direct stake in CWM's continued operation, creating an ugly potential conflict of interest that undermines the very permitting and review processes designed to protect us. Awake now? I sure am.

According to the U.S. Environmental Protection Agency, CWM's track record, and common sense, all landfills eventually leak.

Anyone under the impression that a legacy of wandering PCBs, dioxin and other poisons is good for the economy should have a chat with our neighbors in Niagara Falls. Have no doubt that for every cent we get from CWM today, our kids will be paying back a dollar. If they stay here — and if they don't get sick.

Right now, there is a bill on Governor Pataki's desk — bill A11713 — that would prevent the siting of new hazardous waste dumps with potential to leak into the Great Lakes. That includes the new CWM dump.

If you care, give the governor a call at (516) 474-8390 and ask him to sign it, so we can all breathe a little easier.

The CWM situation exemplifies all that is wrong with the way we treat the land, the water and our own people. One massive blight on our landscape, one polluter of our fresh water, one threat to our health, one blow to the future prosperity of our towns, ought to be enough.

How can we consider allowing the construction of another?

Robbyn Drake is a resident of Lewiston.

107. **Strong season leads to more town funds**

Sunday, January 29, 2012 11:14 pm

Thanks to two unexpected sources, the Town of Lewiston has more money in its coffers.

108. **LETTERS: April 3's letters to the editor**

Monday, April 2, 2007 4:32 pm

CWM rule hurting local business.

Sometimes good deeds have unintended consequences. It is a good thing that trucks carrying toxic materials bound for CWM not stop enroute. The host agreement with CWM requires that this not happen. The fact that one truck that stopped recently was found to be leaking, shows the importance of this requirement.

However, some misunderstanding has occurred in that evidently some truck drivers thought that no trucks were allowed to stop. A pizzeria on Creek Road has been hurt economically by loss of business. There is absolutely no requirement that construction trucks, trucks bound for Modem or other trucks cannot stop for a pizza. In fact, trucks involved with CWM can stop also, as long as they are not carrying toxic materials. Nobody monitoring the trucks is out to cause trouble for truck drivers with legitimate cargo. They are not checking on trucks for anything except to make sure that they aren't stopping with toxics on board.

The attempt to protect our children from leaking toxic materials is important. It is also important that we support local businesses. Perhaps some of us can help the pizzeria by giving them some extra patronage in the weeks ahead.

Charles Lamb

Youngstown

109. **RALLY SUPPORT**

Saturday, July 12, 2014 3:00 am



Members of Residents for Responsible Government joined local elected officials Friday in encouraging Niagara County residents to attend next week's meeting of a facility siting board formed to determine the fate of a proposed expansion at Chemical Waste Management's hazardous waste landfill in Porter.

110. Pataki rejects waste law

Thursday, August 17, 2006 10:45 pm

A proposed law that may have limited the expansion of CWM Chemical Services has been rejected by Gov. George Pataki.

The bill, which was sponsored by Assemblywoman Francine DelMonte, D-Lewiston, and Senator George Maziarz, R-Newfane, sought to prevent any hazardous waste landfill from being permitted that has potential to discharge into the Great Lakes System.

In his veto, Pataki said the proposed law was premature since the state Department of Environmental Conservation is currently working on a statewide siting plan.

The plan is intended to put forth comprehensive guidelines to ensure hazardous waste sites are distributed in an equitable manner across New York.

Pataki also said there were "serious flaws" in the language of the proposed legislation.

The law, if passed, would have precluded the siting of hazardous waste landfills in more than half of the state, much of which only has a remote association with the Great Lakes, Pataki said.

This legislation may have constitutional issues, as well as result in similar legislation that would ban the disposal of New York wastes outside of the state.

State DEC officials also believe the bill would "inappropriately circumvent the long-established process for regulating such facilities," according to the veto.

In a statement issued Thursday, CWM District Manager Richard Sturges said the legislation would have done nothing to help the state meet its goals of toxic release reduction.

"(The proposal) was significantly flawed both legally and environmentally," Sturges said. "It would have added no meaningful protections to the stringent standards already in place in New York."

Sturges said he believes the new law would have increased the costs of brownfield and superfund cleanups in the state.

Maziarz, in a statement released Thursday, said he had done everything in his power to inform the governor about the merits and necessity of the law.

"While I am disappointed, I am also baffled at the governor's logic. His veto message argues that a state-wide hazardous waste siting plan should be in place before this bill's provisions can be considered," Maziarz said.

"However, a law passed in 1987 required the creation of such a plan within six months. It's now 2006, and no plan has been adopted. How long are we supposed to wait?"

DelMonte said Thursday she was surprised by Pataki's action.

She said she believes industry in New York state has very little need for hazardous waste landfiling services provided by CWM.

Waste that does require landfiling at a hazardous waste facility could easily be disposed of elsewhere, DelMonte said.

She plans to meet with concerned citizens soon to discuss their next step.

Lewiston resident Tim Henderson said he believes the veto indicates Pataki has turned his back on Western New York and all other communities connected to the Great Lakes and which use it for drinking water.

Gary Catlin, a Town of Lewiston resident, is the owner of Tri-C, Inc. Catlin's company built several of the landfills on the site when it was owned by Chem-Trol, prior to CWM's ownership.

He said he thanks the governor for his veto, adding that CWM provides necessary services.

Catlin also pointed to the area's current economic conditions, saying CWM does could provide quality jobs in the future.

April Fideli, acting president of Residents for Responsible Government, a local citizens group, said members of her organization are disappointed with the veto, but will continue to fight against landfill expansion.

She expressed frustration with state officials who she believes don't have the good of the public in mind.

Fideli pointed to a 1972 and 1974 order issued by the state Department of Health which prohibited the disturbance of soil on part of the areas where hazardous waste landfiling has been occurring since the 1970s.

"If the siting plan would have been in place to begin with and all the laws that are on record that would have been followed there wouldn't even be a CWM," she said. "How can we have faith in a system when all it does is slap us in the face?"

Mike McCabe, a Town of Porter resident, said he was pleased to hear of the governor's veto.

He said he believes the CWM facility is state-of-the-art and provides a necessary service.

Amy Witryol, of Lewiston, has been one of the residents leading the community resistance to CWM expansion.

She said she hopes the state Legislature can override the veto.

"We look forward to it," Witryol said.

The bill passed both houses of the state Legislature in June, and was transferred to Pataki's office on Aug. 4.

CWM's permit application to the state DEC has yet to be deemed "complete," and must be so before the permit process could move forward.

111. Proposed state law aimed to protect water quality

Wednesday, June 14, 2006 10:24 pm



Opponents of landfill expansion at CWM Chemical Services know the clock is ticking.

A proposed new law has been introduced in both houses of the state legislature that would limit the siting of a waste disposal facility around the Great Lakes

But with one week left in this legislative session, both lawmakers and concerned residents realize time is of the essence

Bills introduced by Assemblywoman Francine DelMonte, D-Lewiston, and State Sen. George Maziarz, R-Newfane, would amend state environmental conservation law to prohibit locating a waste disposal site in a place that has the potential to discharge into the Great Lakes system.

Siting would be allowed, however, if the company can prove there is no potential for the release of toxic substances from their property.

Amy Witryol, a Lewiston resident who has led the charge on hazardous waste issues, said the bill must be passed now in order to be effective. Otherwise, the state could rule on CWM's latest landfill application without the obligation attached.

"It is an embarrassment for New York to add to its importation of PCB waste from all over the United States for permanent burial two miles from the Great Lakes ... while the agencies tell us landfills eventually leak," Witryol said. "This bill is the only way to prevent the addition of inevitable PCB and toxic discharges, which is precisely what New York's Great Lakes agreements state."

Witryol said the new law would fix a discrepancy between current state law and the 1978 Great Lakes Water Quality Agreement signed by the United States and Canada.

The agreement calls for the "substantial elimination" of persistent toxic substances into the Great Lakes system.

CWM annually discharges about 20 million gallons of treated water into the Niagara River.

At a recent Porter Town Board meeting, CWM District Manager Richard Sturges said tests by his company show that water released in the Niagara River is cleaner than water already in Lake Erie, Lake Ontario and the Niagara River

In 2001, the state Department of Environmental Conservation found CWM in violation of regulations for discharges of PCBs, a suspected carcinogen whose production was banned in the United States in the late 1970s.

Illegal levels of discharge were also found in 2003 and 2004

The contaminants were released into local tributaries of Four Mile and Twelve Mile creeks, which eventually flow into Lake Ontario.

CWM officials disputed some of the results, attributing some to lab error and others to tighter regulations.

Should the law pass the legislature and be signed into law by the governor, the legislation's supporters believe that will put an end to the proposed expansion of CWM, the Northeast's only active hazardous waste facility, and relieve a burden placed on area residents for hosting the facility.

Local communities have already offered support for the legislation. Resolutions asking the state to amend the law were passed in the Village of Youngstown, the Village of Lewiston, the Town of Lewiston and by the Niagara County Legislature.

Leaders in the Town of Porter are prohibited from opposing activities at CWM under a Host Community Agreement with the company.

CWM, which is running out of room in the present landfill on its Balmer Road property, has applied for permits from the state to create a new landfill, known as Residuals Management Unit-2, or RMU-2.

The new law would apply to landfills that import waste from off-site sources other than the disposal company itself, Witryol said.

Neither DelMonte nor a representative from Maziarz's office could specify if and when the bill could come to the floor for a vote.

This situation is not the first time the state legislature considered a law that would impact CWM this late in its session

Last year, the legislature passed a law that would force the DEC to complete a report guaranteeing equitable distribution of waste facilities across the state.

Gov. George Pataki eventually signed the bill into law in July, but the DEC has yet to comply with it.

112. LEGISLATURE: County says landfill bad for business

Wednesday, October 7, 2009 6:32 pm

Niagara County lawmakers believe hazardous waste landfills like the one found in the Town of Porter are bad for local business.

Members of the Niagara County Legislature on Tuesday approved a resolution opposing expansion of hazardous waste landfills like CWM Chemical Services, arguing that such facilities are "contrary and damaging" to local economic development efforts.

The measure is the latest taken by county lawmakers who have previously expressed formal opposition to CWM's plan to expand its landfill operation. It also marks a bit of a departure from earlier opposition efforts in that it clearly identifies hazardous waste landfills as having "adverse effects on real estate values" and as being "detriments to other safer and more sustainable types of economic investment and development."

"The county's position is and always has been one of protectionism and assurance that the people who live in Niagara County will be protected," said Legislator Clyde Burmaster, R-Ransomville, who co-sponsored the measure with Legislator John Ceretto, R-Lewiston.

Copies of the resolution will be passed along to Gov. David Paterson, state lawmakers and Peter Grannis, commissioner of the state Department of Environmental Conservation. It comes as representatives from the DEC are preparing to hold a series of public hearings on a statewide hazardous waste siting plan which will ultimately serve as the guideline for hazardous waste operations in New York. CWM is seeking permission from the state for an expansion of its 710-acre Balmer Road site. The proposed expansion cannot move forward until the siting plan is finalized.

Amy Witryol, a Lewiston resident who opposes CWM's expansion efforts, lauded county lawmakers for putting in writing its belief that the facility has an adverse impact on the local economy.

She said the county's decision comes at a time when representatives from the New York Power Authority are considering an extension to CWM's low-cost power allocation. Witryol argues the landfill, which has received low-cost power from the authority since 1999, doesn't deserve it because it does not meet the job creation requirements under the state's low-cost power incentive program.

"I would certainly like to see that low-cost power re-allocated to one of your economic development priorities," Witryol told legislators.

113. **DEC HEARING: Second hearing, same review** **Friday, November 21, 2008 1:25 am**



A second round of comments from Niagara County residents produced similar reviews for a proposed statewide hazardous waste siting plan.

And this time, the residents who believe the state has wrongfully concluded that New York's hazardous waste disposal facilities are equally distributed were joined in their fight by a contingent of local elected officials.

"One Love Canal is enough for Western New York," said Village of Lewiston Mayor Richard Soluri, one of seven area politicians who attended a hearing at Lewiston-Porter Senior High School to speak out against the current draft of the state's Hazardous Facility Siting Plan.

More than 200 people gathered in the school's auditorium for the second local public hearing on the current draft siting plan. The meeting came a day after a similar hearing in Niagara Falls in which the majority of speakers criticized representatives from the state Department of Environmental Conservation for producing what they believe is another subpar hazardous waste planning document.

While roughly 40 Chemical Waste Management employees attended the meeting as a show of support for the siting plan that may ultimately decide the future of their facility in the Town of Porter, landfill opponents accounted for the majority of the crowd and weren't shy when it came to voicing their displeasure about the plan, the DEC and the amount of hazardous waste being trucked through their community.

"We refuse to be the nation's dumping ground any longer," said April Fideli, president of Residents for Responsible Government, a Lewiston-based non-profit group that has been fighting expansion of the CWM landfill for years.

The siting plan is being developed by the DEC in an effort to comply with a 1987 state law that called for the creation of a plan to guide hazardous waste disposal operations in New York. Thursday's hearing focused on the current version of the siting plan draft, the DEC's fifth attempt. Approval of the siting plan is needed in order for CWM to pursue the expansion of its landfill in Porter.

Several critics in attendance lamented the fact they were forced to attend similar hearings several times before over the course of several years and yet the DEC has not been able to complete an adequate siting plan. Some said they were perplexed as to why the DEC couldn't understand their main concerns, including the documented incidences of cancer and other illnesses in the community near the landfill operation and the potential negative impact of hazardous waste on the surrounding environment, including the Niagara River and Lake Ontario. A few residents questioned CWM's compliance record with state guidelines for hazardous waste operations and the DEC's ability and willingness to enforce violations.

"We hope someday CWM will be held to an even bigger standard — the law," said Amy Witryol, a Lewiston resident and member of the Community Advisory Board for CWM.

Jane Richardson, who has lived in the Town of Porter since 1937, suggested the DEC's "dismal" record of performance on the waste siting issue should make them a prime target for elimination as Gov. David Paterson and state lawmakers make budget cuts to address a mounting deficit.

"I think that's what they refer to as job security," Richardson said of the agency's inability to produce a satisfactory siting plan. "You know, you write one up and it's a dismal failure. Then you can do it over and over again and your job is safe."

Concerns about the siting plan and the DEC were shared by local political leaders.

State Assemblywoman Francine DeMonte, D-Lewiston, called the current version of the siting plan an "improvement, but still an enormous disappointment."

State Sen. George Maziarz, R-Newfane, called the plan "fatally flawed" and took extra time at the podium to single out one individual for his involvement in its development: DEC Commissioner Peter Grannis. Maziarz said the draft siting plan was more like a plan by Grannis to

allow CWM to continue operating as the state's primary dumping facility. Ultimately, Maziarz said, it is Grannis who will decide whether the siting plan moves forward and, therefore, it is Grannis who should be held responsible by concerned Niagara County citizens.

"It's unconscionable and it's wrong," Maziarz said. "We've had enough and we're not going to take it anymore."

Cancer survivor and County Legislature Vice Chairman Clyde Burmaster, R-Ransomville, described living on Parker Road in the Town of Porter, an area known in the neighborhood as the "cancer cluster." Burmaster told how he lost a sister-in-law to cancer and several other neighbors and friends over the years. He believes ridding the community of its hazardous waste landfill would not only improve the area, but also perhaps save a few lives.

"I am here tonight to do whatever it takes to protect the health of my family, my friends and my neighbors," Burmaster said. "Yes, even to the point where I would have to get down on my knees and beg you, DEC, for my life."

DEC officials also heard from CWM employees and a representative from a local trucking firm who said they supported the siting plan as written and were against any planning document that might inhibit the continued operation of the Porter landfill.

Ken Ventry, a 10 year employee of CWM, address the crowd on behalf of the company's 80 local employees, about 40 of whom attended the meeting and stood during his comments. Ventry said the site is safe and essential to brownfields cleanup projects and businesses in New York that are involved in such work.

"We are proud to work at CWM," Ventry said.

Geoffrey Naughton, who is about to enter his 31st year on the job at CWM, echoed Ventry's comments, saying if the facility wasn't safe he wouldn't have stayed as long.

"I can attest to the safety of this site," he said.

Jonathan Price, a representative from Price Trucking, a frequent carrier of waste materials for CWM, encouraged people to consider the impact CWM's closure would have on businesses that deal with the facility, including his own.

"Letting CWM move out of this space doesn't just affect CWM," he said.

Town of Lewiston Supervisor Fred Newlin said he understood the concerns of CWM workers, but argued that the county should be looking to produce jobs in other, less environmentally challenging industries, such as environmental cleanup. He encouraged everyone to begin asking the question of what it is the community wanted for its future — a landfill or something more.

"It's about time things start to change and I think that time has come now," Newlin said.

Thursday's hearing was the last of ten held by the DEC across the state. Comments made during the meeting will be considered as agency officials revise the current draft siting plan. Another round of public hearings is scheduled for next year. The DEC hopes to have a finalized version of the siting document completed and presented for approval by the state Legislature and the governor after the second round of hearings.

114. DEC siting plan says no hazardous waste storage expansion needed in state

Wednesday, October 6, 2010 10:48 pm

The New York State Department of Environmental Conservation has outlined its guidelines for the disposal and treatment of hazardous wastes in New York state with the completion of its Hazardous Waste Facility Siting Plan on Wednesday.

115. Witryol throws 'waste' at Maziarz

Friday, October 8, 2010 11:49 pm

The political challenger to Republican state Sen. George Maziarz on Friday took the incumbent lawmaker to task for his stance on the final version of New York's hazardous waste facility siting plan and his position on the potential impact the plan will have on the proposed expansion to CWM's landfill in the Town of Porter.

116. PORTER: Opposition piles up to PCB shipment

Monday, July 14, 2008 9:51 pm

PORTER — A state agency may believe it's a good idea.

Local officials think otherwise.

The decision by the state Department of Environmental Conservation to ship about 75,000 tons of toxic PCB waste from a cleanup site in Warren County to CWM Chemical Services gained more opposition Monday.

Both the Porter Town Board and Assemblywoman Francine DeMonte weighed in with their concerns on the plan, including the sheer size of the shipment and the increased truck traffic it would bring near local homes and the Lewiston Porter School District campus on Creek Road.

"Why should the Town of Porter be the only dumping site for PCBs, especially contaminated PCBs, from this cleanup?" asked Town Supervisor Merton Wiepert at a Monday meeting where the Town Board voted unanimously to back the opinion of State Sen. George Maziarz, R-Newfane. On Friday, Maziarz delivered a letter to DEC Commissioner Pete Grannis opposing the decision and saying he plans to seek "every remedy possible to prevent it."

Wiepert also invited Grannis to visit Porter to view the possible affect of more truck traffic locally and to view first-hand the nearness of CWM to the Niagara River and Lake Ontario. He said the shipment of PCBs now could set a dangerous precedent if a proposed dredging of a section of the northern Hudson River for PCBs is ever set in motion.

The cleanup site is at the former General Electric salvage yard in the Town of Queensbury. Wiepert said the ability to cleanup the waste exists at the actual site, but because the cost of public bids from contractors was too high, the DEC chose instead to haul nearly 3,000 truckloads of the site's most contaminated waste to CWM.

Under the original plans, the shipments would have started in August and lasted about seven months, CWM District Manager Michael Mahar said at Monday's meeting. It's unclear for now what affect the local protests will have on the plans. Mahar also confirmed at the meeting that

if it comes through, the plans will add 3,000 trucks over the next year, or about 15 more per day. In previous published reports, that number was closer to 1,500.

DeMonte voiced her displeasure in a letter to Gov. David Paterson, calling the decision "one more blatant example of a horrible (state) policy that encourages hazardous waste landfill disposal" and called on the DEC to complete its hazardous waste siting plan in a manner that "discourages the addition of any more land disposal capacity in New York state."

The state is in the process of finishing its latest draft of that plan, the outcome of which could affect the proposed expansion of CWM's local facility. RMU-2 CWM has maintained that its facility helps the environment by providing a place for hazardous waste once it's cleaned up.

DeMonte credited technological advancements for reducing the production of hazardous waste in the United States.

"Many hazardous waste landfills have and will continue to close," she wrote. "I urge you not to let the consolidation of the hazardous waste land disposal industry to take place in the (state)." Later, she added, "All agencies consider recycling or destruction of hazardous waste as preferable to storing it in landfills because hazardous waste landfills may leak and are not a permanent solution."

Mahar said at Monday's meeting the issue of the shipment is between the state and those who are currently voicing their opposition.

"We're providing a necessary service," he said. "So we're here to provide it if the DEC decides to go that route."

117. **LETTERS: Aug. 9's letters to the editor**

Wednesday, August 8, 2007 11:22 pm

Let CWM continue

I have been a resident of Lewiston for about 45 years and began a small electronics manufacturing company in the Summit Industrial Park. As Ohmtek Inc., it grew to employ more than 200; under the new owner, Vishay, it employs more than 300. I started a similar company in Honeoye Falls with employment now at 65 and growing. I was elected to the local Lewiston-Porter School Board for six terms.

I have followed the local controversy about Chemical Waste Management with interest. I attended a few RRG meetings and also visited CWM on several occasions, visiting the landsite. I am convinced that CWM is practicing state-of-the-art technology in capturing and neutralizing chemical wastes, and that the probability of release is negligible. The water that they regularly discharge into the Niagara River is cleaner than the natural water itself.

Historically, Niagara Falls was home to many of the largest chemical companies. The environmentalists were not complaining then. Much of that industry is gone. We now have a back-end, sophisticated technical engineering company employing about 80, most of them well-paid professionals. Half of them are tax-paying residents of Lewiston or Porter.

CWM is an asset to the local economy.

Limiting the expansion of CWM would result in sizable rises in local school and property taxes, directly and indirectly. CWM should be allowed to continue.

Franklyn M. Collins,

Lewiston

Residents for Responsible Government speaking out on hazardous waste trucks

Thursday, January 24, 2013 4:25 pm

Residents for Responsible Government is calling for an end to Chemical Waste Management trucks breaking regulations its members fought hard to have instated.

118. **PROFILE: Amy Witryol has been at the forefront of a community movement angered and upset about hazardous waste operations**

Wednesday, June 28, 2006 2:34 pm



By Aaron Besecker

beseckera@gnnewspaper.com

On a spring night in Lewiston, Amy Witryol slowly got up from her front-row seat and stood at a microphone before the Town Board.

In a soft but determined voice near the front of the half-crowded room, she urged leaders to push for a change in state law that would limit commercial landfilling near the Great Lakes.

She said she believed such a move would benefit the health and safety of local residents.

And minutes after she ended her statement, each Town Board member agreed and endorsed her idea.

"If we want results, we must insist," Witryol told the board. "And we will."

And for proponents of hazardous waste landfilling, those are words they probably already knew, but didn't want to hear.

For several years, this daughter of a social science professor has been at the forefront of a community movement angered and upset about hazardous waste operations.

The push, which includes local groups as well as individual citizens, is aimed at halting the expansion of CWM Chemical Services. The Northeast's only hazardous waste facility, CWM sits on a portion of a former federal radiological dumpsite linked to the Manhattan Project and munitions production facilities.

As the remaining space for toxic waste dwindles, the life of CWM's current landfill is slowly choking to death.

And that's just how Witryol wants to see it end.

She believes CWM's application to state environmental officials to open a new landfill will fail. "It's not a question of if, it's a question of when," she said.

But the approach she takes with the CWM issue doesn't mean she's anti-business, Witryol added.

In her view, the area needs to be cleaned up from the historic chemical and radiological contamination because it's depressing the tax base. Not to mention the notoriety the area is getting playing host to waste.

Witryol grew up in Storrs, Conn., the home of the University of Connecticut and a agricultural area similar to Lewiston.

She majored in classical guitar while attending American University, later went to graduate school and got into the banking industry. Witryol moved to the area in 1998.

She became involved in local environmental issues after seeing a flyer in a local newspaper that said, "Stop toxic waste."

Soon she had met the mother of three students in the Lewiston-Porter schools who was also a chemist and engineer.

That woman, Ann Roberts, eventually teamed up with Witryol to form the Niagara Health-Science Report. The two-person group focuses on researching the Lake Ontario Ordnance Works site and formulating solutions to protect public health.

Witryol's work on the LOOW site also includes her participation in the Restoration Advisory Board, a volunteer group working with the U.S. Army Corps of Engineers guiding the current federal cleanup project.

Her involvement in the CWM issue has lead Witryol to criticize the Lower River Region Chamber of Commerce's actions regarding CWM.

Witryol believes chamber officials have contributed to misrepresentations about issues related to CWM, the Northeast's only active hazardous waste facility, in its advertisements and public functions.

Willing to listen to her strong opinions, Lewiston Supervisor Fred Newlin is one of the many elected officials who keeps in contact with Witryol regarding environmental issues.

He called her a passionate, committed person who has the interests of the community at heart.

"She's definitely not afraid to speak her mind," Newlin said.

Porter Supervisor Merton Wiepert has many times heard Witryol address his Town Board. He said he's impressed by her effort.

"She does her homework," Wiepert said.

Witryol is extremely hesitant to accept recognition for what she does, pointing to countless others who volunteer their free time just as much, if not more, than she does.

"I'm not the hero," she said.

Others have risked their jobs to speak out, she added. Many others, including Joan Gipp, Vince Agnello and William Chaboy, are especially worthy of recognition for their efforts, she said.

Witryol described both her work and the work of others as shining a flashlight on the activities of every entity, business and agency involved around the waste buried in the past, and the waste that's still being buried there.

She believes both of those parties have taken advantage of the area, but that time has ended.

"We're not going to let it happen anymore," she said.

Contact Aaron Besacker at 282-2311, ext. 2263.

121. **LEWISTON: Another stand on drivers licenses**

Monday, October 15, 2007 10:10 pm

LEWISTON — The Town of Lewiston Council took the unusual step on Monday of opposing an initiative begun by the state's governor, unanimously objecting to the plan to grant drivers licenses to illegal aliens.

Though the plan has sparked widespread controversy across the state and resolutions in objection from Niagara and Erie counties, the town would still not typically get involved in issues with the state or federal governments, Supervisor Fred Newlin said at the council's work session.

But the prospect of New York state, and especially areas on the U.S.-Canadian border, becoming more attractive for illegal aliens made the action necessary, said Councilman Ernest Palmer, also a Niagara Falls police captain.

"We share a border with a country with one of the most liberal immigration policies in the world," said Palmer, who noted that area bridges and the Niagara Power Project need protection.

Palmer's parents were from Scotland and entered and stayed in the country legally, Palmer said. Allowing others to do so illegally would be insulting, he said.

Gov. Eliot Spitzer issued an executive order to allow illegal aliens to obtain drivers licenses beginning in late December. He has said his plan will improve public security by creating records for more immigrants. He would also add what he calls anti-fraud measures to the process.

"What has happened is that the politics of fear and selfishness has replaced the politics of common sense and responsibility," Spitzer said at Fordham University on Tuesday. "We are witnessing knee-jerk reactions to sound policies that have no business being politicized or polluted by fear-mongering rhetoric."

But Spitzer's strong words in defense have not quieted public outcry, as many public clerks in all corners of the state have said they will not follow the order.

"New York state has enough problems right now to deal with another burden like this," Newlin said.

In other board news, the town voted to create an informal committee to resolve a traffic issue with CWM Chemical Services. More restrictions are needed on the times when CWM trucks can drive past the Lewiston-Porter School District, Supervisor Fred Newlin said.

The board also unanimously approved a letter to CWM, the school district and the Town of Porter requesting the change in times. Councilman Alfonso Bax said that in previous conversations, CWM has had no arguments with changing the times.

122. PORTER: Board adopts 2007 budget

Monday, November 6, 2006 9:03 pm

The Town Board voted to adopt the 2007 budget by a 4-0 vote on Monday evening.

The \$4.7 million spending plan includes a \$300,000 expense to refurbish the Balmer Road water tower, and no increase in the general town tax.

It does not include an expected \$2.05 million in revenue from CWM Chemical Services as part of a Host Community Agreement. Officials said they plan to use those funds for yet-to-be-specified capital projects.

The board's vote followed a sparsely attended public hearing in Town Hall.

Councilman Jeff Baker was absent for Monday's vote.

123. Town plans to keep quiet on waste law

Saturday, July 15, 2006 12:02 am

A push this week from outspoken residents who want their leaders to support a toxic waste law wasn't enough to change the minds of Porter Town Board members.

Several individuals told town leaders they want the board to publicly support a pending state law that would limit the siting of toxic waste landfills near the Great Lakes.

But because of an agreement signed with CWM Chemical Services in 2001, the town may not be allowed to champion the proposal, according to Supervisor Merton Wiepert.

Under a Host Community Agreement signed in 2001, the town will receive at least \$3 million from the company. In turn, the town agreed not to stand in the way of company activities.

A bill that would limit toxic landfilling, including at CWM, the Northeast's only active hazardous waste facility, passed both houses of the state Legislature last month. It needs the signature of Gov. George Pataki in order to become law.

The proposal has been endorsed by the Niagara County Legislature, as well as the boards of the Town of Lewiston, and the villages of Youngstown and Lewiston.

Residents including Skeeter Tower and April Fideli approached the board asking for it to write letters of support for the bill to the governor.

Each questioned how much freedom the board really has, in the face of Wiepert's statements that the agreement has no sunset clause.

"I just can't believe your hands are tied forever," Fideli said.

"Does that mean that we're forever disenfranchised?" Tower asked.

Upon the advice of Town Attorney Michael Dowd, such an action could violate the agreement and open up the town to a potential civil lawsuit, Wiepert said.

Dowd said he also believes the town should pick its fights, considering that losing a lawsuit could seriously hurt the town's finances.

"That's the recommendation we got, and that's what we stuck by," said Wiepert, who suggested residents write individual letters to Pataki.

CWM District Manager Richard Sturges said the company has not taken an official position on Porter's rights with regards to this matter, saying a decision would have to be made by the company's attorneys.

Still, the bill is not in the best interest of the Town of Porter, according to Sturges, because if the bill does target CWM, it could hinder future operations. A halt to operations would have negative financial implications on the town, he added.

Residents did request each board member write a support letter as an individual resident.

None of the board members have said if they would take such an action.

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125. Waste law passes Senate

Saturday, June 24, 2006 1:00 am

The future of the Northeast's only hazardous waste facility faces more questions thanks to the state Senate.

The Senate passed a bill late Friday that would limit future operations at CWM Chemical Services.

The bill would amend state environmental conservation law to prohibit locating a waste disposal site in a place that has the potential to discharge into the Great Lakes system.

The Assembly passed the bill Thursday afternoon.

It now requires Gov. George Pataki's signature in order to become law.

State Sen. George Maziarz, R-Newfane, sponsored the Senate bill.

"Our community has been subjected to the scourge of hazardous waste for too long," the senator said. "There is absolutely no reason to invite more health risks into the Great Lakes basin and it's time we shut the door."

Assemblywoman Francine DeMonte, D-Lewiston, sponsored the Assembly bill.

The new law would fix a discrepancy between current state law and the 1978 Great Lakes Water Quality Agreement signed by the United States and Canada, according to Amy Wilryol, a Lewiston resident who has lead the community's fight over hazardous waste.

CWM, which is running out of room in the present landfill on its Balmer Road property, is located just miles from Lake Ontario and the Niagara River.

The company has applied for permits from the state to create a new landfill, known as Residuals Management Unit-2, or RMU-2.

Several local communities requested the state amend the legislation.

Resolutions supporting the amendment were passed by the Niagara County Legislature, as well as in the Villages of Lewiston and Youngstown and the Town of Lewiston.

The Town of Porter is prohibited from opposing activities at CWM under terms of a Host Community Agreement which provides the town with millions of dollars for community projects.

In 2001, the state Department of Environmental Conservation found CWM in violation of regulations for discharges of PCBs, a suspected carcinogen whose production was banned in the United States in the late 1970s.

Illegal levels of discharge were also found coming from an undetermined area of the site in 2003 and 2004.

This is the second year in a row the fight for a pending state law related to hazardous waste has come down to the wire

In 2005, a law pushing for a statewide plan ensuring equitable hazardous waste siting passed the legislature in the final days of session.

It was eventually signed by Pataki in mid-July.

126. Assembly passes Great Lakes waste bill

Thursday, June 22, 2006 9:25 pm

The New York State Assembly passed a bill just before 2:30 p.m. today that would limit the siting of hazardous waste facilities in the Great Lakes basin.

The bill, sponsored by Assemblywoman Francine DelMonte, D-Lewiston, requires hazardous waste facilities to prove they have no potential to discharge toxic substances into waters of the Great Lakes system.

If approved by the Senate and signed by the governor, it could affect operations at CWM Chemical Services in Porter, the Northeast's only hazardous waste facility.

127. EDITORIAL: Waste disposal bills need to be voted on

Sunday, June 18, 2006 8:32 pm

An important bill affecting CWM Chemical Services and Niagara County could come up for a vote this week in both houses of the state legislature.

Bills introduced by Assemblywoman Francine DelMonte, D-Lewiston, and State Sen. George Maziarz, R-Newfane, would amend state environmental conservation law to prohibit locating a waste disposal site in a place that has the potential to discharge into the Great Lakes system. It doesn't totally rule them out though — a disposal site could be allowed if the company could prove there is no potential for the release of toxic substances from its property.

The new law would fix a discrepancy between current state law and the 1978 Great Lakes Water Quality Agreement signed by the United States and Canada, according to the legislation's supporters. The 1978 agreement calls for the "substantial elimination" of persistent toxic substances into the Great Lakes system.

The bills are worthy of our support and that of the Assembly and Senate. For decades all manner of toxic chemical found their way into the Great Lakes — and eventually — into Lake Ontario. Anyone who spent time along Lake Ontario's, and sometimes the Niagara River's, banks in the 70s and 80s remembers the numerous fish kills and the murky, polluted waters.

Things seem better these days — thanks in part to the Zebra Mussel, which has helped to make the water clearer — but there's room for improvement. For the most part, the two bills presented would impact CWM and its plans for a new landfill at its Balmer Road facility unless the facility could prove nothing was leaking from its site.

While CWM annually discharges about 20 million gallons of treated water into the Niagara River, company officials say their tests show that the water released is cleaner than that which is already in Lake Erie, Lake Ontario and the Niagara River.

Prove that and that nothing is leaking into surrounding tributaries and its business as usual at CWM. We could live with that. Of course it would be nice to have that confirmed by an independent third party.

But that's in the future, right now the question is will a vote actually take place in the two houses?

When asked last week, neither DelMonte nor a representative from Maziarz's office could specify if and when their bill could come to the floor for a vote.

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We hope these bills turn out to be more than just lip service.

128. BONUS COVERAGE: Schaubert's unedited letter about truck traffic

Wednesday, February 21, 2007 11:10 pm

The following is the complete statement given by Lewiston-Porter School Board President David Schaubert regarding truck traffic along Creek Road:

"There has been much discussion lately concerning the District's lack of sensitivity and action related to truck traffic on Creek Road. The District is and always has been monitoring and acting in the best interests of the District and its students. Examples of this activity are consultations with and the appointment of Dr. (Joseph) Gardella to represent our interests with the (Lake Ontario Ordnance Works Restoration Advisory Board); contacts with the New York State (Department of Transportation) concerning speed limit restrictions, the installation of a traffic light on Pletcher and Creek roads, and alternate traffic routes; contacts with CWM concerning their truck traffic patterns and blackout periods and information inputs to the CWM Community Action Committee via members of the local community.

"However, in this same vein, the District will not allow the various political action committees on both sides of the hazardous and nuclear waste debate to use the students of the Lewiston-Porter School District as pawns in forwarding their individual agendas. Official District activities are and will be restricted to forwarding input received by the District through our official and unofficial representatives on the CWM CAC and the Lake Ontario Ordnance Works RAB.

"It must be remembered that while being located on a State Route has disadvantages associated with various types of vehicular traffic that use the designated truck route, the District also enjoys the advantages of having access to a much safer road due to quicker snow removal, surface maintenance, and width and safety related boundaries and access controls specifically related to it being a designated State Route.

"The concerns presented to the District and the Board by citizens are and will continue to be taken seriously. The District has, and will continue to address these concerns via the proper forums that have been established for that purpose and will not be drawn into the emotional, factional, political debate as this will not serve the interests of the parents and students of the Lewiston-Porter School District."

129. **CHEERS & JEERS: Jan. 12's highs and lows**

Thursday, January 11, 2007 7:42 pm
CHEERS

n TAX BILLBOARD: Thanks to more than \$2,000 donated to Lockport businessman Lee J. Bordeleau, a billboard blasting the county's high property tax rate will soon be unveiled on South Transit Road in Lockport. Bordeleau is hoping to raise enough money for a second sign on Niagara Falls Boulevard. Here's hoping he's successful — maybe we can shame government officials into action.

n SABRES ALL-STARS: This week's announcement of three Buffalo Sabres being named starters in the upcoming NHL All-Star game is quite an accomplishment. The Sabres are the first team to place three players in an All-Star starting lineup since fan balloting began in 1986. While the team's recent success has more to do with just the play of center Daniel Briere, defenseman Brian Campbell and goalie Ryan Miller, it's good to see the rest of the hockey world take notice.

JEERS

n NFR RENEGOTIATION: We don't like the sound of Niagara Falls Redevelopment giving city attorneys a proposed revision of its 2003 agreement with the city. Falls attorneys say the document is more concise and streamlined. We hope it has nothing to do with loosening requirements NFR is supposed to meet for work in the city.

n CWM TRUCK PATH: A recent study by a community group determined there are no alternative routes for trucks traveling to and from the CWM Chemical Services site in Porter. Much of the concern stems from the fact the trucks drive right past the Lewiston-Porter School District campus. With no alternatives available, it's crucial truck drivers follow the rules on their way to CWM — no driving during school hours and no stopping in Niagara County.

130. **PORTER: Supervisor: 2007 to be year of planning**

Tuesday, January 2, 2007 7:56 pm

Supervisor Merton Wiepert listed a half-dozen "important issues" for the coming year during the Town Board's annual reorganizational meeting Tuesday.

Wiepert said he believes several issues, mostly centered on planning, need to be addressed in 2007.

On the supervisor's list: The approval of the Niagara River Greenway plan and proposed projects connected to the plan; choosing what capital projects should be undertaken with close to \$2 million through a host community agreement set to arrive from CWM Chemical Services; the expansion of shared services, especially with the Village of Youngstown; community events; residential development projects; codification of a new zoning manual that corresponds with the town's Comprehensive Plan.

In other town matters:

n The Town Board appointed John "Duffy" Johnston to the Zoning Board of Appeals.

Johnston fills the vacancy left by the passing of Art King.

The term expires Dec. 31, 2011.

n The board appointed William Rolland to the newly created position of alternate on the Planning Board.

The Planning Board will have six members this year, and Rolland would serve if another board member was absent.

Rolland, an outspoken critic of hazardous waste landfill operator CWM Chemical Services, will be required to recuse himself from any votes pertaining to the company, Wiepert said.

The same will be expected of Planning Board Chairman George Spira, a former employee at CWM, Wiepert added.

Spira was appointed to his ninth year as chairman.

Rolland's three-year term expires Dec. 31, 2009.

141. **July 31's Letters to the editor**

Sunday, July 30, 2006 9:54 pm

CWM needs to prove water quality

I'm writing in response to the Gazette's June 28 article on Chemical Waste Management wastewater testing. Of course, the citizens of the Town of Porter and Lewiston want honest and non-biased testing of the 18 to 20 million gallons of "treated" wastewater which CWM dumps into the Niagara River each year. We not only want it tested, we insist on it! CWM claims it doesn't even hurt the minnows. I speak from the experience of a man who has been on this river all his life. I've been fishing there on Peggy's Eddy since age 10. I am now 86. The CWM "treated" water empties right into what once was the spawning ground for perch. There hasn't been a perch population in the lower Niagara River since that discharge pipe was installed. You can fool some of the people some of the time, but you can't fool Mother Nature!

If indeed, CWM puts clear, pristine water into the Niagara River have them prove it with thorough, independent testing. Have them also test the waters of the creeks that flow through their property carrying PCB's straight into Lake Ontario. Locals who know these waters know the damage that has been done to life along the way. If CWM can spend \$1.2 million to lobby for their own permits and profits, the least they can do is put \$15,000, or whatever it takes, to prove to us old-timers and fishermen, and people who love and value this corner of the world, and people who want to maintain their health and their property values, and those who want to leave a legacy of a clean, healthy place to live for

their children and grandchildren — prove it to us all!

Arthur King

Youngstown

PORTER: Residents point to siting plan, "do not disturb" order

Wednesday, July 26, 2006 11:01 pm

Members of the public interested in hazardous landfill expansion plans criticized past decisions and inactivity of state officials during two scoping sessions held Wednesday.

While officials from the state Department of Environmental Conservation attended the meeting to hear about whether CWM's list of environmental effects was complete, members of the public took the opportunity to talk about what they saw as past mistakes.

Gary Abraham, special counsel to the Niagara County Legislature, objected to the scoping sessions even occurring at this point.

Abraham believes because the DEC has yet to complete a statewide Hazardous Waste Siting Plan, the scoping process will likely have to be revisited in the future.

"It doesn't make any sense to make the decision now," Abraham said.

The DEC, as ordered by the state Legislature in 1987, must create a comprehensive plan that is meant to detail the equitable distribution of hazardous waste disposal in the state.

Audrey Agnello, wife of Residents for Responsible Government President Vincent Agnello, read a statement prepared by her husband, who was out of town.

Agnello's statement also pointed to the unfinished plan, which has been mandated numerous times both legislatively and by the state Supreme Court.

Gary Bauer, a Wheatfield resident, also questioned the delay in seeing a finished siting plan.

"That just does not make any sense to me why the law of New York state has not been enforced," Bauer said.

DEC representative Dan David said because of a state law passed last year, the siting plan does need to be completed before the DEC can deem CWM's application complete.

Some of Wednesday's speakers also questioned why CWM's application for a new landfill is being considered when there exists an order from the state Department of Health not to disturb the soils in the area because of prior contamination.

Thomas Freck, a Balmer Road resident, questioned why soil is allowed to be disturbed on the site in spite of the order.

"It needs to be thoroughly investigated before more is dug up and buried," Freck said.

142. LEWISTON: New role for Johnson

Tuesday, January 26, 2010 12:19 am

A longtime Lewiston Town Board member, who once filed for personal bankruptcy, has been appointed as the town's new part-time budget director.

Democrat Michael Johnson resigned his \$13,452 position as board member effective midnight Monday in order to take over the \$41,000 position as budget director, but defended his hiring despite the bankruptcy claim.

"That was a long, long time ago," Johnson said. "It was over the sale of a piece of property and has no bearing on my hiring."

Town Supervisor Steven Reiter said he had no reservations regarding Johnson's prior financial troubles, adding he believes Johnson's experience will be an asset to the position.

"A long time ago, (he filed for bankruptcy) he's gone through two elections since his financial troubles and obviously the voters of Lewiston don't think it's an issue," Reiter said. "I have total faith and confidence in him."

Reiter said Johnson's base salary is \$33,626, and he will receive an additional \$7,500 in procurements, all of which was a part of the 2010 budget.

"If there isn't room, we will make room for the position, but this is an appropriated position in our 2010 budget," Reiter said.

Johnson said that his fiscally conservative values as well as his 35 years of experience in the real estate business should make residents feel comfortable in his appointment.

Reiter said the town did not advertise for the budget manager's position openly but he did have several candidates in mind.

"It was simply an easy decision to put Mike into this position," Reiter said.

The town clerk has been asked to advertise for the vacant councilmember's position on the now all-Republican board.

In other meeting issues, Dennis Dooling of Residents for Responsible Government was critical of the town's hiring of part-time attorney's Michael Dowd and Mark Gabriele, who both have ties to expansion efforts of Chemical Waste Management.

Dowd served for many years as council for the Town of Porter, where he actively participated in the CWM host community agreement that made Porter a partner in the expansion of CWM.

During the time same, the Town of Lewiston vehemently opposed any partnership or expansion of the waste storage site

Now with Dowd working as attorney for both municipalities, Dooling said that Resident's for Responsible Government suggest that Dowd be prevented from discussing issues involving the expansion or increasing the amount of hazardous waste taken in at CWM.

Gabriele, who works privately at Harris Beach LLP, aided that firm in drafting the hazardous waste facilities siting plan, which supports landfill expansion. Dooling said that due to Gabriele's work at Harris Beach, he too should not be permitted to discuss issues involving CWM with the town board or supervisor.

143. **GREAT LAKES: Spitzer vetoes hazardous waste bill**

Wednesday, August 15, 2007 8:51 pm

Gov. Eliot Spitzer vetoed a state bill on Wednesday which could have stopped the proposed expansion of a hazardous landfill in Niagara County.

The bill would have banned the siting of hazardous waste landfills in locations with a potential to discharge into the Great Lakes system. If signed, it could have jeopardized a proposal of CWM Chemical Services, which operates a landfill on Balmer Road in Porter, to expand its facility.

The bill can still be overturned by a veto in the state legislature

"Essentially, it would have closed the state's only permitted hazardous waste disposal facility and we would have been left having to send waste to other states," said Judith Enck, the state's Deputy Secretary for the Environment. "We didn't think closing the one and only facility at this time would be particularly sensible."

The same bill came up last year and was vetoed by then-Gov. George Pataki.

Official confirmation of the veto, and a copy of the memo by Spitzer's office explaining the decision, were obtained about 7:20 p.m., and came after Spitzer's press office failed to confirm the news despite repeated phone calls.

"This wasn't good legislation and the governor was right to veto it," said Lori Caso, a CWM spokesperson. "The bill was actually an environmental negative. Clean up in New York state is important, and having a site like CWM that disposes of waste from brownfields and other remediation projects is vital."

But the late notification and lack of publicity frustrated several individuals who supported the bill and vehemently oppose CWM's expansion. One of those, Amy Witryol, said she was not given much information on the veto.

"What I can say, other than we've seen no veto memo so we can't respond to this, is we've heard of no credible issues or concerns," she said. "So either something's been kept from us or the rationale behind the veto lacks substance."

"Either way, it makes you wonder whether voters made the right choice last November (electing Spitzer)."

A mass e-mail sent by April Fideli, president of Residents for Responsible Government, echoed Witryol's sentiment.

"We will have more comment when the public is let in on what the governor's rationale was for the veto, but as of this writing, we can only express our disappointment at the governor's lack of leadership and lack of transparency," Fideli wrote.

Fideli also wrote a page-long letter to Spitzer on behalf of RRG calling the landfill "the single largest environmental concern of Niagara County and its Legislature," and detailing the reasons New York state does not need a toxic landfill.

Spitzer's veto memo called the bill overly broad, prohibiting as much as 40 percent of the state from having a toxic landfill, and said that sending hazardous waste to other states will be "significantly more expensive." It said it shared the environmental concerns of the bill's sponsor, state Sen. George Maziarz.

The governor will instead roll out a plan to complete a statewide hazardous waste study done by the state Department of Environmental Conservation, Enck said.

"It would look at the hazardous waste disposal needs of the state and what are the responsible options for waste disposal," Enck said. "It's long overdue."

144. **NEW ON THE WEB: Governor vetoes hazardous waste law**

Thursday, August 17, 2006 2:25 pm

By Aaron Besecker

beseckera@gnnnewsaper.com

Gov. George Pataki has rejected a proposed law intended to limit the expansion of CWM Chemical Services, the Northeast's only hazardous waste landfill facility located in Lewiston and Porter.

In his veto, Pataki said the proposed law was premature since the state Department of Environmental Conservation is currently working on a state-wide siting plan.

He also pointed to "serious flaws" in the legislation, some of which were raised by the DEC and the Department of State.

The bill, which was sponsored by Assemblywoman Francine DelMonte, D-Lewiston, and Senator George Maziarz, R-Newfane, sought to prevent any hazardous waste landfill from being sited that has potential to discharge into the Great Lakes System.

For the latest on this story, stay tuned to www.niagara-gazette.com and pick up a copy of tomorrow's paper.

145. Lobbying, campaign donations may still be influencing process, resident says

Monday, July 3, 2006 12:08 am

By Aaron Besecker

beseckera@gmnewspaper.com

A bill passed by both houses of the state Legislature aimed at limiting toxic flows into the Great Lakes sits among a lot of company.

Like hundreds of other bills, some passed by the Senate and Assembly as far back as February, it awaits the signature of Gov. George Pataki in order for it to become state law.

But for those who believe the state should enact a law to limit hazardous waste siting near the Great Lakes, the work isn't done.

And the pressure on political leaders from the community is still mounting.

Assemblywoman Francine DelMonte, D-Lewiston, and state Sen. George Maziarz, R-Newfane, both sponsored bills in their respective houses. Both passed over the final two days of the legislative session last week.

But officials in neither office know if, or when, Gov. George Pataki intends to sign it.

A spokesman for the governor said the bill has not yet been transported to the executive offices. But once it arrives, the governor has 10 days in which to sign it or veto it. If the governor does neither, the bill automatically becomes law.

"We don't comment on anything until we receive it," said Pete Constantakes, a spokesman in Pataki's office.

Under the bill, no hazardous waste facility would be allowed to be constructed in the Great Lakes area unless it could prove it did not have the potential to discharge toxic substances into the fresh water system.

CWM Chemical Services, the Northeast's only hazardous waste facility located in Porter, has applied for a permit from the state to build a new landfill on its site.

DelMonte said she believes the bill should reach the governor's office no later than September, though there's always the chance it could take longer.

"Until the bill is called up, the clock doesn't start ticking," DelMonte said.

Officials in Maziarz's office have yet to receive an indication from the governor's office about the bill's fate, said Susan Senecah, the senator's environmental policy director.

Maziarz plans to write a letter to Pataki encouraging him to sign the bill. He also hopes to speak to the governor one-on-one about it, Senecah said.

By law, the governor is able to sign a bill until the end of the year, she added.

April Fideli, vice president of Residents for Responsible Government, a group of environmentally concerned citizens, said she expects the governor will sign the legislation.

"I believe he'll show the public that he cares," Fideli said.

Amy Witryol, a Lewiston resident who's been vocal on environmental issues, said she expects lobbyists hired by CWM's parent company may still play a role in whether or not the bill is signed.

She pointed to both lobbying efforts and campaign contributions as tactics that can still influence the process.

By the end of the year, Waste Management, CWM's parent, will have spent more than \$1.2 million on lobbyists since 2003.

One of the lobbyists working on behalf of CWM has also contributed to Maziarz's political campaign.

In 2005, Crane and Vacco donated more than \$2,300 to the senator's coffers.

"Being green is easy when the governor is credited with land purchases in the Adirondacks," Witryol said. "Being green won't stick if he cannot oppose the toxic waste lobby on what Sen. Maziarz called a 'no-brainer' of a bill."

Contact Aaron Besecker at 282-2311. Ext. 2263.

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Contact Aaron Beserker at 282-2311, Ext. 2263

147. **LEWISTON: Running on empty** **Friday, February 6, 2009 11:17 pm**



LEWISTON— A tractor-trailer hauling unknown cargo to CWM left a lengthy trail of diesel fuel along the way Friday.

The truck on its way from Weedsport to the Lewiston landfill apparently suffered a ruptured fuel tank on the I-190 northbound and began to drip a trail of fuel behind it.

"One of his saddle tanks was punctured, and he bled diesel fuel for 10 miles," State Police Zone Sgt. Ronald Warner said. "I know it was exactly 10 miles because I measured it."

The trail of diesel stretched from just south of the Military Road exit of the I-190, extending down Lewiston Road to Creek Road and over to Balmer Road before the truck stopped just before reaching the gates of CWM. Pools of oil were visible at intersections along the way where the truck had stopped.

Les Myles, deputy chief of the Lewiston Hazmat team, said the crews moved quickly to contain the spill.

"We used an absorbent material to dry up (the fuel)," Myles said.

The Department of Environmental Conservation then contracted with a hazardous waste disposal firm to come in and actually clean up the dried up fuel.

While the spill and clean up disrupted traffic, both Warner and Myles said there was no danger to nearby residents and no evacuations. None of the affected roadways were closed to traffic.

"There is a new dark line down the road where the fuel leaked," Warner said.

The driver of the truck, identified as John Hinkel Jr., 43, of Fort Plain, was charged by the DEC with dumping hazardous material on a

roadway Troopers charged Hinkel with a fuel leak under federal transportation laws.

Contact reporter Rick Pfeiffer

at 282-2311, ext. 2252.

148. PORTER: Budget hearing set for tonight

Sunday, November 5, 2006 7:52 pm

A proposed town budget that raises elected officials' salaries by 3.5 percent will be open for public comment at a hearing slated for tonight.

The \$4.7 million spending plan, which keeps the general town tax rate at 79 cents per \$1,000 of assessed valuation, hasn't changed since it was initially proposed by Supervisor Merton Wiepert.

The budget does not include an expected \$2 million in revenue from CWM Chemical Services set to arrive as part of a Host Community Agreement.

"You don't budget money until you got it in your pocket," Wiepert said.

The supervisor said he expects the check to arrive in May.

Town officials are presently amassing a list of possible capital projects for the CWM money, according to Wiepert.

Members of the public will be allowed to comment during the public hearing, to take place at 7 p.m. in Town Hall, 3265 Creek Road.

Town officials are planning to spend \$300,000 in 2007 to refurbish the Balmer Road water tank, which hasn't received any work in about 20 years.

Funds from the water reserve fund will be used, Wiepert said.

Under the spending plan, Porter will pay \$30,000 more for operations at the Lewiston Water Pollution Control Center, which services sewers in the town.

The 2007 budget figure is \$240,000, up from \$210,000.

Town officials have also set aside \$1,000 for the potential hiring of a consultant to deal with issues related to the reconfiguration of the Robert Moses Parkway.

State officials will begin a public process early next year to discuss possible changes to a stretch of the parkway from Main Street in Niagara Falls to around the Town of Lewiston line.

The total 2007 budget figure is \$4,716,236. The total amount to be raised by taxes is \$1,209,555.

The plan needs to be finalized by late November.

149. BESECKER: Working on a waste plan

Friday, February 16, 2007 8:08 pm

A bill introduced this week by state Sen. George Maziarz looks to update a 1987 law the Department of Environmental Conservation has yet to follow.

Aside from calling for a 20-year management plan for hazardous waste in the state, it also proposes a 2015 sunset to hazardous waste landfill operations.

"There's a lot of arrows in this bill that are meant for the heart of (hazardous waste) landfills in the state," said Sue Senecah, Maziarz's special assistant for environmental issues.

The proposed legislation would amend the 1987 Hazardous Waste Management Act which called for a statewide siting plan for hazardous waste facilities.

At the time the original law was written, New York had three hazardous waste landfills, Senecah said.

Today, the only landfill currently operating, CWM Chemical Services, sits in Niagara County's backyard.

CWM has already filed an application to build a new landfill with state environmental officials, though the application has not yet been deemed complete.

A 2005 law requires the completion of the statewide hazardous waste plan before the new landfill application can be accepted as complete.

According to Seneca, the issue needs to be framed as something larger than a landfill that touches the Town of Porter in Niagara County in the northwest corner of the state.

"Revising the 1987 act offers the best chance to elevate this to a statewide-level conversation," she said.

In 2006, the state Legislature passed bills sponsored by Maziarz, R-Newfane, and Assemblywoman Francine DelMonte, D-Lewiston, which called for any hazardous waste landfill sited within the Great Lakes basin to show there was no potential for discharge into the freshwater system.

The bills passed in both the Assembly and the Senate with very few opposing votes, but the legislation was eventually vetoed by former Gov. George Pataki.

Senecah said Maziarz worked extremely hard to get the bill passed, more so than most legislators spend on most bills.

If every legislator worked like he did, crossing lines of accepted protocol, there would be "rebellion" in Albany, Senecah said.

At this point, Maziarz has no plans to reintroduce the language of last year's failed bill, she added.

This year's proposed legislation increases the size of the hazardous waste siting board that would review CWM's application by adding more members of the public and representatives of state agencies.

It calls for the creation of a statewide Hazardous Waste Management Task Force to assist with the creation of the management plan

It removes specific evaluation standards for potential sites, including the potential risks of ground and surface water contamination as well as the risk of explosions or fires due to improper storage methods.

In their place, an ecosystem-based approach will be taken, an approach which considers the place of humans within the environment. It includes social, cultural and historic considerations in addition to environmental and natural ones.

But the law is also not without its critics.

Amy Witryol, a Lewiston resident who has been a community advocate on the CWM issue, questions the changes to those benchmarks

"If Sen. Maziarz believes his 2015 sunset will obviate new hazardous waste landfill applications, then why does most of the bill language change the criteria for a statewide siting plan, change the environmental standards to which the applicant is held and change the people who make the decision?" Witryol wrote in an e-mail.

Senecah said Maziarz and his staff are open to making any improvements to the bill's language.

"We welcome a good faith discussion," she said.

CWM spokeswoman Lori Case issued a brief statement on behalf of the company

"We are reviewing the legislation," she said. "Waste Management would welcome a hazardous waste siting plan for New York state."

151. Witryol says Maziarz-sponsored piece distorted her position on PCB dumping

Thursday, November 1, 2012 10:11 pm

A four-year-old controversy involving the delivery of PCBs to a hazardous waste landfill in Niagara County is now at the center of a new debate involving two candidates running for the New York state Senate.

152. LEWISTON: Residents want school board to address chemical waste

Tuesday, October 21, 2008 10:31 pm

A handful of residents want the Lewiston-Porter Board of Education to put more pressure on federal agencies responsible for monitoring and cleaning chemical waste around the school district.

With new action on the horizon that would expand Chemical Waste Management's capacity at its Porter landfill and possibly create a second landfill, a group of concerned residents said Tuesday the board's time to speak up is fast approaching.

Amy Witryol, a member of the Community Advisory Committee for CWM, said the board should evaluate the U.S. Department of Environmental Conservation's waste siting plan and, if it opposes it, the board needs to put pressure on the DEC.

"If the school chooses not to comment, I think that sends a clear message to agencies that the school is satisfied with the transportation past the schools," Witryol said, referring to the trucks carrying hazardous waste through the district. "Since that's been an issue in the past, I would urge you to look into that."

If CWM expands its current landfill, trucks that transport chemical waste along Creek Road past the Lewiston-Porter campus will likely continue through 2013, Witryol said. If CWM adds a second landfill, it will require transportation of hazardous material for another 11 years, she added.

Two public hearings will be held for comment on the latest siting plan draft at 6 p.m. Nov. 19 at the Niagara Falls Public Library and Nov. 20 at Lewiston-Porter High School. The siting draft is online at: <http://www.dec.ny.gov/chemical/9054.html>.

April Fideli, head of Residents for Responsible Government, meanwhile, said the testing around the Niagara Falls Storage Site hasn't been enough. More testing is needed to determine how contamination from the former Manhattan Project storage affects the school district, Fideli said, noting a Sept. 8 letter from the U.S. Environmental Protection Agency to the Army Corps recommended additional off-site testing to gauge how far the contamination extends.

"We urge the school board to request the U.S. Army Corps of Engineers provide the school district property with the same investigation and monitoring as the Niagara Falls Storage Site," Fideli said. "The Niagara Falls Storage Site property is located one mile east of the Lewiston-Porter campus and houses high-activity radioactive material. . . The federal government should provide surveillance for the school."

New superintendent R. Christopher Roser, whose first official board meeting was Tuesday, told the Gazette familiarizing himself with the district's environmental issues is one of his top priorities as he moves forward. Roser began as superintendent on Oct. 1.

"It's one thing reading it in the paper, it's another to go to Joe Gardella and listen to what has taken place and what he's doing," Roser said after Tuesday's meeting.

Gardella, a chemistry professor at the University of Buffalo, has been working with the school district and serving as a liaison between the community and the Army Corps.

Board president Robert Weller said the board has been repeatedly assured by federal agencies the district is safe, but he supports a push for more testing. Weller said the board met with Gardella and plans are set for him to evaluate the campus to request specific areas to test and monitor.

"We're going to map out where we'd like the tests," Weller said. "It's a constant battle but I just want to reassure you, we are constantly worried about the safety of the children."

153. INVESTIGATION: Sediments from drainage through contaminated sites warrant closer look, study says.

Sunday, October 12, 2008 11:16 pm

A new report released by independent researchers on behalf of the Niagara County Health Department suggests that while there are no areas around the former Lake Ontario Ordnance Works that require urgent action, there are areas that deserve more investigation to rule out the possibility of major issues.

Released this month, the Community LOOW Project's report outlines ten recommendations for state and federal agencies charged with handling the investigation and cleanup efforts around the contaminated LOOW site in Lewiston and Porter.

Funded by \$200,000 in government grants, The Community LOOW Project was formed in 2005 to evaluate data from agencies responsible for the site's cleanup and to ensure agencies address the community's concerns.

The former LOOW site consists of various properties, which include CWM Chemical Services, a hazardous waste landfill, and most of the Lewiston-Porter Central School District.

Project Coordinator K. Scott King said the project has found a number of "data gaps" and there are two areas that require most additional attention

First, the sediments at Four Mile Creek and the southwest drainage ditch should be investigated for possible contamination. Different properties have different "monitoring and regulatory requirements, but "common parameters" should be set in evaluating surface water that "traverses different properties," according to the report."

The report also said sediment was not sufficiently evaluated in some areas.

"Migration of sediment through storm flow should be considered," it said. "Previous investigation techniques for sediment sampling that did not use vertical coring profiles would not have been sufficient to identify all potential sediment contamination.

Second, authorities should better monitor the air quality coming from the direction of the CWM landfills and contaminated Niagara Falls Storage Site properties.

"We don't know exactly if they're major issues," King told the Gazette, "But there's some concern . . . and some areas where we need more information."

Information, the report concluded, has not always been readily available to the public, noting "multi-year delays in getting information to the public and proceeding with decision-making and actual remediation."

The report recommends an archive be made available to the public containing all research, records and documents of LOOW site activity and the public should be assisted in learning how to use the project's data maps, which use geographic information system technology. The maps are available online at <http://communityloowproject.com>.

Lori Caso, spokeswoman for CWM, said the company disagrees with some of the information contained within the report and has "provided appropriate data" in response.

"We anticipate that the final report will reflect our comments," Caso said via e-mail.

The results of the Community LOOW Project's report will be presented at a public hearing, 7 p. m. Tuesday at the Lewiston Senior Center.

154. LEGISLATURE: No go on the PCBs

Tuesday, July 22, 2008 10:48 pm

Niagara County lawmakers are attempting to throw some roadblocks in front of 75,000 tons of contaminated waste bound for the Town of Porter.

Members of the Legislature unanimously supported a resolution that "strongly" encourages the state Department of Environmental Conservation to develop a safer alternative plan for handling PCBs the agency plans to move from a waste site in Warren County to the CWM Chemical Services landfill in Porter.

"It makes our image as a county undesirable," said Legislator Dennis Virtuoso, D-Niagara Falls. "We all saw what happened with Love Canal. We're still suffering the effects."

The DEC is under orders from the federal government to clean up an old General Electric operation in the Warren County community of Queensbury and transfer the waste by truck to Niagara County. Under the DEC's proposal, an estimated 74,600 tons of a total of 149,200 tons of hazardous waste from the site would be hauled to CWM.

The Legislature's resolution characterizes land disposal of hazardous waste as the "least preferable method" of managing such material and suggests that New York should not add hazardous waste landfill capacity in Niagara County or anywhere else in New York. The move comes just days after lawmakers in Erie County went on record as opposed to the expansion of CWM.

As an added deterrent, Niagara County lawmakers also took the first formal step in a process that would allow the county to place a PCB importation tax of \$200 per ton on any material trucked across county lines under the DEC's plan. Lawmakers directed the county attorney to prepare a home rule message that asks state lawmaker for permission to implement the tax which would be used to cover the county's cost for public safety and infrastructure needs related to management of the hazardous material.

In other matters, the Legislature:

- Accepted a \$2 million payment from the Niagara County Industrial Development Agency to cover the amount the agency borrowed from the county back in the 1980s to create a "revolving loan fund to assist area businesses. By law, the money must be returned to the county account from which it was originally taken. Majority Leader Richard Updegrave, R-Lockport, said members of the Republican-led Majority eventually plan to set the money aside to help reduce the county's property tax rate come budget time.

"It is the position of my caucus that these monies will be returned to the taxpayers," he said

n Supported a resolution directing County Manager Gregory Lewis to hold off on filling the position of director of the Department of Homeland Security until after the November election. Members of the Majority caucus requested the move, arguing that the county may have a new sheriff after the election and that person should have a say in which candidate is chosen for the Homeland Security Director post.

- Appointed Christian Peck to the position of county public information officer. Peck, a former associate with the polling firm, Zogby International, will coordinate public relations efforts for the county for a salary of \$39,500 per year.
- Declared the former Mount View Health facility as surplus property that is no longer required for public use. The move clears the way for the county to begin soliciting purchase offers for the site which closed as a health care facility on Dec. 31, 2007.
- Approved a \$1.5 million bond issue for Niagara County Community College's Hospitality and Tourism Center and the Niagara Falls Culinary Institute in Niagara Falls.

155. ENVIRONMENTAL NOTEBOOK: Outlook good for haz waste bill

Friday, June 1, 2007 8:34 pm

The outlook is positive for a bill said to be aimed at the heart of hazardous waste landfilling in Niagara County, according to a lawmaker from the Adirondack region.

State Sen. Betty Little, R-Queensbury, this week said she believes a bill that would prohibit toxic landfills within the Great Lakes Basin will have "no problem" passing her chamber of the Legislature.

Little, a member of the Senate's Environmental Conservation Committee, also said she is unsure about how Gov. Eliot Spitzer might act on the pending legislation if given the chance.

Bill No. 5862, sponsored by Sen. George Maziarz, R-Newfane, moved through the environmental committee this week.

If it becomes law, it would prohibit the siting of hazardous waste landfills with the potential to discharge into Great Lakes Basin. The bill passed both houses of the Legislature in 2006, only to be vetoed by Gov. George Pataki.

Many in the Niagara region see the bill as having the potential to stop a planned expansion at CWM Chemical Services in Porter. CWM is the Northeast's only active commercial hazardous waste landfill.

CWM officials view the bill as an attempt to shut down their company, and believe it may be unconstitutional if it becomes law.

"We don't look at this bill as being environmentally friendly," company spokeswoman Lori Caso said last month.

This year's bill, which consists of the same language as the vetoed bill, has been sent to the Senate's Rules Committee. It is now eligible to be sent to the house floor for a vote.

Companion legislation in the Assembly, introduced by Assemblywoman Francine DelMonte, D-Lewiston, could be voted on next week.

Little likened the bill's philosophy to that of a recent ban on landfills within the Adirondack Park.

"Water is very hard to purify once you have polluted it," she said.

A staffer for the chairman of the Senate's Environmental Conservation Committee wasn't as optimistic about the bill's potential.

Deborah Peck Kelleher, a member of Sen. Carl Marcellino's staff, pointed to Pataki's veto memo, which noted the bill would affect 24 counties, or more than half the state.

Peck Kelleher said the language of this year's bill does not address the issue raised by Pataki.

When a bill is vetoed and resubmitted, lawmakers typically look to see if the issues raised have been resolved, she said.

Marcellino, R-Syosset, has chaired the committee for 11 years. Peck Kelleher said he was unavailable to comment for this story.

Amy Witryol, a Lewiston resident, questioned the belief that the scope of the bill is overly large.

"As we noted last year, it seems inappropriate for Gov. Pataki to have vetoed the bill because he doesn't like the federal definition of the Great Lakes system and he thinks it's overprotective," Witryol said. "We don't."

156. Is waste law dead?

Sunday, September 17, 2006 9:06 pm

By Aaron Besecker

beseckera@gnewsaper.com

Gov. George Pataki may have said "no," but some in Niagara County are still insisting "yes."

The governor axed a measure last month that could have affected the future of CWM Chemical Services, the Northeast's only hazardous waste landfill located in Porter.

But the fight's not over, according to local residents and political leaders.

Residents, environmental groups and government representatives held a "strategy conference" last week to discuss the next steps in what they're calling a push to protect the water of the Great Lakes.

Of chief concern is operations at CWM, a subsidiary of waste industry giant, Houston-based Waste Management. The company is hoping to receive state approval for a new hazardous waste landfill that would extend the life of its hazardous waste operations in Niagara County.

"We are going to seek every sector of society to join in our efforts to convince not only New York state, but all of the state and the provinces of Canada to seriously look at what they need to do to protect the Great Lakes," said Vince Agnello, president of community group Residents for Responsible Government.

The bill, which passed both houses of the state Legislature near the end of the summer session with only one vote against it, would require proponents of hazardous waste operations to prove there was no chance any toxic substances would enter the Great Lakes Basin because of their operations.

Pataki eventually announced his veto on Aug. 18.

Officials are considering the use of letter writing and media campaigns, as well as other means to spread their message.

Environmental groups, including the Audubon Society, Buffalo Niagara Riverkeeper, and the Sierra Club, as well as the League of Women Voters, were vocal in their support for the bill.

Representatives of many of those groups were in attendance at last week's meeting, according to Agnello.

CWM District Manager Richard Sturges pointed to Pataki's veto of the bill, in which Pataki wrote he believed the bill had "serious flaws."

Sturges also said the company is committed to working with the public as operations continue at the site.

"New York state has stringent regulations in place to make disposal in a hazardous waste landfill an environmentally safe option," he said.

County Legislator Clyde Burmaster, R-Ransomville, said county officials will take the message to other county leaders from across the state at the annual meeting of the Association of Counties later this month in Lake George.

Plans are also underway to seek support from the Canadian government, according to Burmaster.

He believes the likelihood of getting the legislature to override the veto by the end of the year is "practically nothing" and may be pushed in next year's legislative session.

"(But) we're not tossing that out," Burmaster said. "We're still going to pursue that along with other avenues."

Contact Aaron Besecker at 282-2311, Ext. 2263.

157. 'Pigapalooza' is returning to Ransomville
Thursday, September 12, 2013 3:00 am



There will be a petting zoo, pony rides and a bounce house at the "Pigapalooza," a annual free community event that takes place on the church grounds from 4 to 8 p.m. Saturday at the Ransomville Free Methodist Church at 3924 Ransomville Road.

158. IN BRIEF: RRG holding fundraiser
Tuesday, April 15, 2008 7:29 pm
EVENT

RRG holding fundraiser

A Family Fun Night and Country Jamboree, sponsored by Residents for Responsible Government, is set for 6 to 10 p.m. Saturday at the Youngstown Fire Hall, 625 3rd St., Youngstown.

There will be a dinner catered by Ashker's, drinks, dessert and dancing. Auctions, a 50/50 drawing, door prizes and a kids activities will also be available. RRG is a group of Lewiston and Porter citizens who oppose the activities and expansion plans of CWM Chemical Services.

Tickets are \$15 for adults, \$7 for children and free for children five years old and younger. For more information, call 745-9936 or visit www.rrg-wny.org.

161. READER LETTERS: Our readers speak Nov. 5
Monday, November 5, 2007 1:17 pm

I have been seeing ads and receiving numerous political flyers to my home and have a question for Fred Newlin. You've taken credit for keeping taxes down in the Town of Lewiston and mentioned that the town is in good standing because of the money it receives from businesses like CWM and Modern. And yet, you have taken a stand that you are against any expansion of CWM or Modern. I don't think that you can have it both ways. I have worked at the CWM site since 1976. I assure you that we run a safe and secure landfill that offers good jobs in our community. Newlin, I think that you should rethink your stand on these issues. Without businesses like CWM and Modern and the jobs and taxes that they provide to our community it's going to be "lights out for Lewiston."

Richard Harden

Lewiston

JOURNALISM: Gazette wins four national awards
Monday, January 22, 2007 8:20 pm

The Niagara Gazette has earned four journalism awards from a national newspaper trade association.

The Gazette's reporting staff, two staff reporters and Greater Niagara Newspapers' features department won recognition in the Suburban Newspapers of America's 2006 editorial contest, association officials announced last week.

The newspaper's reporters received three second-place prizes, while the features department earned a first-place award.

Each entry competed in the 25,000 to 50,000 circulation category.

Gazette news staffers were recognized for coverage of the 2005 general election, which included expansive coverage of races for Niagara Falls City Council seats, the Niagara County Legislature, the Niagara County Sheriff and several town races.

Reporter Rick Forgione won second place in education coverage for his work covering the Niagara Charter School, student housing issues at Niagara County Community College and the closing of St. John de LaSalle Catholic School.

Reporter Aaron Besecker won second place in environmental coverage for his work on issues surrounding CWM Chemical Services, a hazardous waste landfill in Porter.

The features department won first place in the category of best lifestyle/entertainment section for its weekly Night and Day section.

162. Proposed rules for toxic waste haulers fall flat

Monday, June 7, 2010 12:29 am

The county likely can't regulate hazardous waste truck traffic within its borders, but a Lewiston-Porter area legislator is prepared to push the issue anyway.

163. EDITORIAL: Hearings highlight hazardous waste

Wednesday, November 19, 2008 12:03 am

Tonight begins a two-part series of hearings on a state document that could go a long way in determining the future of hazardous waste disposal in Niagara County.

The state Environmental Conservation Department is holding the hearings on its Hazardous Waste Facility Siting Plan. It's a document that the DEC was mandated to come up with more than 20 years ago but, as one might suspect, became a very hot potato very quickly. It's the plan that points to where hazardous waste treatment facilities should be located statewide.

A few false starts and rejected efforts on the plan leaves us, two decades later, still on the drawing board. What the final product contains could be of critical importance to Niagara County.

The thrust of the document locally focuses on the Chemical Waste Management facility in the Town of Porter. CWM wants to expand its operation. As currently written, the document states that waste disposal is evenly spread across the state. The company's critics strongly dispute that.

"Niagara County has been bearing the burden of hazardous waste for New York for too long," said April Fidell, a representative from Residents for Responsible Government, a local action organization. It and others say far from equitable, our little corner of New York is essentially the toxic dumping ground for the rest of the state and that the pollution and the truck traffic on area highways are an unfair burden on the county.

CWM says it's a responsible corporate citizen, providing both jobs and a safe way for industry to rid itself of its hazardous waste. Any expansion cannot take place until the statewide plan is adopted.

So if you're concerned about the expansion or if you support it, these hearings are your opportunity to make yourself heard. The first session is at 6 tonight at the Niagara Falls Public Library, 1425 Main St. The second meeting will be held at 6 p.m. Thursday at Lewiston-Porter High School at Creek and Pletcher roads. It is a critical issue. So, as community organizers have been fond of saying, "If you care, be there."

164. Dec. 7's Cheers and Jeers

Thursday, December 7, 2006 4:28 pm

CHEERS

TOY FUND: It was a good weekend for the 2006 Toy Fund carried out by city firefighters, which included a telethon, a party at The Summit mall and a blitz of local bars seeking dollar bills in firefighter boots, all for needy local kids. Early numbers show that firefighters collected \$19,000 at the Summit Bash alone. It's a good thing too, the number of children being helped by the program rises every year.

JEERS

CWM TRUCKS: For the second time in two weeks a truck carrying waste to the CWM Chemical Services ran into some trouble on its way to the hazardous waste facility. This time, a driver pulled over to a pizzeria for a slice on Creek Road. That's a strict no-no, according to the rules for truck drivers. It's not as bad as a truck leaking substances onto a parking lot, as happened last time, but it's still troubling that drivers aren't adhering to the strict rules of the facility. After all, they're not hauling groceries to Tops Markets.

165. Attorney costs not likely to be shared further

Sunday, October 1, 2006 9:41 pm

Niagara County: Legislator downplays chances of other contributors

By Aaron Besecker

beseckera@gnewsnewspaper.com

Niagara County will "probably not" request funding from the villages of Lewiston and Youngstown to help pay for its outside environmental attorney, the Legislature's vice chairman said.

Residents of those villages, which are themselves part of towns, already contribute through the county's share of support for legal fees, said Legislator Clyde Burmaster, R-Ransomville.

In fact, all county taxpayers contribute because of the county's share, he added.

Burmester's statement follows a comment made last week by Lewiston Supervisor Fred Newlin who hesitated to contribute to attorneys fees under a current proposal from county officials

Newlin questioned the fairness of who is specifically asked to pay for the legal services

He pointed to the size of his town's budget, roughly \$12 million, comparing it to the size of the county's budget, which is about \$262 million

Newlin believes the discrepancy makes an equal payment unfair to town taxpayers, he said at a town meeting last week

The county hired Allegany attorney Gary Abraham at the start of 2005 to represent its interests regarding proposed landfill expansion at CWM Chemical Services

At that time, the county allocated \$50,000 for Abraham's services. When those funds were exhausted, the Town of Lewiston contributed \$50,000.

During that time, Abraham has also hired other environmental experts for assistance with various issues

Most of the funds have gone to those other experts, Abraham wrote via e-mail.

The county has just contributed its next \$50,000 share, and hopes Lewiston will provide the next block of funding. County Attorney Claude Joerg is currently working to draw up a contract with Lewiston, Burmaster added.

Village of Youngstown Mayor Neil Riordan said he has not been contacted by any parties regarding the matter.

Village officials are careful of "budgeting on the fly," Riordan said

"Our budgets are written June to June basically and we're pretty stringent because of the tightness of the budget," he said

The next round of budget discussions start near the end of this year, and the board would have to examine the situation at that point, Riordan added

Village of Lewiston Mayor Richard Soluri also said he has not been contacted about the issue

The Board of Trustees would need to have significantly more information before making any decision, Soluri said.

The Town of Porter is prohibited from doing anything to obstruct operations at CWM because of a host community agreement signed in 2001.

Contact Aaron Besecker at 282-2311. Ext. 2263.

166. Parkway retention supported by Porter

Monday, May 8, 2006 9:13 pm

Porter officially wants the parkway.

Town officials unanimously approved a resolution Monday announcing their support to keep the Robert Moses Parkway open

"We think it would be a detriment to the community if it were to close down," Councilwoman Nancy Orsi said during an interview on Monday.

Several state agencies will begin a scoping process later this year to determine what action, if any, will be taken with regards to a portion of the parkway which stretches north from downtown Niagara Falls.

Councilman Thomas Baia said he believes too much attention has been given to those advocating parkway removal. To take out the parkway would affect visitors who want to travel to attractions north of the city, as well as residents who want to travel to the city of Niagara Falls.

"If they close down that parkway, it's going to hurt everybody," Baia said.

In other town matters:

n Supervisor Merton Wiepert appointed Roy Rogers as the town's new building inspector.

Rogers will earn an annual salary of \$15,135 for 19.5 weekly hours of work

The previous position required only seven hours of work per week.

Officials said enforcement of the town's property maintenance code adopted last year will be one of Rogers' priorities in addition to issuing building permits and performing fire inspections

He was chosen out of six candidates

n Town Board members are developing potential capital project ideas in anticipation of more than \$2 million set to arrive in 2007 through the Community Host Agreement with CWM Chemical Services, Wiepert said.

He wanted to give other board members "thinking time" in order to come up with uses for the money, which could include a community center or a town park.

The town must dedicate the funds towards a specific project or projects, rather than puffing the money in the town's general fund, Wiepert said.

An agreement between the town provides cash payments from CWM in exchange for the town not opposing operations on the site. The upcoming payment will be the largest individual payment made under the terms of the agreement.

The board set a public hearing for 7 p.m. on June 12 to hear input on a proposed zoning change as part of a plan to build about two dozen condominium units.

Robert Slavin and Santo Candella want to build the units on more than five acres just east of Lake Road and the Robert Moses Parkway.

The proposal involves a request to rezone the land to a category known as "multifamily 80," which would allow a greater number of units to be built.

167. LOOW group elects Garrow, others

Tuesday, March 28, 2006 9:03 pm

BY Aaron Besecker

beseckera@gnnnewspaper.com

The community group charged with acting as the public's voice in the cleanup of a radiological and chemical waste site has named a safety and environmental health professional involved in the Love Canal Revitalization Agency as its new chairman.

The Steering Committee of the Lake Ontario Ordnance Works Restoration Advisory Board on Tuesday elected Waller Garrow to lead the volunteer organization.

Garrow will take the reins of the group which works with the U.S. Army Corps of Engineers as the plans for cleanup of hundreds of acres in Lewiston and Porter move forward.

He said he hopes to streamline the administrative tasks of the group, and said he felt humbled by all the accolades from current Steering Committee members.

"I hope I can live up to his name," Garrow joked.

Garrow works for Quality Inspection Services of Buffalo as a corporate safety director, and has worked for the City of Niagara Falls wastewater division, Carborundum, National Fuel Gas, Buffalo Color Corp., and the Niagara Frontier Transportation Authority.

The position of Steering Committee chair had been vacant since the resignation of Niagara University professor Sean Kelly in September.

Board Vice Chair Rebecca Zayatzy had high praise for Garrow and said he can be a balanced leader with insight into the opinion of the community.

"I believe he is the perfect person to chair the RAB," said Zayatzy, an engineer for Waste Management, and CWM Chemical Services, its subsidiary.

The committee also appointed three others to vacant positions within the organization.

Niagara University professor of chemistry Mary McCourt is the group's new Chemical Committee chairwoman. The position involves review of activities intended to clean up chemical contamination at the LOOW site.

McCourt has been at NU for more than six years, and said she's aware of the importance of having the community involved in the decision making process.

"I'm very efficient at building resources," she added.

Guy Zaczek, an instructor at Niagara County Community College, was elected as chair of the Historical Committee.

Zaczek's past work includes employment at Carborundum and Occidental Chemical.

The third position filled by the group was the election of William Rolland to one of the last two empty Steering Committee seats.

Rolland is a leader in the community group Residents for Responsible Government, often a critic of activities at CWM.

"He's got some skills that the committee could use," said William Choboy, the group's Membership Committee chairman.

Contact Aaron Besecker at 282-2311, Ext. 2263.

168. GUEST VIEW: Is Gov. Eliot Spitzer scared senseless?

Monday, August 27, 2007 1:21 pm

Recently, Governor Spitzer vetoed the Great Lakes-Hazardous Waste landfill legislation based on speculation and erroneous information. The bill would have prevented the siting of new toxic waste landfills in New York if they have the potential to pollute the Great Lakes System.

The gods in Albany have long exported electricity to the nation from the Town of Lewiston, while importing massive amounts of toxic PCB waste to the Town of Porter. Eliot Spitzer promised to help upstate by changing the status quo. Instead, last week, he endorsed it. Why?

First, the governor tried to suggest the bill was too broad, that the Great Lakes System in New York is not worth special environmental protection already afforded the Adirondacks, the Catskills, and Long Island.

Then Mr. Spitzer tried to assert that in its "broadest sense," the bill could apply to facilities other than hazardous waste landfills. Last year, not even the waste industry tried to offer this excuse. Former Gov. Pataki's counsel offered that question to Niagara County counsel and based on the answer, they couldn't assert it, either. Interestingly, this year when we asked to speak with Gov. Spitzer's counsel, our request was denied.

"Brownfields," the latest buzzword

The governor said that the bill would make it more expensive to ship waste out-of-state resulting in fewer clean-ups of dangerous brownfields. But less than 5 percent of New York's total remedial and industrial hazardous waste is landfilled in-state. This makes the cost of eliminating toxic landfilling from the Great Lakes System insignificant. The DEC offered no evidence to the contrary.

If the EPA agreed with Spitzer that closing New York's landfill in five years would hurt the environment, it would require states to project adequate toxic landfill capacity — but EPA hasn't done so for 15 years. EPA recognizes that toxic landfills today operate in a national marketplace which is meeting the country's needs. Puerto Rico and distant states pass other closer facilities when shipping their waste to CWM, as do NY generators when they export past CWM to other states.

According to the EPA, in 2005 New York generated 3 percent of U.S. toxic waste to landfills but DEC permitted 21 percent, or seven times that amount for burial here. Whose interest does that serve? New York taxpayer costs to oversee our toxic dump to the nation were ignored in the veto message.

Anti-technology

With Spitzer's reasoning, adding more toxic landfills would be better for the environment. He is contradicted by the most comprehensive federal and state agency Great Lakes task force. A strategic goal of the Great Lakes Restoration Collaboration is to eliminate toxic landfilling through continued improvements in technology. They object to relocating contamination to landfills where threats to the environment are permanent. Both DEC and EPA assert that landfilling should be a last resort.

It was EPA policy that led to a technology-driven 60 percent decline in U.S. hazardous waste generation from 1995-99. Spitzer's veto runs counter to policy that would promote technology we need to speed clean-ups, everywhere.

The siting plan excuse, again

Spitzer now calls for the adoption of a statewide Hazardous Waste Siting Plan, "as soon as possible." But a plan helps only CWM to site another toxic landfill at this juncture.

The NYS DEC is both a regulator and customer of CWM. The DEC did not comply with a 1987 law requiring the state adopt a siting plan to fairly distribute toxic burden — instead, DEC kept siting toxic dumps only in Niagara County.

To prevent more siting abuse, a 2005 law was passed to prohibit new toxic landfill approvals in New York until DEC finally adopts a Siting Plan. We'd get a plan from DEC, but only now that CWM needs one.

The DEC's last draft version of a Plan in 2003 demonstrated ample national toxic landfill capacity. But Spitzer's veto wants us to wait for another. It also showed Niagara County is the only area of the state burdened by toxic landfill import facilities for 35 years. That hasn't changed, either.

Worse, a Siting Plan cannot provide enduring protection for the Great Lakes because, under law, the Plan is a guidance document that does not assess environmental suitability of locations, in contrast to the bill Spitzer vetoed. And the Plan can be "updated" periodically.

Spitzer's deputy secretary told the Gazette that it's not sensible to close the state's only toxic landfill right now because the state needs to plan. This is contradicted by five years of remaining capacity. Also, deferring the decision gives the Administration even less time to plan for change.

A fair process?

The DEC made its decision about the bill without soliciting input from the impacted community and the Niagara County Legislature. However, the waste industry speaks with DEC and its attorneys every day. The deputy DEC commissioner toured CWM at staff suggestion. We found out by accident. No one suggested she speak with the impacted community.

For "dialogue" about the bill we spoke with officials who offered only some of the veto message concerns, all of which were contradicted by available information. We gave them and the public what information we had. We asked for information that would support their concerns, but received none of substance.

The governor's staff told only the press about the veto, before the public or even the bill sponsors. These press calls were placed while the governor's office was still telling us no decision had been made.

Then why?

Giving the governor the benefit of the doubt, perhaps staff had information they wouldn't share with us, or they were frightened by conjecture from DEC's old guard. However, people are already wondering how the powerful waste industry lobby and its unions influence political friends the governor needs.

Whatever the reason, Niagara County and the rest of upstate remain prime territory for the nation's toxic waste dump industry and its powerful lobby, thanks to Mr. Spitzer.

Amy Witryol is a Lewiston resident.

169. **LEWISTON: Siting plan forum draws familiar responses** Friday, November 20, 2009 12:47 am



The latest version of New York's statewide hazardous waste siting plan prompted many familiar arguments during a public hearing on Thursday.

More than 200 people gathered inside the auditorium at Lewiston-Porter High School for the session in which officials from the state

Department of Environmental Conservation fielded comments from the public about the agency's tentative siting plan.

As has been the case with similar hearings in the past, the crowd featured two groups - those who believe adoption of the plan will be good for local business and those who fear such a move would benefit one company in particular - Chemical Waste Management which operates the state's only hazardous waste landfill in the Town of Porter.

"It's easy to cast stones at big companies but big companies are made up of guys like me," said Chuck Aube, a Ransomville resident who has worked at CWM's landfill in the Town of Porter for 33 years.

"Is there anyone here tonight who really believes Lewiston Porter is better off with eight million tons of hazardous waste in its backyard?" said Tim Henderson, a member of Residents for Responsible Government, a citizens' group that has long criticized CWM's landfill operation as a threat to the health of residents and the quality of life in the community.

The siting plan is being developed by the DEC at the direction of the state Legislature to serve as a guideline for various aspects of hazardous waste handling and disposal in New York. RRG representatives and other critics of the newest version took exception to several of the findings in the document but expressed particular disappointment over a section that suggests the distribution of hazardous waste facilities in New York is "geographically equitable." A similar conclusion reached as part of the 2008 version of the siting plan drew similar outcries from critics who continue to point out that Niagara County is home to the only hazardous waste landfill in New York.

"Nothing about this is equal," said RRG President April Fidel.

Dr. R. Nils Olsen, an attorney and professor of law who represents RRG, said one of the major flaws in the DEC's "equitable distribution" finding relates to how the agency measures hazardous waste operations statewide. While the plan notes that there are 25 treatment, storage and disposal facilities in the Long Island region and 23 in the Western New York area, Olsen said it does not take into account the size or type of facilities in question. As a result, Olsen said the DEC's document suggests the number of such facilities in both regions is comparable when, by the agency's own count, Long Island facilities took in 2,129 tons of waste in 2007 compared to Western New York sites which received 166,862 tons that same year.

"How can you call that equitable?" Olsen said.

Final siting plan approval is needed before CWM can move forward with a plan to expand its landfill operation in Porter. Under state law, the review of the company's permit application cannot occur until a final siting plan has been approved.

The majority of those who spoke in favor of adoption of the current siting plan were employees from the CWM landfill and union leaders who did business with the facility. Several of them argued that the facility not only provides jobs, but contributes to the local economy through payments for transportation, engineering and other services it requires.

"I tell my men one job matters," said Robert Connelly, business agent for Laborers Local 91. "It may not matter to some, but if you are that person who loses that job it matters to them."

Sean Kelley, a Town of Porter resident who attended the hearing with his young daughter, said jobs are important, but so too is having a clean environment in which to raise a family.

"It seems to me that there are some things that are non-negotiable for me and my family," he said.

Some advocates for site plan approval bristled at the notion that CWM's operations posed a hazard to the health of the community. Paul McCollum, business manager for the International Union of Operating Engineers Local 463, said the employees at the landfill are well trained and the technology employed in constructing caps for the hazardous materials on site is sound.

"People who have said that there are landfills that leak, well, I personally don't believe it," he said.

Both sides found themselves at odds over another key finding in the document which suggests there is no need for additional hazardous waste capacity in New York. Landfill expansion advocates asked the DEC to reconsider that finding while critics of the expansion plan said it was one of the areas the DEC got right.

State Assemblywoman Francine DelMonte, D-Lewiston, outgoing Town of Lewiston Supervisor Fred Newlin, recently appointed Village of Lewiston Mayor Bill Geiben and Niagara County lawmaker John Ceretto, R-Lewiston, all attended the hearing and spoke out against adoption of the plan. State Sen. George Maziarz sent his assistant Jim Ward who said the senator could not attend in person because he was delayed in a special session in Albany. Maziarz submitted a four-page statement on the plan to the DEC.

Similar hearings have been held at locations across the state. Comments will be used in the development of the final plan which DEC officials expect to deliver to Gov. David Paterson sometime next year.

171. **LEWISTON: Newlin looks ahead to third term**

Thursday, January 10, 2008 8:27 pm



LEWISTON — Fred Newlin is plenty familiar with the civic challenges and issues in the Town of Lewiston.

After all, Newlin emerged victorious as town supervisor in November's hard-fought election over Republican Ron Winkley, setting the stage for his third two-year term in the office.

Budding interest from residential and commercial developers, a host of environmental issues and the town's aging infrastructure are all things it must face in the coming years, Newlin said in a recent interview.

But first things first.

"We have to make sure we get the most out of this incredible deal with the power authority," Newlin said. "We have an awful lot coming to us

for such a small town."

Some of the ongoing benefits of that deal for the town have already been realized including cheap hydropower that allowed reduced residential rates for town residents and annual cash for capital improvements. Annual money for projects along the Niagara River Greenway should be available soon.

The town board has shown interest in what could be a likely first project for the greenway — a path down the Niagara Escarpment. Benefits of the deal will last for its 50-year duration.

The greenway money will allow the town to invest in its strengths — recreation and history, Newlin said. The cash for capital improvements will help the town make improvements to its old roads, water and sewer lines.

"One of the things I'll make a priority is investing this power authority money to try and fix these problems before they become a five-alarm fire," Newlin said. "By doing that we can stay a couple steps ahead of our neighbors."

Reduced electricity rates also present an opportunity for the town, Newlin said.

"I'd like to try and encourage (energy conservation)," Newlin said. "So that Lewiston becomes one of the best energy smart towns in the country."

The town has two landfills — CWM Chemical Services and Modern Landfill — which together are a regular source of concern for town residents. Newlin said he was committed to working with CWM to "protect residents as best we can."

Modern's bid to increase the rate it accepts garbage, and thereby hasten its closure by about seven years, touched off significant community backlash this past year. Newlin was publicly against the proposal, and the board never brought it up.

"My election was a referendum on waste importation into the Town of Lewiston," he said. "The voters spoke that they weren't interested in seeing more garbage in our town."

The town — with a current population of about 16,500 people — is also faced with increased interest from developers, and must be "choosy" about what projects to move forward with, Newlin said. More residents would strain the town's schools and services and could lead to tax raises, he said.

"I don't know many people who would like to see (the town) get much bigger," he said. "There's a point where it affects quality of life."

Newlin said this is the first time the board has returned intact from one year to the next in 20 years.

"I've tried to establish a board that works with inclusive leadership," he said. "I've tried to put politics aside and try to address one community issue to another."

Michael Johnson agreed. Johnson is a Democrat and the longest-tenured board member as well as one of Newlin's close political allies.

"We all seem to have the same desires and focus for where we want to take the town," Johnson said. "This board has worked very well together."

Johnson and Sean Edwards are the two Democrats on the council. Councilmen Alfonso Bax and Ernest Palmer make up its Republicans. Although the town is subject to the occasional political flap, meetings are generally cordial and votes nearly always unanimous.

Johnson concurred on Newlin's direction with the town, adding that he wanted to make sure the Hickory Stick Golf Course stays on track. The course is set to debut in 2009.

"I think that'll be a big asset for Lewiston," he said.

As for future political plans beyond his third two-year term, Newlin played it close to the vest.

"I really love being town supervisor," he said. "You can make an impact in the town you grew up in, and it's a terrific job."

Tackling the issues

As Fred Newlin begins his third two-year term as Lewiston town supervisor, he sees a number of civic challenges and opportunities. Some of those are:

- Making the most out of the New York Power Authority relicensing settlement
- Carefully regulating residential and commercial development in the town
- Making the town more energy efficient through public relations campaigns
- Addressing issues at the area's two landfills, Modern Landfill and CWM Chemical Services
- Taking care of the town's aging infrastructure, including roads and water and sewer lines

LETTERS: Need a better state budget

Wednesday, January 30, 2008 9:19 pm

Tell us the plan, CWM

I am concerned about the Chemical Waste Management bound truck traffic that must pass directly in front of all five school buildings and the administrative offices of the Lewiston-Porter School District on Creek Road on their way to CWM's toxic waste dumpsite. Each truck is a potential disaster to the more than 2,000 school children and their teachers, as well as to the neighboring residences. All it would take is one truck to overturn or be in a collision with a school bus or a parent's car for there to be a catastrophe.

We are told that a plan is in place to deal with such scenarios. It seems to me that the responsible and prudent thing to do would be to have a Haz-Mat response team, along with all other local first responders, conduct a hazardous material disaster training exercise with the entire school community to actually practice carrying out the evacuation plans. Then we would see if the plans are sufficient to protect our children from harm. To do otherwise would be negligent in the extreme, perhaps criminally so.

The Rev. Rex Stewart

Youngstown

172. LETTERS: March 7's letters to the editor

Tuesday, March 6, 2007 8:49 pm

Holes in new Maziarz Waste Bill

Sen. George Maziarz has introduced a bill to finally mandate the completion of New York State's plan to eliminate hazardous toxic waste landfills in our communities. The development of this plan is long overdue, as the 1987 Hazardous Waste Management Act actually required the New York State Department of Environmental Conservation to complete this plan 20 years ago. Developing a plan to end toxic landfilling in New York state is critical to protecting public health and our environment throughout the state.

Government leaders, environmental organizations, public health groups and local community members have made it clear that they do not support the expansion of the Chemical Waste Management (CWM) hazardous waste landfill in Niagara County. Allowing this to happen would cause additional damage to the community, and further degrade our finest natural resource, the Great Lakes. Citizens Campaign for the Environment (CCE) is one of many groups committed to preventing this ill-conceived proposal from moving forward.

Developing a plan to phase out toxic landfills in New York state is critical and necessary and should be advanced on a parallel track with stopping the CWM proposal. The proposed legislation is a step toward ending toxic landfills in the state, but it is not perfect and must evolve with input from the community. CCE urges everyone to work together constructively to achieve these important goals.

Brian Smith, program coordinator

Citizens Campaign for the Environment

Buffalo

173. ENVIRONMENT: Senator tells DEC to hold off on plan to move waste to Porter

Monday, July 14, 2008 9:09 am

Staff Reports

New York state Sen. George Maziarz, R-Newfane, has asked the man in charge of the state's Department of Environmental Conservation to reconsider his agency's plan to ship 75,000 tons of toxic PCB waste from a cleanup site in Warren County to a hazardous waste landfill in the Town of Porter.

On Friday, Maziarz delivered a letter to DEC Commissioner Pate Grannis, encouraging his office to hold off on the waste removal plan until other

alternatives can be discussed.

"Let me be clear," Maziarz wrote. "I have no interest in allowing any toxic waste from the Queensbury site to be imported into Niagara County and I plan on seeking every remedy possible to prevent it."

According to the senator's letter, the DEC initially solicited bids for contractors that would use thermal desorption — a process which isolates toxins using heat — to cleanup the former General Electric salvage yard in Queensbury in Warren County. Because the cost of the bids was determined to be too high, Maziarz said the DEC scrapped that plan, choosing instead to haul 1,500 truckloads of waste material across the state from Queensbury to the CWM Chemical Services landfill in Porter.

In his letter, Maziarz said he was "appalled" to learn that the DEC decided upon a "less safe and less clean" plan simply because bids were too high.

"I urge you in the strongest sense possible to delay any further work or awarding of contracts until you and I have had the opportunity to discuss this issue and explore alternatives," Maziarz wrote.

174. PORTER: No tax raise in 2008 budget

Wednesday, November 7, 2007 5:49 pm

There will be no property tax increase in the Town of Porter's 2008 budget, which was adopted unanimously at Monday's Town Board meeting.

"We're being cost-conscious," Supervisor Merton Wiepert said. "We don't go out and buy something we don't need."

Included in the budget is an estimated \$4.9 million in spending. Along with fees certain areas of the town will have to pay for infrastructure projects, residents will be taxed at 79 cents per \$1,000 of assessed valuation. It will be the fourth year in a row with no tax rate increase.

There were no new major expenses for town departments this year, which helped keep costs down, Wiepert said. He credited town department heads for keeping an eye on the bottom line.

Part of the reason the tax rate is flat is the town is using interest from money received from CWM Chemical Services to offset spending, Wiepert said. It also includes increases in funding for libraries in Ransomville and Youngstown and a one-time payment of \$20,000 to Fort Niagara for uniforms to mark the 250th anniversary of the French and Indian War.

Thomas Baia, a town councilman and deputy town supervisor, said the budget reflects a town that is well-run and frugal.

"We tried to keep everything in control and I think we did a good job of it," he said.

Having money in the right categories for the budget also makes a difference and reduces the need for costly borrowing, Baia said.

"We don't spend money we don't have to spend," he said. "And I think anybody who takes a look at our books would feel the same way."

181. **RAB struggles to establish priorities**

Tuesday, February 21, 2006 9:35 pm

BUFFALO — Community representatives involved in the cleanup of site contaminated by the federal government with nuclear waste and chemicals from munitions admit they need direction.

During a meeting of the Lake Ontario Ordnance Works Restoration Advisory Board's Steering Committee on Tuesday at the U.S. Army Corps of Engineers' Buffalo office, committee members engaged in a long discussion — and had varying opinions — about what the group's priorities should be.

From short-term issues arising over a dispute with the U.S. Army Corps of Engineers over access to and input on reports, to long-term concerns about how to best use federal resources to study and cleanup radiological and chemical contamination, members continued to argue as they have for several months over how the group should proceed.

"We can't continue to go on like this," said Karen Allen, chair of the RAB's Outreach Committee. "We need leadership."

The group has been without a chairperson since the resignation of Sean Q. Kelly, a Niagara University professor, in September.

Rebecca P. Zayatz, vice-chair of the group and engineer for Waste Management, the parent company of the hazardous waste facility CWM Chemical Services, raised concerns that the group might lose the few members it currently has. "Things don't change."

Chemical Committee Chair Terry Yonker said he supported working toward broader goals, as opposed to arguing about what he considers minor issues that take up a good deal of the committee's and the U.S. Army Corps of Engineers' time.

"I think the RAB needs to focus on the bigger picture," Yonker said.

Radioactive waste from the Manhattan Project was buried and is stored on the LOOW site, which is also contaminated with chemicals from use by the Department of Defense.

The group plans to address the empty chairperson position at its next meeting at 1 p.m. March 28 in the community room at HSBC, 721 Center St., Lewiston.

182. **DELUCA: We ignore Lois Gibbs at our peril**

Thursday, October 24, 2013 1:45 pm

The other day I time-traveled back 35 years to Love Canal, where Lois Gibbs and her neighbors once lived in pretty, little houses near the river. I walked a long lane bordered on one side by the ominous fence that marks the danger zone and on the other by overgrown, abandoned lots.

183. **RRG takes to host rally in Lockport Friday**

Thursday, October 17, 2013 8:48 pm

A citizens group that has led the fight to stop the expansion of a hazardous waste landfill in the Town of Porter will hold a press conference today to discuss their disappointment with a decision made earlier this week by a group of Niagara County lawmakers.

184. **Village of Lewiston resident Ryan Henderson killed in crash**

Wednesday, January 26, 2011 11:28 pm



Ryan Henderson, 35, of the Village of Lewiston, was killed Wednesday morning when his car drifted into the path of an oncoming tractor trailer on Route 104.

185. **Village of Lewiston resident Ryan Henderson killed in crash**

Wednesday, January 26, 2011 10:20 am



Ryan Henderson, 35, of the Village of Lewiston, was killed Wednesday morning when his car drifted into the path of an oncoming tractor trailer on Route 104.

186. **POLITICAL NOTEBOOK: Where's Washington's cuts?**

Sunday, November 23, 2008 1:37 am

Passionate speech

It's not often that I'm taken back by what a politician standing behind a podium has to say.

Cover enough events and you grow accustomed to hearing a lot of the same stale jokes and safe statements over and over again.

Niagara County Legislature Vice Chairman Clyde Burmaster, R-Ransomville, surprised me this week.

During Thursday's meeting at Lewiston-Porter High School on a proposed statewide hazardous waste siting plan, Burmaster described what it was like to learn that he had cancer and how difficult it had been for him to deal with the loss of a sister-in-law and several friends and family members to the disease. Burmaster literally offered to get down on his knees and beg officials from the Department of Environmental Conservation to give up on their siting proposal and forget Niagara County as a future dumping ground of hazardous waste.

It was refreshing to hear a politician move away from the usual talking points and speak straight from the gut.

Of course, both Thursday's hearing and the Wednesday hearing in Niagara Falls before it, featured a wide range of passionate speakers.

Town of Wilson resident James Jackson wept while trying to express his feelings about the CWM landfill and its impact on the community in which he raised five children.

"We all live down wind and down stream and what happens in our community affects us all," Jackson said.

Retired Lew-Port gym teacher Karen Labosky suggested the community needed less discussion about what the landfill means to the community and a bit more "civil disobedience" and perhaps another leader like Love Canal advocate Lois Gibbs. The time, she said, may be to get out and literally stand in front of the trucks to prevent them from continuing to deliver waste to CWM's Porter facility.

187. **LEWISTON: Residents ban together against landfill plans**

Wednesday, August 8, 2007 7:35 pm

More than 20 people at a Lewiston Town Hall meeting on Wednesday made their feelings clear: They don't want any more garbage going to Modern Landfill.

The meeting, organized by Lewiston resident Kathleen Skooj, was in response to a proposal submitted to the town board to increase the rate at which the landfill accepts garbage.

"There are kids all over the neighborhood at all times of day and it's an accident waiting to happen," said Skooj, referring to the landfill's close proximity to Lewiston-Porter school campus.

A number of concerns were brought up at the meeting, including the landfill's risk to nearby property values, prior conversations with Modern employees which were characterized as threatening and requests for expansion of the landfill. But by far the most attention centered on traffic problems from the increased number of trucks.

One resident said the expected three more trucks per hour would create approximately 144,000 more tons of truck traffic per day on local roads. Others discussed the noise factor of jake braking — a process outlawed in some local communities but allowed in Lewiston — and the increased danger of accidents near the schools and heavily trafficked Route 104.

The town board has yet to act on the motion, and won't until a board member moves it into action, said Supervisor Fred Newlin, who attended the meeting.

"I'm against this proposal," he said. "I don't think it's a good fit for Lewiston."

One of the reasons for his stance is that the town can afford it. The town will soon be receiving about \$1.4 million a year as a result of its settlement agreement with the New York Power Authority, Newlin said. Modern pays the town \$500,000 each year under its current contract.

Under the original contract, the landfill would be closed by 2011, Newlin said. But the current agreement stretched that out to 2040.

No representatives from Modern attended the meeting even though Gary Smith, the company's chief executive officer, said he was made aware of it several days before. Instead, a stenographer hired by Smith attended the meeting to take down what was said — another thing for which Modern took fire at the meeting.

At one point, nearly every person in the room raised their hand when someone asked whether they thought the stenographer was inappropriate.

In an interview later, Smith said that he was personally unable to attend the meeting and that sending a stenographer was more reliable than someone to relay things back to him third-person.

"I've never backed away from any kind of meeting or request," he said.

Smith also said he understands traffic concerns, but asserted that trucks from the landfill make up a small percentage of traffic on the road.

"People don't enjoy trucks, but that's the way commerce works," he said. "I appreciate their concerns, but the way we increase our business is to put more trucks on the road per hour."

Modern's contracts with the town were debated publicly and with the state Department of Environmental Conservation, Smith said. He pointed out that increased traffic will mean the landfill will close about seven years earlier.

"For them to be surprised by (the landfill's expansion), they'd have to have their head in a hole," he said. "These things didn't happen overnight."

Wednesday's gathering comes nearly a month and a half after about 60 people packed the town hall to complain about the proposal. Another meeting on the subject on a much bigger scale is imminent, but will come after Aug. 17 — the latest date that Gov. Eliot Spitzer is expected to weigh in on another bill which could affect CWM Chemical Services' plans for expansion at its nearby hazardous waste landfill, Skooj said.

That bill, passed by both houses of the state legislature, could prohibit the DEC from siting any hazardous waste landfill in a location with potential to discharge into the Great Lakes system, according to a release from Residents for Responsible Government, the group fighting CWM's expansion. The bill could be a major stumbling block to the expansion, according to a release.

188. **LETTERS: March 9's letters to the editor**

Thursday, March 8, 2007 11:04 pm

Officials need to work together on bills

My wife and I are writing this letter as a response to a letter by Amy Witroyl dated Feb. 21 in the Gazette, dealing with hazardous waste legislation S.2726 introduced in Albany by state Sen. George Maziarz.

As a little bit of background for your readers, my wife and I are treasurer and president of an environmental organization called Residents Organized for Lewiston-Porter's Environment (ROLE). This organization was in the forefront in the fight against Chemical Waste Management (CWM) on Balmer Road in the Town of Porter during the 80s and 90s when CWM was trying to get a permit to expand its facility and have hazardous waste incineration right behind the Lew-Port school campus. The fight was long and hard but we won, no incineration, and the way that we won was by working with all sides to come to an agreement that would protect the community. Whether you are a Democrat or a Republican we all breathe the same air and drink the same water.

What we are asking in this letter is for all of the residents of Niagara County and all of our environmental friends to contact their state representative, Assemblywoman Francine DeMonte and Maziarz, and ask them to please work together on legislation to finally bring an end to hazardous wasteland filling in our county. Ask them to compromise for the betterment of our community.

The two bills that are in question here are Assembly Bill A.248 and Senate Bill S.2726. Each bill has good language in them but the fight seems to be that one bill is better than the other that is why a dialogue is needed to come out in one voice with a strong message to the hazardous waste industry that this is it. Do you really think that with all these two have done for our area that they would sell us down the river, so to say? We don't. Our beautiful county next to the Niagara River and Lake Ontario has been the subject of hazardous waste dumping for too long now.

In closing, we would like to say that our area is finally turning the focus from heavy chemical industry to tourism and that with the new greenway plan for the Niagara Frontier, hazardous wasteland filling does not fit in with the new direction we are heading.

James G. Jackson

Sandra E. Jackson

Wilson

Labor Day Fest Returns to the Town of Porter

Saturday, September 4, 2010 12:14 am

The third-annual Porter on the Lake Labor Day Fest is back again, bigger and better than ever. Save Monday for an unforgettable day of music, great food and fun. Gates open at 10 a.m. and close at dusk.

189. LEW-PORT: School board debates consolidation, budget

Tuesday, April 21, 2009 11:53 pm

The Lewiston-Porter School Board called two controversial executive sessions at its meeting Tuesday.

Board member Ed Lilly requested the board go into an executive session at the start of the meeting to add two resolutions to the agenda.

Public meeting laws state governmental bodies, such as school boards or town boards, can only go into executive session to discuss personnel issues and/or pending litigation.

The additions to the agenda were a resolution to add a referendum to the May 19 ballot to consolidate the school board from seven members to five effective July 1, 2010. The other resolution was to add a cost-control referendum to the ballot calling for the board to hold a special meeting and an advisory referendum vote whenever a contract between the district and an employee union or the superintendent results in an increase in cost greater than \$100,000.

"These referendums are not new to the board," Lilly said. "They are cost-saving measures, and the public should be able to weigh in on them."

Other board members were upset about the amount of notice given on the proposed referendums.

"We spent several weeks on a non-binding resolution to the DEC about CWM and several meetings on home schooling, and we are expected to vote on this after getting it at 6:30 tonight," board member Mike Gentile said. "We are getting this rammed down our throats. It is my understanding that the legal opinion is saying it (the referendum) shouldn't be on here and shouldn't have been discussed in executive session."

After much debate, the board voted 4-3 to approve adding the consolidation referendum and the cost-control referendums to the ballot. Board members Keith Fox, Mike Gentile and Jim Sperduti all voted against the measures.

Also on the agenda Tuesday was the proposed 2009-10 budget.

"The proposed budget is \$41,080,493," said Don Rappold, assistant superintendent of administrative services. "The community will be asked to vote on the expenditure portion of the budget on May 19."

According to Rappold, the proposed budget represents a 1.6 percent increase over last year's budget.

"We have received a lot of state aid," Superintendent Chris Roser said. "We received an increase of over 3 percent in aid from the state this year."

The state aid will allow for a decrease in the tax levy of \$605,506 or 2.7 percent, according to Rappold.

The board was expected to vote on the proposed 2009-10 budget at Tuesday's meeting, but, Lilly requested to go into executive session to discuss the budget resolution before it was voted on officially.

As of press time, the board had not voted on the proposed budget.

191. ENVIRONMENT: Schumer comes down on Corps

Thursday, July 17, 2008 8:44 pm

Sen. Charles Schumer expressed his support Thursday for the Lake Ontario Ordnance Works Restoration Advisory Board, chiding the U.S. Army Corps of Engineers for its efforts to dissolve the board and form a new one.

"Active citizen input is essential to a smooth and efficient clean-up — and well-understood — process," Schumer said in a release. "It is just plain dumb to dissolve a citizen group that provides vital feedback and guidance."

The Army Corps decided in January to discontinue its efforts with the current RAB, calling it a citizen-based volunteer group that does not meet the guidelines for a DoD RAB. An Army Corps spokesman said the agency has no comment on Schumer's letter at this time, but the Army Corps has been frustrated with what they see as the current RAB addressing concerns outside of the LOOW site.

Soon after its decision, the Army Corps was the subject of criticism by Attorney General Andrew Cuomo, who called it "particularly troubling" and an "attempt to silence the community."

The RAB has continued functioning and cooperating on some levels with the Army Corps in the meantime, but at stake is vital funding, recognition and extensive cooperation from the Corps, which is investigating a 191-acre radioactive cell within the LOOW, known as the Niagara Falls Storage Site.

In December, the Corps issued the conclusion to its nearly decade-old remedial investigation of the Storage Site, saying it posed "no imminent hazards to safety or health from radiological or chemical exposure."

It's unclear what affect Schumer's words will take. Though the Corps has not actively responded to criticism of its decision yet, Schumer is the first federal voice to weigh in on the issue. His action also includes a letter to Lt. Colonel John Hurley, the Corps Buffalo district commander, which cites "enormous support in the community for the continuation of the work of the existing LOOW RAB."

- In other Corps news, the agency announced Thursday it awarded two contracts to companies related to testing and cleanup activities at the LOOW site. The first contract, for \$1.14 million, was awarded to Earth Resources Technology to complete testing of the Waste Water Treatment Plant located on property owned by the Town of Lewiston.

The second contract, for \$399,000, was awarded to Environmental Chemical Corporation Bloomfield for the removal of 11 underground storage tanks at the site. One of the tanks is on Town of Lewiston property and the rest are on land owned by CWM Chemical Services.

- The Corps has rescheduled a planned information session on its Remedial Investigation Report. The meeting is scheduled for 6:30 p.m. Sept. 10 at the Lewiston Senior Center on Lower River Road. The original meeting was scheduled for Aug. 6.

192. PORTER: Oxy-on-the-Lake sale finalized

Thursday, January 24, 2008 8:54 pm

It's official, the Town of Porter has purchased the 38.3-acre parcel off Dietz Road from Magna Entertainment Corp. for \$950,000.

The sale was finalized recently and announced Thursday. The Porter Town Board had been eyeing the property for several years — though the purchase has been criticized by town residents because of the expense of maintaining the park and the hurried process to buy it.

"It allows access to the waterfront," Town Supervisor Merton Wiepert said. "And it preserves green space for years to come."

The board authorized \$1 million to buy the land in a 4-1 vote on Nov. 13. The money is available from the CWM Chemical Services Host Community Agreement. There is \$1 million left in the fund.

A committee made up of town residents to create a master plan for the park is now being developed, Wiepert said. An application for funds from the New York Power Authority relicensing settlements will also be submitted to Niagara River Greenway Commission.

In a release, Wiepert said its possible uses could include a farmer's market, site for summer recreation programs, outdoor concerts, cross-country skiing trails and celebrations such as weddings and reunions. There is also the chance to coordinate education programs with local schools and connect trails and programs with those in the nearby Four Mile Creek State Park.

The parcel is the town's only publicly accessible waterfront land.

The purchase had met with criticism from town residents, who said the town should have asked them whether to buy the land in a referendum. Town officials had responded by saying they needed to move on the purchase quickly so Magna didn't sell the land to someone else.

The one board member who voted against the purchase, Councilman Jeff Baker, restated his past criticism on Thursday that the town should have had a plan to buy the park before it was bought. He called on private citizens who said they would donate to help maintain the park to keep their word.

"Like anything else, we'll do the best we can to get through it," Baker said. "Hopefully in the next few years we'll do some improvements and keep making it better."

The park's immediate maintenance will cost "tens of thousands of dollars" this year, according to Baker. He said the nearly million dollar price tag could have bought a lot of farmland to keep green space in the town.

"That was a big push last year," said Baker, who works at a Ransomville-based farm. "To save the farms."

193. LEWISTON: Greenway money won't be used for sewers

Thursday, May 24, 2007 9:51 pm

LEWISTON — Town officials said Thursday they do not plan to spend money from a parks and recreation fund to add sewers to parts of Sanborn.

Board members disputed a media report from earlier this month during a meeting in Town Hall, saying their plans instead are to borrow money for the project.

The project, expected to cost nearly \$1 million, will include installing sewer lines for about 40 residences as well as along a commercial strip on the north side of Saunders Settlement Road.

The published report stated the town officials planned to use a portion of funding from a fund dedicated for the Niagara River Greenway.

"I don't intend on using any Greenway monies to fund that project right off the bat," Councilman Sean Edwards said.

Councilman Alfonso Marra Bax reiterated Edwards' statement saying the "infrastructure money has to be bonded."

Officials said they may use greenway funding for streetscape work to be done once the sewers are installed.

Starting later this year, the town will receive a portion of a \$3 million annual payment from the New York Power Authority. The town, as a member of the Niagara Power Coalition, will receive the funds for the next 50 years under an agreement reached in the relicensing of the authority's Niagara Power Project.

There is no specific timetable for completing the sewer project.

In other town matters:

n The board approved a \$20-per-hour contract with a new acting building inspector.

Don MacSwan, a former building inspector with the town of Wheatfield, began working for the town shortly after Acting Building Inspector Richard Skurski resigned in late April.

Skurski was appointed to his position in October 2006 and was studying for an upcoming civil service test, according to Supervisor Fred Newlin.

MacSwan will be considered a consultant with the town, not an employee. MacSwan will not receive benefits in his position and will be allowed to work up to 40 hours per week, Newlin said.

n The board gave the final required environmental approval for a proposal by Seneca Management Development Corp. to build an 18-hole golf course.

The company, controlled by the Seneca Nation of Indians, has said it expects to start construction in June.

n The board appointed Bax to the Community Advisory Committee dealing with issues at CWM Chemical Services, the Balmer Road hazardous waste landfill facility.

Bax replaces Tony Wagner.

194. **LEW-PORT: High school looks to upgrade technology**

Tuesday, February 27, 2007 10:50 pm

Lewiston-Porter High School principal Paul Casseri wants to upgrade his building's computer technology.

And it won't be cheap.

Casseri asked district administrators during a budget work session Tuesday for \$233,917.51 to upgrade the high school's computers. The money would be used to replace 48 Apple laptops, buy 48 Windows-compatible laptops and add a third computer lab in the school, as well as buy printers, carts to transport laptops and other supplies.

The Apple laptops, which are at least five years old, no longer meet students' needs, he said. In addition, a recently approved word processing requirement at the high school requires more work stations.

"This proposal . . . would allow us to facilitate that," he said. "I think it would significantly enhance our capabilities."

No money for technology upgrades is included in the current sending proposal for 2007-2008, Interim Superintendent Don Rappold said. The \$38.46 million budget proposal already includes an additional \$20,000 for supplies for the high school, which Casseri attributes to a state mandate requiring high schools to provide graphing calculators to students.

District officials said they'll look into securing grant funding for the technology, but Casseri's is not the only technology upgrade in the works in the district. A \$20,000 donation made last summer by CWM Chemical Services will be used to fund a new computer lab at the Intermediate Education Center, while work on a revamped computer lab at Lewiston-Porter Middle School will be finished in April.

The upgrades are necessary, according to intermediate center principal Tamara Larson, because of the increasing dependence on technology.

"They're really integrated with the curriculum," she said of computers.

The proposed budget for next year represents a \$687,465 (1.82 percent) increase in spending over this year's plan. Officials will continue working on the document in the coming weeks, with the principals of the district's other schools to present their spending wish lists at next week's session.

195. **RAB: Homeland security evaluation finds little, official says**

Tuesday, November 28, 2006 10:12 pm

LEWISTON — Two separate assessments of homeland security risks completed in the early summer at a federal storage site for radioactive materials revealed no crucial issues, a U.S. Army Corps of Engineers representative said Tuesday.

The reviews of the Niagara Falls Storage Site were made by the Department of Homeland Security and the U.S. Army Corps' Hazardous, Toxic and Radioactive Waste Center of Expertise, said Joan Morrissey, community outreach specialist.

While no written report has been produced for public consumption by homeland security officials, U.S. Army Corps representatives are seeking a summary of information they can share with the community oversight group for the storage area, Morrissey said.

The internal Army Corps review did not find any crucial issues, but did suggest some security improvements, she added.

Even though no details of possible security risks were discussed, members of the Steering Committee of the Lake Ontario Ordnance Works Restoration Advisory Board welcomed the news that reviews are being done of the site.

Steering Committee member William Rolland, a Porter resident, said he's been approached in the past by members of the public who are concerned about potential risks on the former ordnance works site.

Steering Committee member Bill Boeck, a Niagara University physics professor and chairman of the advisory board's Radiological Committee, said he would characterize the radiological storage area as "low-risk."

The 191-acre Niagara Falls Storage Site is located within the former Lake Ontario Ordnance Works site in the towns of Lewiston and Porter.

The former ordnance works site was used for weapons production, storage and disposal beginning around World War II.

The Niagara Falls Storage Site includes a 10-acre containment structure in which the most toxic materials are housed.

Federal officials are currently investigating chemical and radiological contamination on both the ordnance works site and the Niagara Falls Storage Site.

The U.S. Army Corps took over jurisdiction of the site from the Department of Energy in 1997.

In other advisory board matters:

An advisory board vice chairwoman Rebecca Zayatcz announced she will no longer serve as the Steering Committee's secretary as of the end of the year.

Zayatcz, market area engineer for Waste Management of New York, the parent company of CWM Chemical Services, is currently finishing the remainder of her second two-year term as secretary.

The board's operating guidelines limit the term a member can serve in an office.

Zayatcz said she will remain an active member of the advisory board's committees.

196. Report finds U.S. contributing less to Great Lakes pollution

Wednesday, February 8, 2006 8:49 pm

U.S. industry has lessened the amount of pollution entering the Great Lakes Basin since 1998 and actually produces less waste per facility than its Canadian counterparts, according to a study released today. 2/9

Looking at data from more than 4,000 industrial sites, the Canadian Environmental Law Association and Environmental Defence Canada found more than 1.38 billion pounds of waste entered the air, water and land in the Great Lakes and St. Lawrence River basin in 2002.

Sixty-five percent of that waste, nearly 900 million pounds, came from U.S. sites, the report said.

Researchers admitted the data cannot be linked to specific health effects, but could be used to better understand potentially adverse health impacts.

Tonawanda's Huntley Generating Station ranked 16th among facilities with the largest releases of air pollution in the Great Lakes Basin in '02. Huntley also ranked 14th among all facilities in releases of water pollution.

The Welland Plant of Cytac Canada Inc. in Niagara Falls, Ont., ranked 15th.

CWM Chemical Services in Lewiston and Porter ranked fourth among facilities for on-site, landfilled waste. AES Somerset in Barker ranked ninth in that category.

Environmental groups called for governments on both sides of the border to take action to reduce and eliminate Great Lakes pollution.

"What this analysis tells us is that while some facilities in the U.S. have improved their efficiency and the trend in some cases is improving, the total amount of toxic pollution in the Great Lakes basin remains unacceptably high," said Derek Stack, executive director of Great Lakes United, a bi-national environmental group.

The study, which compiled federal data from both countries, represents the first time in years statistics about Great Lakes pollution from both the United States and Canada have been combined and analyzed.

Another environmental activist pointed to the pollution's potential effects on fish populations which would impact the sportsmen who consume them.

"The health of the Great Lakes is in real trouble because we forget pollution is still a real issue," said Paul Muldoon, executive director of the Canadian Environmental Law Association.

About 24 million citizens get their drinking water from the Great Lakes.

197. WEB ONLY: Mike Mahar Q&A

Sunday, November 12, 2006 12:13 pm



PORTER — A Niagara County native now stands at the helm of the Northeast's only hazardous waste facility.

Michael Mahar, a Wilson resident and a former project manager with Niagara Falls' Severson Environmental Services, was recently named district manager at CWM Chemical Services.

Mahar replaces Richard Sturges, who has been promoted and is now in charge of Waste Management's upstate New York operations.

Mahar recently agreed to sit down with the Niagara Gazette and discuss his thoughts on his new job and how his company is viewed in the community.

QUESTION: What are you responsible for as district manager?

ANSWER: I'm basically responsible for the safety of the workers at the site, environmental compliance of the site and also the financial performance of the site. Those are the three key things that I'm responsible for.

...

Q: How did you get into the field of environmental engineering and hazardous waste?

A: When I graduated from Clarkson University — the president of Severson (Environmental Services) Michael Elia lives in Wilson — and he inquired with me about going to work for them. And one thing led to another and I ended up starting with them, stayed there for 10 years.

...

Q: Can you tell me a little bit about what you did at Severson?

A: I worked in their engineering and project management department. I managed projects as a project manager. Actually I did nothing but out of town projects except for one of them in 10 years.

One project I worked on at was Pfchl Brothers Landfill near the Buffalo (Niagara International) Airport. I think it was for a couple of years.

I was basically responsible for going out to the field and managing the project from the field location. If you look at my resume, I did projects in Massena; Cranston, R.I.; Lima, Ohio; New Bedford, Mass. The only one not on there, I worked at Alcoa in Massena in 2005.

...

Q: It looks like all of these are pretty big projects.

A: Very large. Huge. I was usually involved in some of their more involved projects when I was there.

...

Q: What do you take, practically speaking, from that job to this job?

A: If you look at the chain, Severson does work on site, remediating the sites. In other words, let's say there's contamination in a waterway, in a river. They'll remove the contamination and then they ship it somewhere.

So I basically moved one step down the chain. I was at the remediation sites before and now I moved here to one of the facilities. It's basically the same industry. I've just moved down one step on the chain.

...

Q: What do you think about the way that some parts of the community perceive CWM?

A: There's supporters and then there's opposers, obviously. It seems like the opposers, they're loud and it seems that they get heard more than the supporters do. I can tell you, from our open house we had this past year, we sent out little cards for them to fill out about their experience here, and would they support us or wouldn't they.

I think out of the 400 or 500 people at the open house, 42 percent of the people sent back the cards, which I thought was interesting. Because when I get stuff like that at home, I don't know about you, but I don't have time for it and I usually just throw it in the recycling bin.

I thought it was interesting that 42 percent took the time to fill them out. And of those 42 percent, 86 percent of those people said they would support the facility.

In my opinion ... this is America, you can oppose the site. You can have your feelings about anything.

If you're going to oppose the site, at least you could come here and really learn about what we do here.

A few of the people that are the leading opposers of the site, they've never even been here.

...

Q: What do you think the biggest misconception is about what goes on here?

A: It's probably the health risks. I've had, now I'm 11 years in the hazardous waste industry. I can tell you I haven't been involved in a site that's more monitored than this site from an environmental standpoint.

We take thousands of groundwater samples from over 300 wells around the site to monitor the groundwater.

We do surface water sampling at six locations and we have air monitoring stations surrounding the site.

And that's not any different from when I worked for Severson. There was monitoring that went on at everyone of those sites while we were remediating them.

We have a permit that we have to comply with. If we weren't complying with it we wouldn't be able to operate.

From a health standpoint, I think we're doing the right things to make sure that employees, our customers are safe and the community is safe.

It all comes down to monitoring and the controls we have in place.

Q: Dick Sturges, who was the former district manager, has been promoted but is still here. Can you tell me what his new role entails.

A: He is the director of post collection operations for the upstate New York market area for (parent company) Waste Management. Post collection is basically landfills and transfer stations. He's involved in both municipal solid waste and this hazardous waste facility.

He is still retaining the title of senior district manager here, advising me, you know when issues come up on what to do. I'll talk to him on a daily basis, chat about things, decide what to do.

That's his role. That's what he's been elevated too. He's still involved here but he's getting more involved in Waste Management's overall operations.

Q: What are your goals for your new position here?

A: Basically to continue to run a compliant facility that provides a needed service for a convenient society. Basically to continue to run a compliant facility, that's our number one goal here. Safety of the workers and whatnot.

Michael Mahar

n AGE: 36

n BORN: Lewiston

n RESIDES: Wilson

n EDUCATION: B.S. in civil and environmental engineering, M.B.A. from Clarkson University

n EXPERIENCE: Project manager at Severson Environmental Services for 10 years; promoted from operations manager to district manager at CWM Chemical Services in October

198. Meeting Minutes 7/2/06

Monday, July 3, 2006 12:06 am

Lewiston Town Board

THE MEETING

n June 26

NOTEWORTHY

n The Town Board approved a request from a citizen's oversight group for CWM Chemical Services to approach the Niagara County Department of Health about the issue of third-party testing of landfill leachate annually pumped into the Niagara River.

The Community Advisory Committee proposed the town ask for advice as to whether such testing would be worthwhile, according to Councilman Alfonso M. Bax.

CWM collects the rainfall on its landfills and has the leachate tested by outside laboratories before it is pumped through a pipeline from the Porter site to the river. Approval from the state Department of Environmental Conservation is also required before CWM can begin the release process.

201. Ross touts county Legislature's accomplishments

Thursday, January 23, 2014 2:00 am

LOCKPORT — Niagara County has made a lot of progress in economic development while reducing the size of government and the property tax levy, Legislature Chairman William L. Ross said Tuesday during his annual State of the County address.

202. EDITORIAL: Situation surrounding Covanta's air permit application is troubling

Sunday, August 4, 2013 3:00 am

It's hard to imagine that in the wake of the recent Tonawanda Coke saga any regulatory agency would allow a company to install equipment without having an approved air permit in place.

203. LEWISTON: State officials talk pollution discharge

Monday, February 22, 2010 11:36 pm

On Monday about a dozen Lewiston-Porter residents listened and reacted to proposed changes to the pollution discharge permit granted to Waste Management facilities by the state Department of Environmental Conservation

DEC officials announced the recommendation of three additional monitoring points along storm water paths, as well as two new internal sampling points to test for metals and other contaminants such as zinc and PCB in Waste Management's treated water.

William Mirabile of the DEC's Division of Water, who presented the recommendations at the hearing, said stricter compliance limits for contaminants can be enforced with these new testing points.

"Establishing these internal compliance monitoring points will ensure that testing will detect any contamination before the possibility of it being diluted," said Mirabile, noting that rainwater and snow melt can alter results at the current testing points near Four Mile Creek. Mirabile said the Waste Management facility, which dumps 20 million gallons of treated water into the Niagara River each year will also test for metal contaminants after preliminary treatment and sample for further tests before water is dumped

Changes to the current SPEDES, which went into effect in December 2000, were formally proposed by the DEC in October of 2004. After a public comment period, additions were made to the modification permit, which were presented at Monday's public hearing at Lewiston-Porter High School.

While residents lauded the permit's modifications there were calls for more to be done

"It's far from enough," said Lewiston resident Amy Witryol, who spoke at length during the hearing. Witryol noted that the measures the DEC advised are not implementing new technology and called the changes "common sense," wondering why such actions weren't taken decades ago.

"We want regulators to set the goal of what's safe. Period," she said. "Not say 'well, we'll settle for something that's not safe and spend 25 years to get there.'" Witryol noted the public hearing, which was requested by Waste Management is "only going to delay the implementation of many of these modifications which CWM (Waste Management) objects to."

Waste Management officials did not speak during the public hearing but a representative offered a short statement afterward.

"We are participating in the process," said spokeswoman Lori Caso. She noted that some of the modifications in permit levels would measure minuscule levels of discharge but said Waste Management is dedicated to the community's environmental health.

"Our goal is consistent with that of the NYSDEC," she said, "to have safe discharge standards."

The DEC said it will accept further written comments from the public until April 30, after which they will review new statements and announce any changes made. DEC officials noted the importance of the permit but gave no timetable for these changes to be implemented.

"This is a very, very high priority permit," Mirabile said after the hearing. "Sometime later this year we expect it to be in effect but there's no timetable for that"

204. SITING PLAN: New state report upholds "equitable" waste finding

Wednesday, September 30, 2009 10:50 pm

A conclusion many critics in Niagara County classified as a "flaw" last year has turned up again in the latest version of the state's Hazardous Waste Siting Plan.

Like its predecessor, the new-look plan, released by the state Department of Environmental Conservation on Wednesday concludes the distribution of hazardous waste facilities in New York is "geographically equitable."

A similar conclusion reached as part of a 2008 version of the document prompted outcries from critics of the process in Niagara County who have long questioned the state's method of analyzing distribution, noting that Niagara County is home to the only hazardous waste landfill within the statewide system.

"I don't think 8 million tons of hazardous waste here and effectively zero in the rest of the state is an insignificant issue," said Amy Witryol, a Lewiston resident and frequent critic of the state's handling of the siting plan process.

The hazardous waste siting plan is being developed by the DEC at the direction of the state Legislature to serve as a guideline for various aspects of hazardous waste handling and disposal in New York. The version released on Wednesday follows an earlier draft presented in July 2008. That draft represented a revision of an earlier siting plan released in 2003. All three documents have now concluded that there exists fair distribution of hazardous waste facilities in New York, a claim critics contend is based largely on the state's decision to lump storage, treatment and landfill facilities all into the same category.

Witryol said the DEC ignored concerns she raised about last year's version which failed to indicate how much hazardous waste is currently located in each region of the state

"Does Governor Paterson know the difference between a storage facility and a hazardous landfill?" Witryol said. "He's basically telling us, that one county should carry the entire debt burden of the state of New York."

The latest document is consistent in another area as it concurs with the findings of last year's version that there is no need for additional hazardous waste capacity in New York. According to the new plan, the state has at least 20 years of available capacity at this point.

Final siting plan approval is needed before Chemical Waste Management can pursue a proposed expansion of its landfill in Lewiston. Under state law, the review of the company's permit application cannot occur until a final siting plan has been approved.

CWM spokesperson Lori Caso said the company had no comment on the new plan at this time because it was still examining the findings of the voluminous siting plan.

"Obviously, we are still reviewing it," she said.

The DEC will host a series of 10 public hearings on the latest version of the siting plan at locations across the state in the coming months. Two of those hearings will be held in Niagara County, with the first scheduled for Nov. 18 at the Niagara Falls Public Library and the second dated Nov. 19 at Lewiston-Porter High School. The comment period for the latest version of the siting plan is about 75 days, down from the period of about 120 days that was allowed for the 2008 version of the plan.

205. **NIAGARA RIVER: Officials discuss cleanup**

Wednesday, August 20, 2008 3:10 pm

A host of officials from environmental agencies in both the United States and Canada discussed what they called 20 years of success in cleaning up the Niagara River on Wednesday, while at the same time warning that challenges lay ahead.

"As much work as you do, as much work as you have accomplished, you learn there's much more to be done and it's not something that can be declared 100 percent finished," said Jim Vollmershausen, regional director general for Environmental Canada.

The officials gathered for a public meeting with more than 50 people in attendance at the Holiday Inn in Grand Island to commemorate the 20th anniversary of the Niagara River Declaration intent — an agreement between the U.S. Environmental Protection Agency, state Department of Environmental Conservation, Environmental Canada and the Ontario Ministry of the Environment to coordinate efforts to reduce toxic pollution in the Niagara River. That declaration became the Niagara River Toxics Management Plan.

By installing a system of monitoring the river and targeting specific places which contributed toxic materials — ranging from brownfield sites and landfills to municipal water treatment facilities — strides have been made to clean up the water and re-establish parts of the ecosystem which had been wiped away, said Don Zelazny of the DEC. Eighteen toxic substances — including lead, arsenic, PCBs and mercury — were identified as priority toxics which should be the focus of cleanup efforts.

Of the 26 sites on the U.S. side which were found in 1987 to need cleanup, 21 have been completed, Zelazny said. The remaining five are in process.

At the former Niagara Mohawk-Cherry Farm site in the Town of Tonawanda, pits in which toxic materials were dumped seeped into the Niagara River, Zelazny said. Since the site was cleaned, once-absent shore grass has grown at the site again. Habitats for fish and birds have also been established near the site.

MaryEllen Scanlon of the OME warned that air pollution and toxins which flow through the Niagara River from other parts of Lake Erie still present real challenges. Addressing those concerns, searching out sources of pollution outside of the previously identified "18 toxics" and a continued focus on cleaning local sources of pollution will be the focus of the four agencies, she said.

But "significant decreases in many of the chemicals in the river show that remedial and management actions are having positive impacts," she said.

As the river cleanup portion of the meeting concluded, audience members posed a series of questions and concerns, including the lack of availability for public input, differing international cleanup standards and the contradiction of a hazardous waste landfill, CWM Chemical Services, emitting certain amounts of toxic materials into the water.

No answer was provided for the hazardous waste facility and international cleanup standards issues, but Mario DelVicario said that steps were being taken to provide a forum for public input, adding that the meeting they were at was one of those opportunities.

Another presentation was given on the Lake Ontario Lakewide Management Plan, which was developed at the same time and led to similar cleanup functions along Lake Ontario.

Contact reporter Dan Miner at 282-2311 ext. 2263

206. **TOWN OF PORTER: Organizers hope park opening is grand**

Thursday, August 7, 2008 8:44 pm

The toilets work, the grass is cut and the pavilion has a new roof.

Everything appears all set for the grand opening of Porter-on-the-Lake, the 38.3-acre town park bought in January from Magna Entertainment Corp. for \$950,000.

"We want people to come down here and see the park," said Linda White, chairperson of the Labor Day event.

Rip and the Band Dogs and Shania Twin, a Toronto-based Shania Twain impersonator, will play throughout the day at the event, which is free and will run from noon until about 7 p.m. on Sept. 1, which is Labor Day.

Organizers hope it capitalizes in some ways on the demise of the Youngstown Field Days, the popular Labor Day attraction which won't be held this year for the first time in decades. At the park, food vendors, a beer tent and a host of booths and children's activities will also be available.

"There's about 40 acres here and if we can fill up 39 of them we'll be fine," said Bob Reese, a member of the park committee.

A "soft" opening has already been held at the park, on June 15, which organizers called "very successful."

Though the park is open to the public every day from dusk until dawn, there is still work to be done. The Porter-on-the-Lake Park Committee meets regularly and will soon choose engineering and consulting firms for a master plan at the park.

That master plan could include adding several things, such as

- A permanent bandstand in a corner of the park near the water

- More playground equipment for young children
- A walking path around the outside of the park
- Sledding down the large hill and cross-country skiing

The park has undergone quite a transformation since the town bought it. Councilman Jeff Baker has brought his tractor to the property to clear brush, contractors have been mowing the grass, the Niagara County Sheriff's Work Release program put a new roof on the pavilion and student volunteers from Niagara University have worked to clean the area up, especially the beach. It's also received help from the Town of Porter Highway Department.

"What's really special about this are the volunteers who helped out," White said.

Before and immediately after the park's purchase there were questions as to whether it would cost too much to maintain. The board authorized \$1 million to buy the land in a 4-1 vote on Nov. 13. The money was available from the CWM Chemical Services Host Community Agreement. There is \$1 million left in the fund.

"Once people see it they'll know it was a good investment," Town Supervisor Merton Wiepert said.

207. **POLITICAL NOTEBOOK: Long time coming**

Saturday, July 26, 2008 11:52 pm

Credit due

A reader sent an e-mail to point out that my Legislature story about the county's move to block PCBs from coming to the area left out a couple of key players in the effort — Legislators Clyde Burmaster, R-Ransomville, and John Ceretto, R-Lewiston. The reader suggested both men deserved credit for acting on resolutions aimed at preventing the Department of Environmental Conservation from trucking 75,000 tons of waste from a cleanup site in Warren County to the CWM landfill in Porter.

Ceretto sponsored the resolution that called on the DEC to come up with an alternative cleanup plan and Burmaster sponsored a second measure aimed at placing a \$200 per ton tax on the material.

Both measures were approved by a unanimous vote of the Legislature.

211. **PORTER: Oxy purchase questioned**

Monday, December 10, 2007 9:52 pm

Officials in the Town of Porter responded Monday to questions about the process they followed in the pending purchase of the 39-acre parcel off Dietz Road, currently owned by Magna Entertainment Corp.

The parcel, a portion of which sits on Lake Ontario, is set to become the town's only publicly accessible waterfront land. The council authorized \$1 million to buy the land, for which Magna is asking \$950,000, in a 4-1 vote on Nov. 13. The board is using money it had available from the CWM Chemical Services Host Community Agreement. There is \$1 million left in the fund.

At Monday's council meeting, Carl Fellows of Ransomville restaurant Casey's Malt Shoppe, told council members that there should have been more of a chance for public input in the process. He said a public meeting or regular updates on the town's Web site could have kept the community better informed.

"In my line of work, you get to speak to a lot of people," Fellows said. "The people I speak with, it was a shock to them they didn't know it happened."

Fellows added that his concerns regarding the sale include the future costs of maintenance and liability at the park.

The town has made a down payment of \$25,000 on the property, and officials expect the purchase to be finalized before the end of December. Such a purchase is called for in the town's latest master planning document, its Comprehensive Plan, which was finalized in 2004.

Town Attorney Michael Dowd told the board and audience members in attendance that there were no requirements for special meetings or hearing for the board to authorize the purchase. The opportunity to buy the land came up quickly, and the board had to act quickly on the purchase before Magna explored other sale options, he said.

Through stories in the media, the board had tried to disseminate the information publicly, Dowd said. Councilwoman Nancy Orsi added the board was planning on including information on the sale in the town's next quarterly newsletter.

With the exception of Councilman Jeff Baker, who opposes the sale because of the possible maintenance costs, town officials have spoken highly of the park's potential.

Board members said the parcel has potential to garner state power authority money as part of the Niagara River Greenway process. Orsi pointed out that grants could offset maintenance costs.

Councilman Thomas Baia said a private citizen had called and offered to help pay for some of the property, which he called a rare gesture.

"We felt it might come our way and we felt the price was excellent," Baia said. "It's one of the few places on this whole lake the public can have access to."

Supervisor Merton Wiepert said the Niagara Pioneer Soccer League has called and inquired about putting soccer fields at the property.

A committee will now be formed to explore how to administer the park, and public input will be included in that process, Orsi said.

212. **PORTER: Board moves to buy lakefront land**

Thursday, November 15, 2007 6:07 pm

The Town of Porter will likely soon own the piece of waterfront land called for in its comprehensive plan.

Magna Entertainment Corp., which owns the 39-acre parcel near Dietz Road, has been holding private talks with the town board for several

months since it decided to unload the 778 acres it owns in the town. The other land, divided into two parcels, is being marketed publicly.

The town board authorized \$1 million in funds to buy the land in a 4-1 vote Tuesday. Attorneys for the town and Magna are now hammering out the final wording of the sale, and it could be closed by the end of the year unless a permissive referendum is requested by residents.

"We would be crazy not to do it because it is such an excellent price," Councilwoman Nancy Orsi said. "People in this community should have greenspace with waterfront access because we're bound on both sides by water, but own absolutely none."

Magna asked \$950,000 for the property, and the purchase price includes extra costs like lawyers fees, Orsi said. The money will be taken from a capital fund consisting of money from the CWM Chemical Services Host Community Agreement. There is \$1 million left in the fund.

A portion of the land sits on Lake Ontario, and includes park infrastructure, including a pavilion, that the town plans to turn into a park. It was used by previous owners Occidental Petroleum Corp. and Hooker Chemical Co. for company parties.

The move was met with some opposition as residents have expressed worry about the costs of maintaining parkland, said Jeff Baker, the recently re-elected councilman who cast the one opposition vote.

"I'm not against having a park," Baker said. "I'm against increasing the town people's taxes to maintain a park."

Baker said the move should have been put to town residents for a vote, and said he wished more solid plans were put in place as to how to pay park maintenance. He was open to Orsi's suggestion of creating a separate fund and requesting private donations to maintain the space, but pointed out it would have to be sustained for a long period of time.

"I didn't want the park, but now that we have it, I'm going to try to do the best I can to make this park work self-sufficiently," he said.

The purchase had the support of Supervisor Merton Wiepert, a voting member of the board, who laid out potential uses for the land and said the waterfront property will now be available for future generations of town residents. Hiking and cross-country skiing trails could be developed there and it is a good place for weddings, he said.

"This is for future residents to have access to the lake and thus make a recreational area of it," he said. "There is a lot of possibilities."

The town board is in the process of creating a committee to explore possible uses for the space which will come together if the sale is finalized, Wiepert said.

213. **NIAGARA RIVER: Officials discuss river cleanup**

Thursday, October 25, 2007 1:43 am

A host of officials from environmental agencies in both the United States and Canada discussed what they called 20 years of success in cleaning up the Niagara River on Wednesday, while at the same time warning that challenges lay ahead.

"As much work as you do, as much work as you have accomplished, you learn there's much more to be done and it's not something that can be declared 100 percent finished," said Jim Vollmershausen, regional director general for Environmental Canada.

The officials gathered for a public meeting with more than 50 people in attendance at the Holiday Inn in Grand Island to commemorate the 20th anniversary of the Niagara River Declaration Intent — an agreement between the U.S. Environmental Protection Agency, state Department of Environmental Conservation, Environmental Canada and the Ontario Ministry of the Environment to coordinate efforts to reduce toxic pollution in the Niagara River. That declaration became the Niagara River Toxics Management Plan.

By installing a system of monitoring the river and targeting specific places which contributed toxic materials — ranging from brownfield sites and landfills to municipal water treatment facilities — studies have been made to clean up the water and re-establish parts of the ecosystem which had been wiped away, said Don Zelazny of the DEC. Eighteen toxic substances — including lead, arsenic, PCBs and mercury — were identified as priority toxics which should be the focus of cleanup efforts.

Of the 26 sites on the U.S. side which were found in 1987 to need cleanup, 21 have been completed, Zelazny said. The remaining five are in process.

At the former Niagara Mohawk-Cherry Farm site in the Town of Tonawanda, pits in which toxic materials were dumped seeped into the Niagara River, Zelazny said. Since the site was cleaned, once-absent shore grass has grown at the site again. Habitats for fish and birds have also been established near the site.

MaryEllen Scanlon of the OME warned that air pollution and toxins which flow through the Niagara River from other parts of Lake Erie still present real challenges. Addressing those concerns, searching out sources of pollution outside of the previously identified "18 toxics" and a continued focus on cleaning local sources of pollution will be the focus of the four agencies, she said.

But "significant decreases in many of the chemicals in the river show that remedial and management actions are having positive impacts," she said.

As the river cleanup portion of the meeting concluded, audience members posed a series of questions and concerns, including the lack of availability for public input, differing international cleanup standards and the contradiction of a hazardous waste landfill, CWM Chemical Services, emitting certain amounts of toxic materials into the water.

No answer was provided for the hazardous waste facility and international cleanup standards issues, but Mario DeVicario said that steps were being taken to provide a forum for public input, adding that the meeting they were at was one of those opportunities.

Another presentation was given on the Lake Ontario Lakewide Management Plan, which was developed at the same time and led to similar cleanup functions along Lake Ontario.

Contact reporter Dan Miner at 282-2311 ext. 2263.

214. **OUR VIEW: Senator Maziarz: Keep your promise**

Sunday, May 6, 2007 1:21 am

What a difference a year makes.

It was the spring of 2006 when state Assemblywoman Francine DelMonte, D-Lewiston, and Sen. George Maziarz, R-Newfane, introduced bills in their respective houses of the Legislature dealing with the siting of hazardous waste landfills.

The bill essentially banned the establishment of those landfills if they would have the potential to discharge toxic material into the Great Lakes system. The only exception would be if the company building the landfill could guarantee it would not leak.

Albany lawmakers apparently liked the bill. It passed unanimously in the Assembly and with only one "no" vote in the Senate. But then Gov. George Pataki saw it differently and vetoed the measure. Both DelMonte and Maziarz promised to bring the same bill up before the Legislature this year.

Fast forward to 2007. DelMonte kept her promise but, instead of reintroducing last year's bill, Maziarz put forth a whole new bill with new regulations and parameters. The move has area environmental groups incensed. They say the new Maziarz measure would weaken protection against toxic substances, particularly PCBs, from reaching the Niagara River and Lake Ontario.

The question we've asked, and continue to ask: What's changed?

Does a bill that passed the state Legislature with near unanimity become suddenly in need of a massive overhaul? Has the situation regarding Niagara County's dubious distinction of hosting the state's only independent active hazardous waste landfill changed? Has Chemical Waste Management suddenly pulled the plug on its plans to expand? The answer to all three is no.

So why won't Senator Maziarz honor his 2006 pledge and resubmit his original bill in 2007? The conspiracy theorists among us might point to the massive amounts of political contributions that CWM's parent firm, Waste Management, makes to candidates across the country.

As for Maziarz, he feels what he has submitted is an improvement over his previous plan and what he's doing this year is better than last.

We disagree.

The law we supported last year will work just fine this year. It's simple, clear and protects Niagara County's environment. It might even help to scrub up the tarnished image of a county still dirtied by the stain of Love Canal and all the other toxic waste landfills that proliferated across our community in the 1940s through the 1980s.

We urge Senator Maziarz to do what he promised: Resubmit his 2006 bill to the state Senate this year. Let it stand or fall on its own merits. Who knows, this time the new governor might even sign it into law.

Because in this case, the difference a year makes isn't that much different after all.

215. Town of Lewiston to hear public comment on sex offender law

Monday, May 22, 2006 11:58 pm

LEWISTON — Residents will have the chance to comment on a proposed sex offender law at a public hearing set for June.

The new legislation would prohibit convicted, higher-risk sex offenders from moving within 1,000 feet of areas where children and seniors are likely to congregate.

It would also require Level 2 and Level 3 sex offenders, those determined by the state to be most likely to recommit their crimes, to register with the Lewiston Police Department.

The hearing, approved by the board unanimously Monday night, will be held at 6:30 p.m. on June 12 in Town Hall, 1375 Ridge Road.

Under the proposed law, sex offenders who already live within Lewiston town boundaries would not be affected unless they move to another residence within the town.

Lewiston's law would be meant to "protect the people who are least able to protect themselves," said Town Attorney Joseph Leone.

The law would prohibit Level 2 and Level 3 sex offenders from living within 1,000 feet of schools, playgrounds, parks, day care centers, fire halls, nursing homes and assisted living centers.

Offenders would have to notify police of a change in residence, as well as supply notification of their place of employment and their direct supervisor's name.

Contractors doing work for the town would be required to alert town officials if someone in their employ is working within the town.

The offender's immediate supervisor must also be given under the law. If a contractor failed to notify the town, the town could negate the contract.

Supervisor Fred Newlin told officials the town may address sex offenders already living within the town with another law at a later date.

Councilman Alfonso Marra Bax noted that Level 2 and Level 3 offenders have the chance to be re-evaluated annually. At such proceedings, their level may be lowered thus making the law inapplicable to them.

Sanborn resident Janine Blackburn expressed support for the proposed law to the board Monday.

Blackburn told officials a convicted sex offender lives in her neighborhood, and implored the town board to take action.

"Our children are more important than this monster," she said.

In other town matters:

Board members heard from John W. Dax, an attorney from Albany specializing in electricity issues.

Dax, who said he has 28 years of experience dealing with electricity matters, said he does not believe the town needs to participate in a municipal distribution agency in order to take advantage of power coming through a settlement agreement with the New York Power Authority.

Lewiston is a member of Power Niagara, a group of six municipalities and school districts now working to develop a management system with an MDA for 24.5 megawatts of low-cost electricity set to arrive in September 2007.

Newlin said he hopes the board will make a decision on hiring an energy expert at the work session scheduled for June 12.

Board members are also considering Hodgson Russ of Buffalo, and are looking to meet with another Albany firm.

n Board members unanimously passed a resolution urging the State Legislature to amend state law in order to prohibit new hazardous waste facilities from being cited within the Great Lakes basin.

Such a change in the law is meant to prevent CWM Chemical Services, the Northeast's only hazardous waste facility, from expanding

216. LEGISLATURE RACES: Veteran Burmaster challenged by Falls water board employee Ferrante in First District
Thursday, October 31, 2013 3:00 am



Clyde Burmaster has represented the Niagara County Legislature's First District for two decades.

217. Downstate lobbyists, Political Action groups bolster DeMonte's war chest
Monday, July 19, 2010 11:23 pm

According to the latest round of campaign finance reports filed with the New York State Board of Elections, State Assemblywoman Francine DeMonte holds a substantial financial edge over her challengers by taking money from a blend of statewide unions, downstate lobbyists and Political Action Committees — but very little money came from within her local assembly district.

218. COLUMN: Legislation and efforts of Maziarz leave a lot to be desired
Thursday, June 14, 2007 4:33 pm

Years ago the Sunday comics published the cartoon series "There Oughta Be A Law," which a young boy named George may have enjoyed when he grew up to be Sen. George Maziarz and began to write legislation of his own, however, some of his efforts weren't so funny.

He wrote legislation that permitted the Niagara Falls School District to enter into agreement with the Office of Parks, Recreation and Historic Preservation (OPRHP) to take over historic buildings at DeVeaux Woods State Park. He did this in full knowledge that Niagara River greenway plans were in formative stages and that school administrative offices at DeVeaux were outrageously inappropriate to such plans. Assemblywoman Francine DeMonte cosponsored this legislation. What private interest or agenda was being served here?

Chemical Waste Management (CWM) legislation: A Maziarz bill (No. 1) to protect the environment and future generations of citizens was promptly vetoed by the former administration, an outcome he may well have expected. For the next go-around he introduced new legislation (No. 2) favorable to CWM, and for six months refused to withdraw it in favor of No. 1 in spite of widespread public opposition. DeMonte did not cosponsor No. 2. Currently, it appears both bills are still alive. We wonder what manipulations Maziarz has planned to achieve the passing of No. 2 and why he wrote it in the first place. If he's not protecting the environment to ensure public health, who gains from such legislation? Does the answer involve campaign contributions? Inquiring minds want to know.

Most recently Maziarz has written legislation that seeks to alter the financial structure of OPRHP, stipulating half of its Niagara parking revenues be used in Niagara County state parks. DeMonte has announced she has no plans to introduce such a bill in the Assembly. Park's Commissioner Carol Ash notes Maziarz seems uninformed about actual park's revenue and expenditures. Maziarz, nevertheless, already has plans for how the money should be spent. Funds can be used to "make our parks look like the parks over there," he said, referring to Canada. He also wants to spend on "transportation infrastructure," and we'd guess to correct the condition of non-compliance with ADA regulations he claims exists at Joseph Davis State Park, which he says should be "an embarrassment." Desperate to sound as if he's suddenly an expert on parks management, Maziarz also wants to "upgrade" softball diamonds at Reservoir State Park.

What should be an embarrassment is his willingness, in spite of his appalling lack of knowledge, to grandstand at a press conference, and on a later radio show, while he appeals to a broad range of constituents: those who believe that Canada's Niagara Parks are "better" than those on the American side; the disabled, handicapped, and wheelchair users; members of softball teams, their families, fans and friends; and those who want the gorge parkway retained.

Tens of thousands of people are aware of Niagara State Park's historic legacy, which Maziarz apparently isn't, and the last thing they want is that "our parks look like those over there." There's no question Canadian parks are beautiful, flower beds mulched, ablaze with blossoming plants set out in pleasing arrangements. The park land originally donated by Sir Harry Oakes reflects the tradition of the English flower garden, much copied around the world, including the decorative flower beds around many American homes.

The Falls park on the New York side, by contrast, was created by the world-famous and respected landscape designer Frederick Law Olmsted (and Vaux) to be natural, forever wild, an homage to American wilderness environments, compatible with the plunging waterfalls. Here, various foliage-rich river edges were to frame glimpses and vistas of rushing water, and dappled sunlight was to filter through the trees where ferns and wildflowers such as the indigenous red trillium graced the forest floor. It's a different kind of beauty, more subtle, but unique near an urban setting and much appreciated by many.

Contrary to what Maziarz claimed, all conditions at Joseph Davis State Park appear to provide handicapped and wheelchair accessibility: handicapped parking is available, picnic benches constructed to accommodate wheelchairs are available and in proximity to outdoor grills, access to the fishing dock is properly sloped and ramped, restrooms are handicapped accessible. If the senator knows of ADA infraction in

the park, minor or otherwise, we suggest he pick up the phone, stop by in person, or otherwise contact State Parks about it rather than getting all self-righteous and mysterious at a press conference to advance his agenda.

At the press conference, Richard Soluri, mayor of Lewiston, and a Niagara River Greenway commissioner currently under investigation for ethics violations by the New York State Ethics Commission, commented about regionalism "linking" our river parks, while Maziarz all but invited an amendment to his bill to develop a "trolley service" from park to park. He was more direct during the radio interview, calling for a people-mover, "up and down the gorge." Does anyone smell an emerging scheme to commercialize the gorge parkway as a retention guarantee (Soluri's years-long-intention), a trolley route on which tourists would be trucked on down to Lewiston? The Maziarz reallocation of parks funds may have little chance of passing, but he's undoubtedly reaped some "atta-boy" points for his efforts.

If he'd like cleaner park restrooms and litter picked up more thoroughly, that's good. If he wants the Olmsted vision, once he finds out what it is, more completely realized, that's good, too, and lots of people would be ready to help him on that. As far as "upgrading" softball parks at Reservoir State Park, he should sponsor a bake sale as a fundraiser. The proceeds could be added to the \$3 million of greenway money OPRHP will get annually for the next half century, part of which is already earmarked for such improvements at Reservoir State Park.

Bob Baxter, is the conservation chair of the Niagara Heritage Partnership.

221. RECIPES: Favorites from Lori Caso of "Lori and Friends"

Monday, April 30, 2007 2:41 pm

DUE TO TECHNICAL DIFFICULTIES THE VIDEO OF LORI CASO'S "LORI AND FRIENDS" TV SHOW IS UNAVAILABLE. PLEASE CHECK BACK LATER.

Anyone who has been on Lori Caso's TV show knows one thing for certain. She doesn't change one bit when the cameras go on.

Caso, host of the local cooking show "Lori and Friends," is completely at ease on the air and off. Her kids were raised with mommy cooking in front of cameras and they make noise in the background sometimes show up on camera during the course of the show. As cameras roll she jokes with her crew, makes fun of her own cooking, and still manages to do interviews with the guests who share local news and events with her viewers.

This is good old fashioned neighborly conversation with a distinct Niagara region flavor.

"When I started the show back in '94, my son Cameron was just five months old and I would place him in a swing just off camera and pray he wouldn't make too much noise," Caso said recently. Her other two sons, Connor and Trey, spent time in the swing as well as they joined the TV family.

Now that all three sons are long past the baby swing (Cameron is 13, Connor is 10 and Trey just turned 6), Caso has taken another job as community and municipal affairs manager for CWM, a division of Waste Management of Niagara Falls.

"To some people it might seem like a stretch that I do a local community cooking show and then I head off to work at a hazardous waste facility, but I love my jobs. And the staff at CWM love tape days when I bring in the leftovers."

Caso's show has been on the air for nearly 13 years, once produced by the community television division at Adelphia Cable and now by Time-Warner Cable. It airs five days a week at assorted times on cable channel 13.

Her favorite shows have involved local personalities like "Mama D'Avolio" of Macri's Restaurant who made ricotta gnocchis, and Mrs. Paula Cancemi, a sweet lady who demonstrated how she perfectly placed little teeny meatballs between her stuffed shells. There were also shows with animals including a chimpanzee, a bald eagle and a hila monster, but Caso does not particularly need unusual guests to be watchable.

Her charm and her ability to laugh at herself make watching her show seem like spending time with a good friend.

"I'm amazed that the show is still going strong after all this time," she said. "I'm booked up with guests for months."

Those who have never watched the show can still share in her "good taste," by trying some of her all time favorite recipes, below.

222. GLYNN: It's hard for NTCC to escape the politics

Wednesday, December 16, 2009 6:47 pm

What's with the City Council casting an unanimous vote calling for Niagara Tourism and Convention Corp. President John Percy's resignation?

Why didn't they ask Mayor Byron Brown to beef up the police patrols on Buffalo's East Side?

Or demand that Gov. Paterson quit now so state Attorney General Andrew Cuomo can get a jump start on the next election.

Maybe they should have taken a vote on CWM's long-term plans in Porter.

In a word, the City Council has no jurisdiction over NTCC president so the charade Monday night was harmless and a waste of time.

Council Chairman Chris Robins was candid enough to concede - before the roll call - that he did not believe an "no confidence" vote would resolve anything.

It didn't and it won't.

There is solid reason, however, to interpret that vote as a power play by Councilman Samuel Fruscione, a co-sponsor of the resolution, a kind of kickoff to his 2011 run for mayor.

A sequel to that plot - admittedly a stretch of the imagination - would be for a new City Hall administration to somehow restructure the NTCC charter, giving the City Council authority to hire and fire the tourism agency's top official.

At present, the NTCC board of directors has that mandate, as stated in its charter, one way to insulate the agency from political shenanigans.

"That was a disappointment and a surprise," said NTCC Chair Tricia Mezhir, alluding to the council vote on Percy. "It certainly didn't

represent what the people in the tourist industry feel at this time."

Mezhir is quick to note the NTCC's record during the past year: A sharp increase in the rate of return for every dollar spent to market and promote the Falls and its attractions; some \$66 million in expenditures from visitors; and the new online reservation system that, in seven months, has already generated \$560 000 for the local economy. Mezhir and the board are convinced the agency is headed in the right direction.

"It's ironic that NTCC was created to remove politics from the tourist industry," Mezhir said, "After all it is generally agreed that tourism is our future."

As evident by the current wrangling, politics will always be with us.

It would be easier to swat flies away from picnic tables on a sweltering day in the park than to avoid the typical backroom politics of the Cataract City.

...

LEWISTON: Campaign vets square off for town supervisor

Thursday, October 29, 2009 1:00 am

Neither candidate for Lewiston Town Supervisor is a political newcomer in their community.

Yet that is about all Fred Newlin and Steve Reiter have in common.

As they come down to their final days of campaigning, Newlin sees a town that has made great progress during his three terms in office. Reiter sees a town that he believes has become stagnant.

"I don't see stagnant as good," Reiter said. "Things have stopped here."

Newlin disagrees and says the town is better now than when he was first elected.

"I have a proven record of cutting taxes and improving parks and recreation," Newlin said. "What I'm looking forward to is continuing to invest in what we have."

After 14 years as the Water Superintendent, a civil service post, Reiter said he decided to jump into electoral politics and run for the Highway Superintendent's job because he wanted to do more.

"There were some problems and they needed to be addressed," Reiter said, "and I took a Marine hand to it. I could do more (as Highway Superintendent than as Water Superintendent). It was a challenge and the opportunity to do more."

Reiter points with pride to his work on rebuilding roads and sidewalks. He talks about how his department has improved parks and other recreation facilities.

"We made Lewiston a better place," Reiter said.

Newlin makes the same claim.

"I think I've made some progress in areas affecting all of Western New York," Newlin said. "Taxes, economic development, energy costs, these are important."

Newlin says town taxes are the lowest in Erie and Niagara counties and points to his role in negotiating the state Power Authority relicensing agreement that he says has paid significant benefits to residents.

"Since 2007, we've saved a total of \$5 million off the electric bills on 5,000 homes," Newlin said. "We're the only municipality that has passed (NYPA electricity grants) right on to the residents."

Reiter thinks more can be done with the NYPA power and has even proposed the creation of a new municipal electric company to better distribute the energy.

"We have very little development and no expansion of the tax base," he said. "We've made it so difficult to build in Lewiston that the only people who can afford to build here are landfills. We have the ability to do more."

Newlin doesn't disagree that more landfills are not in Lewiston's long-term best interest. However, Newlin doesn't believe the town needs lots of new housing and subdivisions.

"I'm the first supervisor to oppose expansion for Modern and CWM. I can't believe the best future for this area is an expansion of waste," Newlin said. "And developers are trying to build homes and I'm going to oppose that because you don't want to pave every available space. You want to save some of the character of this town. Lewiston has about the right amount of houses now."

Reiter's response, "We need to spur housing development."

While Newlin trumpets the NYPA relicensing agreement, Reiter calls it flawed.

"Our fire departments have to protect (NYPA facilities) but they get no benefits," he said. "(The agreement) was politically expedient. We are the most impacted community by the Power Authority, but we got the same deal as other communities."

Should he lose the election, Reiter will remain as the town Highway Superintendent and have no regrets.

"I think (the campaign) has been great. I'm having a lot of fun," he said. "I like seeing Lewiston residents taken care of."

Saturday, September 12, 2009 11:38 pm

The candidates for the Porter Town Board seats are incumbent Thomas A. Baia and Joseph Fleckenstein, both Republicans, and John A. (Tony) Collard, member of the Independence Party. According to the Board of Elections there are 167 voters registered with the Independence Party.

In addit on to Baia's seat, another seat will be open in November because Nancy Ors , a Republican, did not seek re-election

A fourth candidate, Beverly Van Deusen, a Democrat, will be on the ballot in the general election. That party has no primary contest.

Each candidate in Tuesday's race was asked questions to help voters makes their choice:

QUESTION: List goals you hope to accomplish as a town council member and how they might benefit residents

BAIA: I would hope that we can hold the line on taxes. It's now at \$1 per \$1,000 (of assessed valuation) although it may be necessary for a slight increase. I like the look of Porter and we need to take steps to preserve its rural image.

Also, it's important that we always try to help the not-for-profits like the Youngstown and Ransomville libraries and Old Fort Niagara.

One of the high points during my time on the board has been the town's purchase of Porter-on-the-Lake (formerly Oxy on the Lake). It's a great investment and i feel it was made through sound fiscal management and in the best interests of residents.

COLLARD: As a member of the Town Zoning Update Committee, I believe it's important to move forward with the board's final review before scheduling a public hearing. This is a vital component of the already adopted Town Comprehensive Master Plan.

I also would like to review the effects of making the building inspector and code enforcer two separate jobs. Now they are filled by one person. Perhaps we need to increase the hours this individual is funded to fulfill the many duties necessary to meet the town's needs.

We should study the term limits issue. Under the current practice, some incumbents are re-elected for lengthy periods and that restricts the pool of prospective candidates with new and fresh perspectives.

FLECKENSTEIN: I'm concerned that we do everything possible to keep taxes down. I realize they've been low now for a while but we need to make sure they don't get out of hand. My main goal is keep taxes in line without hurting services

I also would like to see the town kept in a manner that is conducive to what most residents expect. Certainly I'm not against growth but it s important to grow in the right direction. Instead of supermarkets, I d rather see small manufacturers, farm stands and businesses that would still keep the pristine look of the town.

...

Q: What is the No. 1 issue facing residents in Porter?

BAIA: The No. 1 issue in the town is Chemical Waste Management and what happens in the future. It does seem that we can't do much about the plans for expansion. The first vote was taken nine years ago and I was elected to the board a year after that.

COLLARD: As for the No. 1 issue, I agree it's CWM and our focus must be to keep in constant contact with our state lawmakers to make certain our residents' concerns are always fully addressed.

FLECKENSTEIN: One of the most important things that the town needs is senior housing. It would help, for instance, to develop an assisted living facility that could serve both Ransomville and Youngstown. That would be a solid benefit for the communities.

...

QUESTION: What are your thoughts on merging town and village services?

BAIA: I'm all for the idea of sharing services between the town and the village. Actually we do a lot of that now with our highway department. And we need to take a close look at now merged services would create more efficiency.

COLLARD: We know from experience that shared services have real cost saving benefits. The town highway departments in several communities often work together now. An actual merger of municipalities is a decision which should be made after thorough research, a public hearing, and finally a vote by residents

FLECKENSTEIN: I believe that my own experiences would prove helpful in serving on the town council. I can relate to the concerns of the business people, the farmers and the residents in general.

I started my own business when I was 19 years old and it's still thriving. In addition, I own a 200-acre livestock farm.

I've owned and operated J.F. Machining (Ransomville) for 31 years and today we have 20 full-time employees.

It's exciting for me, as a candidate, because I've already received a lot of positive feedback.

224. YOUNGSTOWN: Community says good-bye to Rolland

Friday, December 5, 2008 10:32 pm



Mary Ann Rolland wants people to remember her husband as a giving man.

Those who worked closely with Bill Rolland will probably find it hard to remember him otherwise.

Rolland, a driving force behind numerous historic restoration projects in Niagara County and one of the founders of the community advocacy group, Residents for Responsible Government, lost his six-month battle with pancreatic cancer on Thursday. He was 69.

"It's quite a blow," said Amy Witryol, a retired bank executive from Lewiston who knew Rolland through his work with RRG. "One woman who e-mailed me yesterday summed it up: She said a light went out in the community today."

The Rollands' work in the western end of Niagara County started in 1995 when the couple moved from Washington, D.C. to Youngstown so Mary Ann could be closer to her parents. Bill, a retired vice president of the National Electrical Manufacturers Association, soon after founded Rolland Development Corp. The company restored a total of eight historic houses in Youngstown, Lewiston, Wilson and Niagara Falls, including the Echota House on Hyde Park Boulevard and the long-abandoned National Hotel property behind the new public safety building on Main Street.

Mary Ann said her husband took great satisfaction in knowing his efforts were improving the community and that the part he enjoyed most was working with local contractors. She said he always took great care in making sure every construction job was done just right, especially the wiring.

"We were sort of like grandparents," Mary Ann said. "We'd drive around and look at those houses and say 'look at what they are doing now.' We have a lot of pride in them. We are happy that good people bought the houses and they are doing good things with them. I'm proud of Bill and the things he's done. I'm going to miss him."

In between housing projects, Rolland devoted his time to another one of his passions: Keeping residents in the Buffalo-Niagara region informed about the hazards of toxic waste, especially waste materials found at Chemical Waste Management's landfill in the Town of Porter. Through RRG, Rolland fought against the proposed expansion of the CWM facility.

Mary Ann said her husband originally took interest in RRG because he was "outraged" by the handling of the company's landfill operation by the Porter Town Board. She said Bill took his lead on community advocacy from his father, who was himself a school board member and firefighter.

"I think he saw his talents as being able to make a contribution," Mary Ann said. "He was such a good mediator. He didn't get hot under the collar the way some people do around here."

Following hurricane Katrina, Rolland spent a total of three weeks helping people in Mississippi rebuild their homes. A former member of Habitat for Humanity, Rolland also contributed greatly to construction projects at Youngstown Presbyterian Church. He also was a member of the Town of Porter Planning Board, the Lake Ontario Ordnance Works Restoration Advisory Board and served as an advisor for Counselors to America's Small Business, or SCORE.

For his efforts, in 2008 Rolland received the Joan E. Gipp award for Community Service for the Environment, the Beautiful Senior award from the Niagara Beautification Commission and a citation from the New York state Legislature presented to him by Assemblywoman Francine DelMonte, D-Lewiston.

"He was a gentle, thoughtful, reserved man who, with his wife Mary Anne, invested his retirement years revitalizing historical homes in Niagara Falls and crusading against hazardous waste being landfilled in the Town of Porter," DelMonte said. "He was a transplant to Niagara County who worked to make it a better place to live."

Mary Ann, a self-proclaimed "cheerleader" for Niagara Falls, says she intends to keep working on projects in the city which she said her husband always believed had tremendous potential.

"He was such a giving person and so willing to help others," Mary Ann said. "I think we need more people who are willing to go out on a limb and help other people."

231. LEW-PORT: Board candidate Fox remains wily even in retirement

Wednesday, April 25, 2007 5:52 pm

Keith Fox spent the 1967 Detroit riots on the streets, administering first aid and helping residents as armed paratroopers stormed the city to quell the violence.

With combat experience like that, Fox might seem to be an ideal person to serve on the Lewiston-Porter School Board.

The 74-year-old Lewiston resident actually brings another set of skills he feels make him a good candidate for one of the three three-year seats open in next month's election. The Korean War veteran has worked as a YMCA executive, social studies teacher, financial adviser, contractor and private detective, accounting for what he thinks are a good combination of assets that can reduce the hostility that's existed in the district for years.

"I think that we are failing to have as much intelligent, democratic process as we could have," he said. "It's much smarter to stick to the issues in as objective a way as possible."

This process should be a peaceful one, Fox said. A man who marched with Martin Luther King Jr. and worked with kids for decades, he thinks the divisive nature of the district hurts administrators' ability to get things done.

"The board is not functioning effectively," Fox wrote in a campaign statement. "A healthy community needs strong leadership from a functional board."

Weighing in on the debate about drug testing for teachers, Fox is in favor of mandatory testing for all employees — as long as it can be done legally through the state legislative process. He also thinks efforts can be made to reduce the blackout times for CWM trucks driving near the school campus and that increasing taxes have damaged the district's ability to attract homeowners.

"Am I ever going to promise that there will never be an increase in taxes? I can't do that," he said. "But we can control costs."

Fox has not met with anyone from the teachers union, but he would do so if the opportunity came up.

"They represent a substantial part of our community," he said about the teachers.

Fox may be retired, but he's still busy. He's worked with local churches on their finances, is the state coordinator for the AARP Foundation

Tax Aide Program and is vice chairman of the Lewiston Town Environmental Commission

Then there's his collection of antique tools, the workshop he built in his garage and the extensive research on anything from the New York Power Authority to the school board he keeps in volumes in his basement office. He keeps so active that he has two computers in his office, so that he can hop to the other one to do work when the other machine takes too long to process something.

"He's a renaissance man, a man of many, many talents," said board member Robert Laub, who's known Fox for more than 30 years. "He has had more experience than anyone."

While pointing out that he's not endorsing any candidate, Laub feels Fox would be a good addition to the board.

"He's a good team player," Laub said.

Slowing down is something Fox hasn't considered. He hopes his work ethic and experience will help bring the district around.

"I've been working in the community damn near my whole life and I want to continue doing this," he said, going on to quote Henry Ford. "Don't find fault. Find a solution."

232. LEGISLATURE: Political fireworks speckle Legislature meeting

Tuesday, April 17, 2007 11:11 pm

In the end, Democratic Legislator Harry Apolito's measure to prevent the majority party from hijacking a resolution from the minority and killing it on the floor passed without any opposition.

But in arguments before and after the vote was taken, Republicans and Democrats sparred over who was the original offender when it came to hijacked resolutions.

"I've been here a long time, my colleague Dennis (Virtuoso) has been here a long time," said Legislator Malcolm Needler, R-North Tonawanda. "In that time, we've gone at each other a lot."

Needler then proceeded to explain how Virtuoso, D-Niagara Falls, was guilty of what Democrats were accusing Republicans of doing long before Republicans started doing it.

Virtuoso disagreed, saying that Republicans were the first offenders.

The spectacle was difficult to follow and by the end it resembled a game of cat and mouse.

"I will, never, never apologize for standing up for the taxpayers of this county," Virtuoso said.

The issue was Apolito's resolution about a month ago to abolish the deputy treasurer's position, which was then vacant. The position pays about \$55,000 plus benefits. Republicans have since filled it.

Instead of allowing Apolito's measure to be debated in committee, Republicans killed it on the floor, and Virtuoso cried foul.

Needler came back two weeks later with evidence that Virtuoso had pulled a similar stunt in 1994.

This week, Virtuoso said that just before his own action in 1994, at the same meeting Needler had made a motion on someone else's motion.

However, the someone else was Needler's ally, Legislator Gerald Meal.

Tuesday night's heated voices prompted Legislator Peter Smolinski, R-North Tonawanda, to say: "Give them boxing gloves."

Legislator William Ross, C-Wheatfield, said, "Send them into the caucus room and let them duke it out."

Also Tuesday, county residents continued to express their concern with the Legislature's refusal to remove the members of the board of the Niagara County Industrial Development Agency.

The board serves at the pleasure of the Legislature.

The Legislature may not be able to stop the tax breaks for AES Somerset now, but lawmakers can make a statement and begin to right some wrongs, Barker School District Interim Business Manager William Leardini told the Legislature.

Legislature Chairman Clyde Burmaster, R-Ransomville, has said that removing members of the IDA board would be punishment and would not help the current situation.

Residents are upset the board approved a tax break deal for the power plant.

"There is no trust from the public about you and your IDA board," said Newfane resident Edwina Luksch. "All you're doing is protecting your little turf."

The deal, approved in October, is expected to save AES \$94 million over the life of the agreement. That figure is based upon an assessment the power plant's owners have maintained are out of line with similar facilities.

"In the public arena, oversight is by this legislative body," said Merrill Bender, a Somerset resident who does not agree with the IDA's actions and has advocated for the removal of the board. "Please stand up and do the right thing."

Legislator Renae Kimble, D-Niagara Falls, made a motion to replace IDA Board Member Thom Kraus with Bender, but it failed in a vote of 6 to 12. Voting for the motion was Kimble, Apolito, Virtuoso and Legislators Sean O'Connor, John Syracuse and Michael Hill.

Kraus has confirmed plans to leave the area and his position as president of the Niagara USA Chamber.

In other business, Lockport resident Elizabeth Micoli was appointed to the Board of Health and Youngstown resident Nils Olson was appointed to the Community Advisory Committee for CWM Chemical Services. Olson's appointment was made by the chairman of the Legislature. Olson replaces Daniel Stapleton, interim director of the county health department.

233. YOUNGSTOWN: Challengers call for 'new blood' on Youngstown board

Sunday, May 14, 2006 1:22 pm

YOUNGSTOWN — The challengers for two board of trustees positions acknowledge there aren't many differences between their political platforms and those of the two incumbents.

But former mayor Norman Swann and first-time candidate Jeremy Diez believe Tuesday's election in Youngstown is the chance to bring a new voice to village leadership.

"We need new blood and we need new visions," Swann said.

Diez and Swann are calling for a shift in the board's focus from the waterfront and business district to include the rest of the village, and promise to cut the village tax rate as property assessments have risen recently.

Swann pointed to the condition of Lions Park, a neighborhood park he believes the current village board has neglected.

While Swann agrees with improvements and investment in the areas of Main Street and Water Street, other parts of the village are in need of attention too, he said.

Diez, 29, said he wants to bring a younger-family perspective to the village board.

Both face incumbents David Gifford and Fred Stephens as the four vie for two trustee positions, and believe more can be done to lower the village tax rate.

Incumbents Gifford and Stephens each voted to approve the village's 2006-2007 budget which cuts the tax rate by more than 6 percent.

Gifford, who pointed to improvements the board has made to the waterfront, said plans for the south dock area are moving ahead as about \$280,000, much of which is grant money, has already been set aside for the project.

He also supports working to merge the reading of water meters by the village and the Town of Porter, and progress is already being made on that front as well as joint equipment purchasing, Gifford said.

Stephens spurred an investigation into contamination at the former Youngstown Cold Storage site. State environmental officials should have a complete report on the extent of the problems by the end of the month, Stephens said.

All four candidates said they support bringing back a cross border ferry in some fashion. They also support signing an agreement with CWM Chemical Services which would allow water from the site to be treated at the Lewiston Water Pollution Control Center, which serves Lewiston, Porter and Youngstown.

Such a move would help the village's sewer fund because of the \$100,000-per-year projected income from a deal.

Each candidate also stated he supports the creation of housing for seniors and other "empty-nesters" who no longer need a big home and don't want to maintain a lawn.

Swann and Diez said they want to make sure such housing, when built, is affordable.

All four candidates also said they will work toward sharing services with the Town of Porter to cut costs of government, and support keeping all sections of the Robert Moses Parkway open.

Regardless of Tuesday's outcome, the former mayor said just giving the people a choice and creating dialogue around Youngstown is enough for him.

"Win or lose this has already been a victory scored," Swann said.

234. Guestview: The Silence of the Clams

Monday, April 3, 2006 4:20 pm

Around 2.1 million of them. To be exact. That's a lotta chowder! Lost in the cacophony of chest-thumping, back-slapping and glad-handing by local pols accompanying their declaration of victory over the 257 acres (much of it wetland) destined to become the site of the 20th golf course in a 30-mile radius of our manicured lawn, tin cup and flag-deprived Lewiston countryside, are a few disturbing observations.

To wit:

In condensed form, during a five-minute period on the afternoon of Feb. 15, about 257 acres of land passed from the town of Lewiston and members of the Boos family through Old Creek Development and, ultimately, to the Seneca Nation for the princely sum of \$2.1 million.

This transaction raises a number of intriguing questions, such as: Where's the town's money? The latest press reports I read indicated that Old Creek Development would purchase the acreage belonging to the town (adjacent to Boos property) for \$148,000, representing the appraised value of the parcel (\$52,000) plus \$96,000. (The difference — still a bit short) to compensate the town for engineering and ancillary expenses related to the golf course.

Yet, the cost to Old Creek for said town land recorded in the Feb. 15 sale is shown to be \$52,000! I have also heard (more recently) that the engineering expenses would, instead, be paid through a separate (\$102,000?) contract to be purchased from the town by Old Creek, which begs the question, where is the contract? Moreover, where is the check? To date, no one can seem to find a copy of either. And how can the town sell a contract representing the taxpayers' expenditures without their approval?

An even stickier question revolves around the initial (and revised) contract written by Mike Dowd (the principal behind Old Creek) between Old Creek and the town: where was (were) the town attorney(s), acting in their capacity as ombudsmen to the taxpayers when a private developer was apparently given carte blanche to write his own ticket? Had the town been acting in the best interests of its taxpayers, surely if

would have insisted on some advantage in exchange for essentially fronting Old Creek \$100,000 to help fund its own — as it turns out — exceedingly profitable enterprise.

An astute attorney truly representing the people could have easily insisted on an option clause, to be activated immediately upon the town's first expenditure of funds for site studies, whereby, in the event of a third-party offer, the town would be granted the right to purchase the 180-acre parcel (as originally described, which would have ballooned to 257 acres) at the originally designated price of \$300,000, thereby creating a profit for Boos and Dowd and a \$1.8 million windfall for all the taxpayers in Lewiston instead of making millionaires out of only two! Using the assessor's office estimate of 6,600 Lewiston tax-paying property owners and doing a little simple division, every taxpayer in the town (and village?) of Lewiston could have end — in my opinion — should have walked away with a roughly \$273 reduction in their town property tax bill for 2006.

Here's another unpleasant surprise for the Senecas' new neighbors. Despite Supervisor Fred Newlin's repeated reassurances that this proposed golf course would house no structures of any kind, Snyder has already alluded to a "clubhouse," and, indeed, a close reading of a covenant (running with the land) in the new deed reveals (liber 3349, pg.315, art.1.) "parcel 1 (10.87 acres) may be used by the grantor (Old Creek) its successors and assigns (the Senecas) for any use permitted by the town of Lewiston's current zoning laws, including BUT NOT LIMITED TO a golf course." Current zoning laws permit construction of R-1 (single residence) and multiple dwellings (town houses, patio homes and duplexes — or should I say "duped"-lexes!)

My remaining concerns regard the new owners. Although I believe Mr. Snyder is a pretty sharp business man, I fear he may have met his Waterloo here in river city. Is he aware, for instance, that this sale will certainly trigger the necessity of another SEQR study (regardless of what he may have been told)? Is he further aware that he will be obliged to obey updated zoning laws conforming with the new Lewiston master plan, which (laws) prohibit mining on the property? Does he know that a upcoming vote on the re-designation of a 9.5-acre area of the Seneca purchase (populated by Shellbark Hickory) to LE-5 (unusual local impact) may impede or alter the tribe's plans materially?

And finally, does Barry really think that the rest of Niagara County is likely to welcome the thought of IDA money being used to provide tax relief to the Senecas for a project intended to benefit Lewiston?

Personally, I'm incredulous that this "Spruce Goose" ever made it off the ground. I believe it epitomizes incestuous small town politics at their worst. And I still don't believe for a minute that it was ever about golf. It's the "gold in the ground" (to CWM), i.e., the clay, and other projects as yet unnamed.

Clams casino, anyone?

Larry LeBlond is a resident of Lewiston.

235. Fight rages on as Lois Gibbs returns to Love Canal

Tuesday, October 22, 2013 9:36 pm



Thirty-five years is a long time. Generations of people come and go in less time. But for Lois Gibbs, her fight rages on.

236. Business support: Still job No. 1 for Niagara County

Tuesday, January 4, 2011 10:58 pm



Helping keep AES Somerset viable is a top priority of Niagara County in 2011, legislature Chairman William Ross declared Tuesday in his State of the County address.

241. Q&A: Alan Steinberg comes to Western New York to give progress report

Sunday, October 28, 2007 10:47 pm



Alan Steinberg says he understands Western New York's pain.

A native of a once prosperous suburb of Pittsburgh, he's seen first-hand the economic and environmental issues brought to light by decades of rust belt decline.

Now, as a regional administrator for the Environmental Protection Agency overseeing New York, New Jersey, Puerto Rico and other areas,

he's in a position to do something about it.

Steinberg was in the area last Wednesday to give a presentation of the coordinated international effort, 20 years in the making, to clean up the Niagara River and Lake Ontario from a long history of pollution.

The Niagara River Declaration of intent was signed by the EPA, state Department of Environmental Conservation, Environment Canada and the Ontario Ministry of Education in 1987 in response to concern about toxic pollutants in the river. The EPA is now reporting substantial progress in that effort.

Before his presentation at the Holiday Inn on Grand Island, Steinberg stopped in to the Niagara Gazette offices to discuss the past and future of environmental problems along the Niagara River.

Following is an edited version of that conversation:

QUESTION: Why did the Niagara River need to be cleaned?

ANSWER: These are issues that are international in scope, both in the United States and Canada. To deal with them involved a lot of concentration of all the different pollution sources. You had Superfund sites which were obvious groundwater flows in the area. You also had run-off which was affecting the condition of the river and the lake. So you had to deal with these issues in a holistic way, both from the standpoint of air and water and land issues and also interagency cooperation. So the 1987 declaration was a watershed event in terms of environmental protection.

...

Q: Could you describe the cleanup efforts?

A: You had six Superfund sites in the Niagara River area, including the world-famous Love Canal, one of the environmental tragedies of our area. Three of those sites have now been de-listed, so there are three remaining. That is integral to the entire river cleanup.

Secondly, we have to focus on other sources in the area from the Canadian side also, and it also involved monitoring, which is the ultimate yardstick of your accomplishments. This continues to this day, and we are always evaluating ourselves. But I think to put it as tersely as possible, there are three key aspects: Superfund, continued monitoring and the constant effort to protect point sources.

...

Q: Discuss the results of the efforts so far.

A: Really what you're seeing is an improved state of the water quality and improved state of the biota, but you always have to be vigilant. Things are moving in a positive direction, not a negative.

...

Q: How do environmental problems affect an area as a whole?

A: In the 1950s you witnessed the exodus of the whole smokestack industry from the rust belt to other areas, particularly the south and the sunbelt states, and eventually over to other areas of the globe.

What you have left behind is a very impacted economy and an environment that had been substantially damaged. I had that feeling when I first visited Buffalo as a regional administrator. I met with (Buffalo Mayor Byron Brown) and he and I talked about this. I talked about how Pittsburgh was doing and the challenges left behind with old heavy smokestack industry, both in terms of the heavy environmental impact and in terms of economic impact. He said that's the same challenges you're dealing with here.

President Bush has defined the mission of the EPA as accelerating the pace of environmental protection while maintaining our economic competitiveness. In this area of the state, and in this region, both of those components have to be unto themselves. We cannot have an improved economy in this area of the state without an improved environment. It's necessary for people moving into this area, people who will be working in jobs in the 21st century in this area. They have to have a clean environment. They're entitled to that. Or tourism, you have to have an enhanced environment. If you want to go fishing on Lake Ontario, if you want to see the beauty of Niagara Falls, you have to have an enhanced environment. At the same time you have to go forward with an improved economy. And this is a challenge that is very present in this area.

I do have empathy. I grew up with a lot of the issues that face this area in New York state and I think that this merits my attention on a continuing basis.

...

Q: Do you think the Niagara River cleanup is a significant cog in that process?

A: It is an absolutely essential cog. Absolutely essential. I think that the Great Lakes are one of the glories of America and Canada and also one of tragedies. For many decades big industry grew and created wonderful jobs. That's a positive. But we never really cared about the environmental damage that was being done. But I saw hope for the future when I flew up last night. We flew over the Bethlehem Steel site, and I saw a wind farm on that site. And I said you know what? The steel plant represents the old, the wind farm represents the promise of the new.

...

Q: Niagara County is host to the state's only hazardous waste facility, CWM Chemical Services, which would like to expand its current operations. What are your general impressions of the site?

A: Siting issues are serious, and I understand the concern of some of the people who live in (the area). I saw that site from the air when we flew in. Talking about hazardous waste, siting is vital. New York state will have to come to grips with the ultimate fate of this landfill. And in the future, I'm not saying this to be critical of any administration in New York state, it's been a continuing problem in all of New York state,

that siting has to be the key focus. Hazardous waste landfills are what they are, and they present dangers and challenges to people that live nearby and the key will be the future siting plans on the part of the state.

Contact reporter Dan Minerat 282-2311, ext. 2263

242. ELECTION 2007: Active community members vie in Lewiston's 12th District
Thursday, October 25, 2007 1:37 am

Twelfth District

243. 2007 ELECTION: Lewiston supervisor candidates campaign for November election
Tuesday, October 23, 2007 12:21 pm

Even casual voters will likely recognize both names on the ballot Nov. 6 in the Town of Lewiston supervisor election.

The incumbent, Democrat Fred Newlin, is shooting for his third two-year term in the seat and a chance to spend some of the money he helped pry from the New York Power Authority's grasp.

But Ron Winkley presents a formidable foe. The 48-year old retired from his Lewiston Police chief position in June after 26 years on the job and says many of the people he's met on the campaign trail are familiar faces.

"There's not too many people in Lewiston who I don't already know, to tell you the truth," said Winkley, who teaches criminal justice at Niagara University. "Most people I've helped solve problems, and they remember that very well."

But despite Winkley's name recognition, the election appears to be a referendum on Newlin's time in office. Republican Committee Chairman Ed Devantier railed against some of the things Newlin's supporters say are examples of why he should be re-elected.

On Newlin's long hours for low pay?

"He got into a part-time job and created a full-time job," Devantier said. "Over the almost four years he's been in office, he raised his pay two times."

On the relicensing settlement with the New York Power Authority?

"I think we got a very bad deal," Devantier said. "We are the community that has the power authority, but what we see is 25 percent off a bill? That doesn't cut it for me."

On those issues, however, Newlin's effectiveness appears to be in the eye of the beholder. Town Democratic Committee Chairperson Diane Roberts said that Newlin's responsibilities far outweigh his compensation, comparing his position to the chief executive officer of a multi-million dollar business.

"Frankly, I have never seen anybody work so hard for other people for so little in return for himself," she said. "This is a supervisor who is putting in 50- to 60-hour work weeks for not even \$26,000 per year."

Candidates on the campaign trail

Both candidates say they've tirelessly canvassed the town, meeting as many voters as possible in the past several weeks. Newlin has held two fundraisers and has \$5,545 in his campaign coffers. Winkley, who's also been a part of two fundraisers, reported \$1,819 to the state Board of Elections. Both are limiting their advertisements to direct-mail and print publications.

Newlin often partners with long-time councilman Michael Johnson when he goes door-to-door. Winkley, meanwhile, has been doing the same with Ernest Palmer, a Republican councilman and Niagara Falls Police captain.

"Ernie and I went to police academy together, so his opinion means a lot to me," Winkley said of Palmer's support.

Republicans hold a slight advantage in registered voters over Democrats in the town, and Winkley's been endorsed by the town and county Independence and Conservative parties, as well. There are 4,241 registered Republicans, 4,054 registered Democrats and more than 300 registered Independence and Conservative voters in the town.

The NYPA settlement

Despite Devantier's protests, Newlin is sure to hold the power authority relicensing settlement as a positive during his tenure.

Newlin took office while the process was under way, but became a key player in the Niagara Power Coalition. The town is set to receive large sums of money in each of the next 50 years for capital improvements (\$850,000) and projects along the Niagara River Greenway (\$510,000), as well as roughly 6.5 megawatts of cheap hydropower. The cheap electricity will result in a roughly 25 percent electricity discount for each town household every month.

"We're the only government in Western New York that is taking hydropower and giving it back to residents directly," Newlin said.

Roberts offered her support of the settlement and Newlin.

"Fred has done a lot in four years to save people in Lewiston a lot of money," she said. "We have no town tax, and we are personally getting money off our electric bills and have more electricity coming in than anybody else because he fought for that."

Lewiston's healthy financial condition — which includes no town tax — allows it to attract substantial private investment, Newlin said. He used the Hickory Stick Golf Course, designed by renowned golf course architect Robert Trent Jones Jr. and expected to open in 2009, as an example.

Winkley to focus on business, accessibility

Winkley said the town's dependency on its agreements with the power authority, Modern Landfill and CWM Chemical Services are troubling, and that bringing in soft, service-based industries near the village could lessen the importance of those deals.

"Not enough has been done to try and bring in some soft industry," he said. "We have the restaurant district and the tourist area. That would be ideal for a soft business to come here and help promote their business."

Though he's running against his former boss, he said his only issue with Newlin was the difficulty in reaching him.

"It's not done as a personality conflict against him," he said. "The reason I'm running isn't that I hated him as a boss. The only problem I had with him was his availability."

Newlin said Winkley's decision to run surprised him, noting that he considers Winkley a good friend who only last year invited him to a vacation, which later had to be canceled, in the Adirondacks. He also said he's trying to organize two or three debates in the near future with Winkley.

"I think, in Lewiston, the two biggest issues are the quality of life and the level of taxation heaped upon residents," Newlin said. "I've done my best to improve a community so that it's safe, clean and attractive to residents."

Contact reporter Dan Miner at 282-2311, ext. 2253.

244. **Lawmakers graded on green** **Wednesday, October 4, 2006 12:18 am**

Members of the Western New York state legislative delegation received mixed grades for their voting records on environmental issues for the 2006 session in a report released Tuesday.

In its "Voters' Guide 2006," the Albany-based Environmental Advocates of New York, formerly known as the Environmental Planning Lobby, ranked lawmakers based on the how well they matched up with the group's stance on environmental issues.

State Sens. George Maziarz and Mary Lou Rath were the lowest rated representatives from Western New York, while Assemblyman Sam Hoyt and Assemblywoman Francine DelMonte received the highest scores among the delegation.

Scores in the report are based on bill sponsorship as well as tiered ratings of a lawmaker's voting record.

"(The) 'Voters' Guide' gives every New Yorker the chance to see for themselves how their lawmakers voted when it comes to laws that will impact the environment, for good or ill," Robert Moore, executive director of Environmental Advocates, said in a prepared statement.

The evaluation does not include a measure passed by both houses of the legislature but vetoed by Gov. George Pataki that would have required stricter standards for companies who want to construct hazardous waste facilities within the Great Lakes basin.

The bill, which could have affected the proposed expansion at CWM Chemical Services, was sponsored by Maziarz and DelMonte.

The decision to exclude the hazardous waste bill should be emphasized, according to Susan Senecah, Maziarz's environmental policy director.

"There is one hazardous waste facility in the entire state," Senecah said. "That's a state issue."

Senecah also pointed to the changes made in each year's evaluation which affect which proposed legislation is weighted most heavily in the report.

The evaluation also fails to consider issues that evolve during a legislative session, and instead keeps a strict focus on certain bills chosen from the beginning, Senecah said.

State Sen. Mary Lou Rath, R-Williamsville, voted against three of what the group felt were the most important environmental bills being considered this year, according to the report.

Votes against new wetlands provisions, a bottle recycling bill and the Community Preservation Act helped contribute to the low score.

In a statement released from her Williamsville office, Rath said she and her staff regularly meet with environmental groups in order to better understand their positions and the proposed legislation they want.

"As a lifelong New Yorker, I take pride in the natural beauty of our state, especially here in Western New York. To best represent my constituents, I vote on the merits of each bill as it comes to the floor of the Senate," Rath said in the statement.

Republican Assemblyman Jim Hayes, whose district includes the Town of Pendleton and part of North Tonawanda, was the highest ranked GOP member of the Western New York delegation.

While he's proud of that distinction, Hayes said he emphasized the need to consider legislation's effects on business and taxes that become more important because of "economic realities" at this end of the state.

"You have to take these bills one at a time," Hayes said.

Assemblyman Mike Cole, whose district includes Lockport and Royallton, defended his position against the bottle recycling bill, saying he was listening to local business and municipal leaders who told him they'd lose money if the proposed legislation passed.

"I think the current system works," Cole said.

The report did point to three new laws passed this year that benefit the environment, including moves to strengthen diesel emissions standards in state vehicles, requirements that dam safety inspections reports be accessible by municipalities and the creation of a council of state agencies to manage coastal resources.

To view the entire report, visit www.epivotersguide.org.

What they scored

A report card on lawmakers' environmental voting records showed a variety of scores for the Western New York delegation.

Assembly

138th District (Niagara Falls, Town of Niagara, Wheatfield, Lewiston, Porter, Wilson, Cambria, Newfane and Hartland)

Francine DeMonte, D-Lewiston - 94

139th District (Somerset, all of Orleans County, and parts of Monroe and Genesee counties)

Stephen Hawley, R-Batavia - 51

140th District (City and Town of Tonawanda, Village of Kenmore and most of North Tonawanda)

Robin Schimminger, D-Kenmore - 85

142nd District (Lockport, Royalton and parts of Erie County)

Mike Cole, R-Alden - 72

144th District (Grand Island, part of Buffalo)

Sam Hoyt, D-Buffalo - 98

148th District (Pendleton, Amherst, part of North Tonawanda)

James Hayes, R-Amherst - 78

Senate

60th District (Buffalo, Niagara Falls)

Marc Coppola, D-Buffalo - 77

61st District (part of City of Tonawanda, Amherst, Town of Tonawanda, Village of Kenmore and all of Genesee County)

Mary Lou Rath, R-Williamsville - 55

62nd District (Most of Niagara County, all of Orleans, part of Monroe)

George Maziarz, R-Newfane - 51

By the numbers

Here are some key figures from the Environmental Advocates of New York report.

n 67: Average senator score

n 92: Average assemblymember score

n 150: Total number of assemblymembers

n 65: Number of assemblymembers receiving a perfect score

n 62: Total number of state senators

n 0: Number of senators who received a perfect score

n 225: Millions of dollars approved by the legislature for the state-wide Environmental Protection Fund

245. LEGISLATURE ELECTION: Voters offered choice in 12th District

Thursday, October 29, 2009 1:00 am

In the Niagara County Legislature's 12th District voters will be offered a choice this year between an incumbent who believes he's done quite a bit to improve the quality of life in Lewiston and a political newcomer who thinks he has what it takes to accomplish much more.

John Ceretto, the endorsed Republican candidate who has represented the district for the past four years, says his experience and record of accomplishments make him the better choice for the job.

His opponent, endorsed Democrat Dan Antonucci, who has worked as the head golf professional at the Niagara Frontier Country Club in Youngstown for nearly 20 years, views the county as a place with a lot of potential that, unfortunately, remains unfulfilled.

"I always thought that Niagara County is such a great place to live, but it could be so much better," said the 47-year-old Antonucci. "That's where I really hope I could help make it a better place."

Ceretto shares that vision and believes his years of service to the community have helped to bring about many improvements in Lewiston and the surrounding area. Ceretto points to his ability to secure casino cash funds for various local projects, his work on environmental issues and his recent stand against the community's treatment at the hands of the New York Power Authority as examples of his words being backed up by action.

"I've got a track record," said Ceretto, 57. "I have a record of success. If you look at Lewiston and like what you see here, I was part of it. I succeeded as a councilman and I plan on continuing to succeed as a legislator."

Ceretto is particularly proud of his work on issues related to the power authority. A strong supporter of the county's lawsuit which aims to reverse a \$500 million sweep of authority funds into the state's coffers, Ceretto also said he continues to push to give the county something it currently doesn't have — a Niagara representative on the authority's board of trustees.

"We don't have any representation on the New York Power Authority and yet we have the largest electrical power plant in New York state and the largest electrical power producer here in Niagara County," Ceretto said, referring to the Robert Moses Power Project in Lewiston. "The job is to try to get lower electrical rates here."

Antonucci considers the county's power authority lawsuit another waste of taxpayer money, suggesting dollars spent by the county on lawyers could be better spent on economic development projects that expand the local tax base and help address the main issue — taxes.

"The state is in such financial trouble right now, I don't foresee that money ever coming back and for a county to spend money on a lawsuit," Antonucci said. "I just think it's frivolous and it's another waste of our money."

Antonucci referenced Niagara County's dubious distinction as being cited by the Tax Foundation as the highest taxed county in the nation based on percentage of home values. He said those tax facts don't lie.

"That means I could live in Beverly Hills, Calif., I could live in South Beach, Fla., I could live in the Hamptons in Long Island and I'm going to pay less percentage in property tax than Niagara County," he said. "That is just not the way it should be."

As the operator of the country club's pro shop, Antonucci said he would be able to bring more of a business background to county government. He believes closer inspection of every line of the county budget would lead to savings that could benefit local residents and business owners.

"With the economy the way that it is, you have to pinch every penny and stretch every dollar," he said.

Ceretto contends the county has done a solid job of reducing expenses in recent years, saying the county's tax rate has actually dropped by about 13 percent during his four years in office. Ceretto also maintains the county has far fewer employees than it did when he came on board, resulting in a more efficient government and less cost for taxpayers.

"It's not an easy feat in itself," Ceretto said of lowering taxes. "There are different avenues. First, you have to look at things you can consolidate. The second thing is creating jobs. Businesses increase revenues to governments. You can't just cut, you have to have the revenues. It goes hand in hand."

Protecting the environment and continuing to market assets in Lewiston and Sanborn are two areas where Ceretto said he wants to concentrate in an effort to improve the local business climate. Ceretto supports the county's lawsuit against the state Department of Environmental Conservation over a proposed thinner cap that would allow for more hazardous waste capacity at the CWM landfill in the Town of Porter. Ceretto, who serves as head of the Legislature's Refuse Committee, helped coordinate several prescription drug and used electronic equipment pickups designed to prevent hazardous materials from entering the waterways and promoting recycling of technological components. Ceretto also boasts roughly \$24,000 in county casino revenues he helped to secure for use in marketing various local festivals and supporting community based organizations.

"I think the casino dollars here in my district is money well spent and it serviced the community to provide economic development in Sanborn and the Village of Lewiston," he said.

Antonucci said the county "grossly mispent" its share of the casino funds on a "decidedly unorganized plan" that involved distributing checks to various organizations within legislators' districts. A better route, he argued, would have been to develop a plan for supporting specific economic development projects with the funds.

"Those are good quality of life things that we need in Niagara County," Antonucci said, referring to the festivals and organizations supported with county casino funding. "But, money has to be appropriated for that from different avenues, not from the casino revenues."

The two candidates also differ on their stance concerning the proposed downsizing of the county Legislature from 19 to 15 members.

Ceretto believes county government can still be run effectively with fewer representatives and noted that members of the Republican-led majority are looking to form a committee that would involve residents to determine other specifics related to the downsizing move, such as

length of term.

"It's what the public wants," he said. "They will be the final decision-makers."

Antonucci said if elected he would do his best to make it so he can't hold the job for too long. Although he said he believes residents need more specific information about how the downsizing proposal will impact the various communities, Antonucci said he's certain that the Legislature should have term limits that would prevent lawmakers from becoming career politicians.

"I just think when politicians get into office and they stay in power for a long time up to decades they can easily become entrenched and they start making decisions that aren't for the best of the citizens, but more on how can I keep my job," he said.