

UNSHACKLE UPSTATE

# Business group gives O'Mara positive rating

ELMIRA — State Senator Tom O'Mara, R-Big Flats, has received the Senate's second-highest ranking, 93 percent, from Unshackle Upstate on the group's 2014 Legislative Scorecard.

Unshackle Upstate is a pro-jobs, pro-taxpayer advocacy organization comprised of business and trade organizations representing every Upstate region.

The guide, released Tuesday, ranks the voting record of every state legislator on pieces of legislation the Legislature considered in 2014 that reflect the

organization's commitment to fiscal responsibility, pro-taxpayer initiatives and private-sector economic growth.

"Recent polling has shown that taxes and job creation are key issues for people across the state. Our 2013-2014 legislative scorecards accurately reflect which legislators have advanced measures that help taxpayers and job creators," said Brian Sampson, executive director of Unshackle Upstate. "There's no doubt that this year's elections will have a significant impact on the state's ability to continue its economic progress. In order to keep our economy

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State Senator Tom O'Mara, R-Big Flats

our endorsement will be held to a very high standard. Taxpayers and employers deserve nothing less."

O'Mara said, "I appreciate Unshackle Upstate's strong advocacy on behalf of so many of the goals we share for the Southern Tier and Finger Lakes regions, and all of upstate New York. Most importantly, we look forward to continue working together to keep state government's attention focused on efforts to turn around the Upstate economy, create jobs, cut taxes, revitalize manufacturing and strengthen our communities."

**STATE BRIEFS**

**Designer sues Barnes & Noble over backpack profits**

NEW YORK — A former New York fashion student claims in a federal lawsuit that she hasn't made any money off a top-selling backpack she designed for Barnes & Noble.

Diana Rubio designed the "everything backpack" in 2010 while at Manhattan's Fashion Institute of Technology.

The Daily News reports the school had assigned Rubio to enter Barnes & Noble's "Back to Campus" contest. Rubio's bag won the contest and sells for \$39.95. The Barnes & Noble website identifies Rubio as the designer.

But Rubio says in a lawsuit Monday that she never received any money from FIT or Barnes & Noble. Barnes & Noble says it pays royalties to FIT and that the matter was between Rubio and the school. FIT did not immediately return calls seeking comment.

**Group challenges New York redistricting plan**

ALBANY, N.Y. — A government watchdog group is challenging the wording of a ballot question on redistricting, saying the referendum on this fall's ballot is deceptive.

Common Cause-New York announced the lawsuit Tuesday. The organization is one of several that have criticized the ballot question, which will ask voters to authorize a new commission to handle redistricting beginning in 2022. That's the next time the state's political districts will be redrawn to account for population changes. The referendum says the commission will be

independent, even though top lawmakers would pick eight of its 10 members, and the Legislature would have the power to reject any commission proposal it didn't like. Common Cause Executive Director Susan Lerner, a plaintiff in the suit, says the proposition is misleading and should be rejected.

**Wrongfully convicted NY man settles suit for \$10M**

NEW YORK — A man wrongfully convicted in the slaying of a rabbi has settled a lawsuit against New York City for \$10 million. Jabbar Collins' settlement Tuesday comes a month after he settled a claim against the state for \$3 million.

Collins' lawyer Joel Rudin says the two settlements tie for the largest amount received by a wrongfully convicted New York City defendant, matching a June settlement with one of five men wrongly convicted for the 1989 Central Park jogger attack. Collins was exonerated in 2010 after serving 15 years in prison. His 1995 conviction was overturned based on new findings that witnesses gave false testimony and Brooklyn prosecutors withheld favorable evidence from the defense. Rudin said the city offered the settlement Monday.

**NY AG: Cigar distributor skipped paying taxes**

NEW YORK — An indictment was unsealed Tuesday against a Staten Island man who was accused of not paying more than \$6.1 million in state taxes for cigars his distribution company brought into New York state. State Attorney General Eric

Schneiderman announced an indictment against Aamir Sulaiman, who faces charges including criminal tax fraud and falsifying business records. Authorities said Sulaiman's company, Brooklyn-based Delta Distribution Services Corp., brought in millions of cigars from Pennsylvania and re-sold them in New York without paying all the taxes he owed. Authorities said between March and November 2013, Sulaiman only paid about \$100,000 in taxes when he owed millions. Authorities accused Sulaiman of filing false tax returns and falsifying business documents.

**Rowboat overturns, man dies in reservoir**

CARMEL, N.Y. — The agency that runs New York City's watershed says a man died, apparently drowning when the rowboat he was in overturned in a Putnam County reservoir. The Department of Environmental Protection says another man swam to shore. The men were fishing in the Croton Falls reservoir when the boat flipped on Tuesday afternoon. The cause of the accident is being investigated.

**New NYC ad campaign: Eat your vegetables**

NEW YORK — New York City's Health Department is urging snackers to reach for a carrot not a candy bar. A city ad campaign announced Tuesday will remind New Yorkers to pack fruits and vegetables "instead of less healthy options." The campaign called "Take Me With You" will appear at bus stops, check-cashing centers and other locations around the city. — *The Associated Press*

**HAT**

From Page A1

future," Buckley said.

Seven unanimous "Ayes" from the council now empower Hogan to authorize the measure.

"New buses lower operating expenditures," Hogan said.

Due to a rough winter, New York state has increased its overall CHIP (Consolidated Highway Improvement Program) allocation by \$40 million for this fiscal year.

**BUCKET**

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Stevens thanked everyone for showing up, then urged the crowd to make a donation for ALSresearch at:

<http://www.alsa.org/fights/ice-bucket-challenge.html>.

Then, at the last minute, Hogan challenged Regional Editor John Anderson. He has 24 hours to complete the task.

**PRISON**

From Page A1

charged with driving while intoxicated. He was later charged with second-degree vehicular manslaughter.

In June, he entered a guilty plea on the vehicular manslaughter charge after an agreement with prosecutors.

A two- to six-year sentencing recommendation was part of that agreement.

Addressing his victim's family, O'Neal expressed remorse for Mitchell's death. "I will never forgive myself for that night," he said. "I realize there is nothing I can do or say that will diminish the pain that I've caused." Judge Furfure noted

Hornell's share of the newly allocated money comes to \$64,690, raising its total share from \$200,000 to \$264,690.

The council moved to amend the budget to reflect the change. The resolution was passed unanimously.

Finally, students from St. Ann's Academy had the pleasure of pouring icy buckets of water and both Hogan and Stevens.

View the video on [eveningtribune.com](http://eveningtribune.com).

**TROUGH**

From Page A1

around, but I don't think there is one left in Allegany County," said Pat Maker, historian for Canaseraga.

Which, according to Holley Spencer of the Marjorie Dieter Mastin Historical Society, makes Bob Smith's donation of a stone horse trough to the jail's tableaux even more special.

Smith, 94, had displayed the trough, filled with flowers, in his yard on Mill Street for nearly 30 years, but said he thought, "Since they tore up the lawn installing a new water line, I thought that the old jail would be a good spot for it. Besides I'd just have to mow around it."

Smith originally rescued the old trough from a barn he was tearing down on the Charles Oliver property. He was a heavy equipment operator for more than 36 years and worked with the Potter-DeWitt Company on state Route 17 near Randolph. While he was told he could bury the relic with the rest of the barn rubble, he decided to take it home, where he and his wife, Ruth, turned it into a planter. "For years I thought it was

made out of concrete, but a man looked at it and said it was carved out of stone," Smith said.

Maker believes the trough was carved out of stone from the nearby Klipnocker quarry more than 150 years ago.

"You can see the marks on it where it was hued out," she said, pointing to grooves in the side of the trough. "There is a hole in the bottom where you can see that it was spring-fed. There used to be several throughout the village, but they disappeared over the years."

The stone trough is 7 feet long and approximately 16 inches wide, with the opening for the water over a foot wide and a foot deep. The trough weighs well over a ton and had to be transported to the site by heavy equipment — by Charles F. Oliver and Son of Canaseraga.

Maker said she has no real idea where the trough may have been located prior to being placed in the barn, but suspects that it may have been located at the intersection of Mill and Spring streets.

Smith said, "I just figured it should be in the village and the jail seemed like a

good spot for it." Maker said, "I think it is an excellent addition."

Smith, a native of Lima, Ohio, first came to Western New York after serving with the National Guard in the Pacific during World War II as a heavy equipment operator. He moved to his wife's hometown (Canaseraga) after they were married in 1947 — just 30 days after they'd met. They raised two daughters. His wife, Ruth, passed away in 2006. He keeps himself busy repairing lawn mowers.

The jail was built in 1873 from bricks left over from the Union School construction. It was built to house railroad workers and transients who got too rowdy. Spencer said. She went on to explain that it was located across from a boarding house and was run by a series of constables. It contains two narrow cells and a tiny office with desk. Each cell held an iron toilet and a bunk. Only two prisoners escaped from the jail and then only after the constable on duty had forgotten they were incarcerated. They tunneled out, according to an historical document displayed inside the building. In 1925, the town budgeted an annual allotment of \$40 for jail upkeep. Use of the jail was discontinued in the mid-1940s.

The jail is open to the public during the daylight hours on Saturdays from May to October and by calling the village historian. "You'd be surprised just how many visitors we get and people who stop just to take a photo," Spencer said, "This watering trough is just perfect here. Next door, there was a blacksmith shop."

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