

New York Coalition for Open Government

Thursday November 12, 2020, 6:30 PM

Via Zoom

Email paulwolf2@gmail.com for the meeting link

Public Comments Are Welcome At Any Time During Our Meetings. Don't Be Shy To Ask A Question Or To Make A Point!

AGENDA

- 1) Meeting Minutes from October 8, 2020
 - 2) Treasurer's Report
 - 3) Niagara County Lawsuit
 - 4) Legislator Amy Paulin Amendments to the Open Meetings Law
 - 5) Reschedule FOIL program featuring Kristin O'Neil, NY State Committee on Open Government and reporter Steve Brown, via Zoom
 - 6) SUNY Board of Trustees Chancellor Appointment
 - 7) North Tonawanda Niagara Reporter Contract
 - 8) Mount Vernon
 - 9) Erie County Covid-19 Transparency
 - 10) New Business
 - 11) Next Meeting December 10, 2020 at 6:30 pm
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Minutes for Buffalo Niagara Coalition for Open Government October 8, 2020

Meeting held via Zoom called to order at 6:36 p.m. Present: Paul Wolf, Sonia Dusza, Janet Vito, Larry Vito, Richard Bertrand, Joseph Kissel, Gary Dickson, Alberta Roman, Suzanne Kelly, Steven Lyle, Maria Tysby.

Meeting Minutes: The meeting minutes from September 10, 2020, were unanimously approved on a motion made by Maria and seconded by Sonia.

Treasurer's Report: Janet Vito provided a written report showing our account balance as \$1,187.92 as of October 1, 2020. We currently have twenty-one paid members. Sonia made a motion to accept the report which was seconded by Larry and unanimously approved.

Niagara County Lawsuit: Paul Wolf explained that our attorney Mike Higgins is drafting an order to submit to the Court, which will put in writing the verbal decision the Judge made from the bench in our favor. Mike is also working on an application for attorney fees. It will most likely take several weeks/months before we receive the financial disclosure forms which were the subject of the lawsuit. Sonia asked whether the Judge's decision will be something that others when they encounter problems with a FOIL request will be able to see and use. Paul explained that since the Judge did not issue a written decision, this will not be what's called a reported case which people will be able to find when doing legal research.

It was discussed and agreed that once the written order is signed by the Judge, that we should seek to have it placed on the agenda for a Niagara County Legislature meeting so that the legislature will be made aware of the ruling and so that we can speak about the Order at the meeting.

Legislator Amy Paulin Amendments to the Open Meetings Law: Attached to the meeting agenda is a copy of legislation introduced by NY State Assemblymember Amy Paulin mandating that meeting documents must be filed online prior to a meeting by removing the as "best as practicable" language, which is currently stated in the law. Mrs. Paulin is working on filing other amendments to the Open Meetings Law.

Legislator Paulin will forward copies of her bills to the New York State Committee on Open Government. It would be great to get the support of the New York State Committee on Open Government.

Paul will keep us posted as things move forward.

September Speaker Event: Our Zoom event focusing on FOIL, featuring Kristin O'Neil from the New York State Committee on Open Government and reporter Steven Brown scheduled for 9/25, had to be cancelled. Kristin O'Neill had to cancel due to personal reasons. It was unfortunate that we had to cancel as 117 people registered to attend. The plan is to reschedule for a date in January.

SUNY Board of Trustees Chancellor Appointment: The Coalition sent a letter on August 24th to the SUNY Board of Trustees documenting that they did not follow the Open Meetings Law when holding executive session meetings regarding their Chancellor appointment. Paul has spoken with the Government Justice Center and they are interested in filing a lawsuit against the SUNY Board of Trustees.

Unfortunately the Government Justice Center due to budget issues has laid off the attorney who was drafting the lawsuit papers. Paul Wolf will follow up to see if the lawsuit is still moving forward or not.

North Tonawanda Niagara Reporter Contract: Paul discussed how it appears that proper procedures were not followed when the North Tonawanda City Council on August 4th approved a \$2,000 per month contract with the Niagara Reporter. Joe has filed a FOIL request seeking information. This may be a situation worth filing a lawsuit over. The North Tonawanda City Council has not moved forward with the contract yet. We will continue to monitor this situation.

Mount Vernon: Paul read a very critical NY State Comptroller audit regarding the City of Mount Vernon. After reading the report Paul, Janet and Maria reviewed the Mount Vernon website and determined that the Open Meetings Law is being violated. Meeting documents are not being posted online, meeting minutes are not posted, nothing about how to do a FOIL is on the website, etc. The Coalition sent a letter to the City Council making them aware of these issues. Several concerned residents of Mount Vernon have contacted Paul expressing a willingness to draw more attention to these concerns. If the residents are interested in doing so, Paul will arrange a Zoom press conference on Wednesday October 14th, which is the date of the next City Council meeting.

New Business: Joe raised doing more to publicize our meeting videos. Joe has a Youtube page where the videos are posted. Paul will post the video on our website as well. Usually we skip meeting in December but it was suggested that as we are meeting by Zoom and to keep the momentum going we should meet in December.

Gary Dickson, Town Supervisor of West Seneca discussed how he is handling public participation at meetings. Currently attendance at meetings in West Seneca are limited to 40 people. In order to give everyone an opportunity to speak regarding the budget, people will be rotated through the meeting. People can also forward comments by email.

Steven Lyle discussed how the town engineer in Lewiston is also an employee of a company that contracts with the Town and the conflicts of interests that raises.

Adjourn: Maria made a motion to adjourn seconded by Joe, meeting adjourned at 7:46 pm. Next meeting will be November 12th at 6:30 pm, probably Zoom.

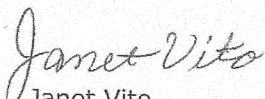
Zoom Meeting November 12, 2020

New York Coalition for Open Government (Formerly Buffalo Niagara Coalition for Open Government)

Treasurer's Report November 1, 2020

Paid Members as of October 31, 2020 = 21

Bank Balance - as of October 1, 2020	\$1,187.92
Donation Deposit - 10/13/2020 - \$ 20.00	20.00
Deposit Refund 10/13/2020 TR Inaug Site Foundation - \$150.00	150.00
Balance Total:	<u>\$1,357.92</u>
Bank/Checkbook Balance 10/31/2020	<u>\$1,357.92</u>


Janet Vito
Treasurer

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New York Coalition



For Open Government, Inc.

Advocating for timely access to information & meaningful citizen participation

www.nyopengov.org

November 4, 2020

PRESS RELEASE

**RE: New York Coalition For Open Government Seeks
Greater Transparency by Erie County Regarding Covid-19**

**CONTACT Paul Wolf, Esq. President, [\(716\) 435-4976](tel:7164354976) (Cell and Text Messages)
Paulwolf2@gmail.com**

The New York Coalition For Open Government, a non-profit, non-partisan organization dedicated to transparency in government calls upon Erie County Executive Mark Poloncarz and the Erie County Health Department to release more COVID-19 information to the public.

Erie County claims that federal HIPAA law prevents them from disclosing COVID-19 cluster information to the public. Yet, other Western New York counties such as Niagara, Cattaraugus, Allegany and Chautauqua release COVID-19 cluster information. The New York State Health Department has stated that counties can release information that is not personally identifiable or protected health information.

Recently 61 residents and 17 staff members tested positive at Comprehensive Rehabilitation and Nursing Center in Williamsville. The public was kept in the dark about this outbreak by Erie County.

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At Thursday's meeting of the Erie County Legislature, a resolution has been introduced calling for the county to release information that identifies when a nursing home suffers a COVID-19 outbreak. The New York Coalition For Open Government supports this resolution.

Paul Wolf, Esq., President of the New York Coalition For Open Government stated, "Erie County needs to be more transparent in sharing COVID-19 information with the public."

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