

Buffalo Niagara Coalition for Open Government
Thursday February 14, 2019, 6:30 PM

AGENDA

- 1) Open Meeting
 - 2) Meeting Minutes from January 3, 2019
 - 3) Treasurer's Report
 - 4) 2019 Projects Calendar
 - 5) FOIL Log Report
 - 6) Report Regarding Colleges & Universities
 - 7) Best Practices Sunshine Week Event
 - 8) Niagara County Financial Disclosure Forms
 - 9) Cheektowaga Ethics Code
 - 10) New Business
 - 11) Next Meeting March 7, 6:30 p.m.
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Minutes for Buffalo Niagara Coalition for Open Government January 3, 2019

Meeting called to order at 5:33 p.m. by Paul Wolf. Present: Richard Bertrand, Jim Lawson, Janet Vito, Larry Vito, Nancy Correa, Steve Lyle, Karen Lyle, Joseph Kissel, Mike Kless, Ed McKee, Sonia Dusza, Carla Speranza, Tom Frank

Meeting Minutes: Mike Kless made a motion to approve the minutes from the November 1, 2018 meeting, seconded by Larry Vito. Minutes unanimously approved.

Treasurer's Report: Ed McKee reported our account balance as \$904.17. Richard Bertrand made a motion to accept the Treasurer's Report seconded by Mike Kless. Treasurer's Report unanimously approved.

Board Elections: Mike Kless made a motion seconded by Ed McKee to nominate Paul Wolf, Ed McKee, Gary Dickson and Joseph Kissel for a two-year term as a Board Director ending in January of 2021. The motion was unanimously approved.

Board Officer Positions: Mike Kless made a motion seconded by Sonia Dusza to nominate the following individuals for a two-year term as a Board Officer expiring January 2021: Paul Wolf for President, Ed McKee Vice President for Erie County, Richard Bertrand Vice President for Niagara County, Janet Vito for Treasurer, Joseph Kissel for Secretary. The motion was unanimously approved.

Becoming a 501(C)(3): In order to move forward with becoming a tax exempt corporation there is paperwork that needs to be signed by Paul Wolf as President, Ed McKee as Vice President and Richard Bertrand as Vice President. Paul will work on this item.

FOIL Log Report: Paul Wolf discussed that the National Freedom of Information Coalition (NFOIC) is seeking submissions of FOIL research proposals. The top 3 selected papers will win a cash prize and an invitation to present the paper at an upcoming conference in Dallas this April. Instead of releasing our report now, Paul suggested submitting it for this competition and see if we win. Mike Kless made a motion to submit our FOIL research project to the NFOIC, seconded by Janet Vito. The motion was unanimously approved.

University at Buffalo Council Meetings: Paul Wolf reported that he sent a letter to the UB Council as approved at our last meeting. The letter pointed out that the Council meeting room is too small to accommodate the public and that the Council is not posting meeting agenda items on their website as required by the Open Meetings Law. Paul attended the Council's December meeting and was disappointed to see that the Council did not allow the public to speak at their meeting.

Cheektowaga Ethics Code: Paul was contacted by a member of the Cheektowaga Board of Ethics expressing concern that the Town Board was scheduled to vote on a new Ethics Code without the Ethics Board's review.

The Ethics Board has been working on a new Code for months and just when they are about to finish their work the Town Board scheduled a public hearing to obtain public input for a document that has not even been posted on the Town's website.

Due to opposition expressed by Ethic's Board members the Town Board tabled a vote on the new Ethics Code. The new Code has now been posted online, which Paul has reviewed. The new Code changes the Financial Disclosure form by removing the existing form which we rated as one of the better forms and replaces it with a form that asks for less information. It was agreed that we will send a letter to the Cheektowaga Town Board expressing our concern over the new Ethics Code being proposed.

Partnership for the Public Good (PPG): We submitted a proposal seeking support for amending the New York State Open Meetings Law as part of the PPG Community Agenda. Our proposal did not finish in the top ten but it was a good experience in that those that attended the event learned about our efforts.

Review of 2018 Accomplishments: Paul reviewed a two-page document that highlighted our accomplishments as a group for 2018:

Released Report Regarding Local Gov. Websites

Released Report Regarding Local Authorities Websites

Lockport Housing Authority, Wheatfield Local Development, Lancaster, Town of Lewiston, Erie County Leg, Niagara County Leg., Lockport Housing Authority, NFTA, Erie County Water Authority all made changes to their websites

Spoke to the: Lockport City Council, West Seneca Town Board, Erie County Water Authority, Niagara Falls City Council, Lockport Housing Authority, North Tonawanda City Council, Niagara County Legislature

Became Incorporated as a NY Not-For Profit Corporation

Created an 11person Board of Directors

Obtained first corporate sponsor Lipsitz & Ponterio (\$300)

Press Coverage: Channel 2 News, Channel 4, Lockport Sun, Niagara Gazette, Hamburg Sun, Buffalo News, Time Warner Cable, WBFO, Cheektowaga Bee, Clarence Bee, Vince Anello radio show, Partnership for Public Good radio show

Hamburg Supervisor James Shaw at the Coalition's urging became the first local elected official in Erie & Niagara County to post his financial disclosure form online

Lockport Housing Authority changed how they do their motions for executive sessions.

Coalition Board Member Richard Bertrand was appointed to the Lockport Housing Authority Board

The Erie County Water Authority included our website report in their RFP soliciting a website designer to improve their site

Released Report Regarding Financial Disclosures

West Seneca changed their meeting agenda to allow citizens to speak before town board members vote as recommended in our website report. For at least 14 years, their meeting agenda had citizens speak at the end of the meeting. West Seneca now live streams their meetings.

For at least 10 years the Niagara County Legislature has held a committee meeting, where the public was not allowed to attend because the room was "too small". Due to our efforts the public is no longer excluded from such meetings.

Clarence changed their meeting agenda to put back a public comment period, which was removed.

Niagara Falls Mayor, Councilmember Kenny Tompkins became the first local elected officials in Niagara County to post their financial disclosure forms online.

Niagara County Legislature created a committee to address financial disclosure

Held a Forum featuring Susan Lerner & Alex Camarda, where we also honored several of our members for their efforts.

Co-sponsored a voting rights forum

Joined the Partnership for Public Good network

The UB Council moved their meetings to a larger room to accommodate the public

Obtained new Board members and new Board officers

Held 9 Board meetings with attendance ranging from 8 to 15, with an average attendance of 11 people

Obtained a logo for our letter head

Goals for 2019: Projects and goals for 2019 were discussed as outlined in a document prepared by Paul. Paul will prepare a calendar to guide us through 2019:

Internal Goals:

- Become a 501(c)(3)
- Increase number of Facebook followers from 134 to 250
- Increase paid memberships
- Post meeting agendas & minutes online regularly

Project Goals

- Amend Niagara County Financial Disclosure Law
- Report regarding Colleges & Universities, Meeting Agendas, Minutes & participation
- Obtain support from local governments regarding best practices
- Review School Districts
- Report regarding Ethics Boards
- September Speaker Event
- Report regarding Local Governments, posting of agendas & minutes
- FOIL report regarding emails/text messages
- Continue push to amend Open Meetings Law

New Business: Sonia Dusza spoke about her concerns regarding code enforcement officers and the need for Planning Boards to properly explain their decisions.

Adjourn: Meeting was adjourned at 6:55 pm., on a motion by Larry Vito, seconded by Richard Bertrand. Next meeting will be February 14, 2019, 6:30 pm at the Williamsville Library.

5

Buffalo Niagara Coalition for Open Government 2019 Goals

Internal Goals

- Become a 501(c)(3)
- Increase number of Facebook Followers from 134 to 250
- Increase paid memberships

Project Goals

- Amend Niagara County Financial Disclosure Law
- Report Regarding Colleges & Universities Meeting Agendas & Minutes
- Obtain Support from Local Governments Regarding Best Practices
- Review School District Websites
- Report Regarding Ethics Boards
- September speaker event
- Report Regarding Posting of Meeting Agenda Documents
- FOIL Report regarding email/text messages
- Continue Push to Amend the Open Meetings Law

January

Board & Officer Elections

Review 2018

Discuss Goals for 2019

Gather Info regarding Colleges & Universities

Contact Local Governments support for Best Practices & March Sunshine Week event.

February

Press Conference Regarding Colleges & Universities Report

Plan for March Sunshine Week event

Start gathering School District Info

March

Press Conference Regarding Sunshine Week Event (March 12 to 18 Sunshine Week)
Continue gathering info for School District Report
Start gathering info for Ethics Boards

April

School District Website Press Conference
Start gathering info regarding Ethics Boards

May

Ethics Boards Press Conference

June

Start FOIL Project regarding emails & texts

July

Planning for September event
Begin gathering info regarding local government transparency report as far as: agendas, minutes, video tapping of meetings, disclosure forms, etc.

August

No Meeting
Continue gathering info for FOIL project & Local Government transparency report
Start gathering info for follow-up Executive Sessions Report

September

Press Conference regarding Local Government Report
Guest Speaker Event
Continue FOIL Project
Continue Executive Sessions Report

October

Press Conference Regarding Executive Sessions Report

7

November

FOIL Report Press Conference

December

No Meeting

We Support Open Government
&
Are Committed to These Best Practices

- 1) We will post our meeting agendas and agenda documents online, at least 48 hours before our meetings occur.
- 2) We will post draft meeting minutes online, two weeks after our meetings.
- 3) We will allow citizens to speak at the beginning of our meetings regarding agenda items or non-agenda items, before we vote.
- 4) We support video recording of our meetings and posting the video online for the public to see. We are already recording and posting our meetings online or we are committed to making this happen as soon as possible.
- 5) We believe government meetings should be conducted in public for citizens to observe and we will only conduct executive sessions in accordance with the New York State Open Meetings Law. We understand that a motion to hold an executive session to discuss “litigation”, “personnel” or “collective bargaining” is not sufficient, as the Open Meetings Law requires motions to state more information when holding an executive session.
- 6) As a local government with a population of 50,000 or more, we support posting the required Annual Financial Disclosure Forms of our elected officials online for the public to see (which state elected officials do). As a local government with a population under 50,000, we support having our elected members voluntarily complete an Annual Financial Disclosure Form and posting the completed forms on our government website for the public to see.

Buffalo Niagara Coalition



for Open Government, Inc.

Advocating for timely access to information & meaningful citizen participation

www.nyopengov.org

January 21, 2019

Cheektowaga Town Board
3301 Broadway
Cheektowaga, NY 14227

Via Email Only

Re: Amending the Cheektowaga Ethics Code

Dear Town Board Members:

On May 28, 2018, the Buffalo Niagara Coalition for Open Government, Inc., released a report regarding the annual financial disclosure forms completed by local elected officials. In our report we reviewed and rated the disclosure forms used by ten local governments in Erie and Niagara Counties. The town of Cheektowaga and Erie County received the highest score of a 75% out of 100, for the disclosure form currently being used. By reviewing our full report, a copy of which is attached, you can learn why Cheektowaga received a score of 75 instead of 100.

Recently the Town Board submitted a revised Ethics Code, which contained a new annual financial disclosure form. It is the opinion of the Buffalo Niagara Coalition for Open Government that the disclosure form proposed by the Town Board would be a step backwards for transparency in town government. The proposed form asks for less information as it only asks about the elected official and their spouse as far as business interests and employment. The new form being proposed consists of seven questions over two pages and does not request information regarding investments, debts, gifts, relatives on the payroll, interest in town contracts, political party positions, third party reimbursements, future employment or past employment and the form is not required to be sworn to as far as the information being true.

The current disclosure form being utilized asks about children and all other adult members of the elected officials household. Elected officials are specifically asked about family member interests if any in Town of Cheektowaga, Sloan or Depew contracts. The current form also asks about membership in political organizations, requires listing all family members related by blood that work for the Town, information about investments and debts is also requested. The current form is seven pages long consisting of twelve questions, which requires affirming under the penalty of perjury that information being provided is true.

18

The disclosure form being proposed by the Town Board would receive a grade of 12.5%, compared to the 75% grade the current disclosure form received. Adopting the proposed disclosure form would be a significant step backwards for transparency in the Town of Cheektowaga.

The Cheektowaga Ethics Board has created an eleven-page form consisting of seventeen questions, which asks for more information than what is being proposed by the Town Board. We rate the Ethics Board proposed form at 70%. The Ethics Board form does not require the listing of relatives on the payroll and does not go beyond asking for information from the elected official and their spouse. We believe it is important to ask for information regarding other relatives as well, especially in regards to Town Contracts and business interests.

We hope that you will consider the research completed by the Buffalo Niagara Coalition for Open Government before adopting a new disclosure form.

Sincerely,

Paul W. Wolf, Esq.
President
Buffalo Niagara Coalition for Open Government, Inc.
392 Evans Street
Williamsville, NY 14221
(716) 435-4976

cc:

11