

# **Buffalo Niagara Coalition for Open Government**

**Thursday March 12, 2020, 6:30 PM**

**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) Open Meeting
- 2) Meeting Minutes from February 13, 2020
- 3) Treasurer's Report
- 4) Niagara County Lawsuit
- 5) Erie County Water Authority & Off Track Betting
- 6) March 19, 2020 Sunshine Week Event  
Understanding the Open Meetings Law & The Need For Reform
- 7) County Leg/City Council Report
- 8) New Business
- 9) Next Meeting April \_\_\_\_, 2020 at 6:30 pm

## **Minutes for Buffalo Niagara Coalition for Open Government February 13, 2020**

Meeting called to order at 6:35 p.m. Present: Paul Wolf, Joe Kissel, Sonia Dusza, Maria Tisby, Janet Vito, Larry Vito, Michael Higgins, Keith Jensen.

**Meeting Minutes:** The meeting minutes from January 9, 2020, were approved on a motion made by Larry Vito and seconded by Maria Tisby.

**Treasurer's Report:** Janet Vito reported our account balance as \$1,496.73, as of 1/31/20. We have 24 paid members. Expenses incurred were \$150 to rent the Theodore Roosevelt Inaugural site for our March event; \$32.62 for a new podium sign, \$10 for amending our certificate of incorporation, for a remaining balance of \$1,304.11. Joe Kissel made a motion to approve the Treasurer's Report which was seconded by Maria Tisby. Motion was unanimously approved.

**Board Elections:** Mike Kless made a motion seconded by Ed McKee to approve the following individuals as Board members for a 2 year term commencing January 6, 2020 and ending January 6, 2022: Michael Kless, Janet Vito, Larry Vito, Sonia Dusza and Maria Tisby.

**Amended Certificate of Incorporation:** At our last meeting we voted to change our name to the New York Coalition for Open Government. Paul Wolf prepared an Amended/Restated Certificate of Incorporation which changes our name and adds language that the IRS requires in order to become a 501(c)(3) tax exempt corporation in the future. Janet Vito made a motion, seconded by Larry Vito, motion unanimously approved.

**West Seneca Town Board:** At the invitation of West Seneca Supervisor Gary Dickson, Paul Wolf spoke to the West Seneca Town Board on steps they can take to become more open and transparent. The West Seneca Bee wrote a nice article about this.

**Niagara County IDA:** We sent a letter to the Niagara County IDA pointing out how difficult accessing information was on their website. Hopefully the IDA will make changes to their website.

**Niagara County Financial Disclosure Forms:** On February 18<sup>th</sup>, the University at Buffalo Law School will be filing a lawsuit against Niagara County, the Niagara County Legislature and the Niagara County Board of Ethics regarding the denial of our FOIL request to obtain copies of the disclosure forms filed by legislators from 2013 to 2018. The lawsuit seeks to declare Niagara County's local law keeping disclosure forms filed before 2019, secret from the public. We will hold a press conference on February 18<sup>th</sup> announcing the lawsuit.

**Niagara Falls City Council:** The Niagara Gazette wrote an article about how the majority members of the Niagara Falls City Council have been holding private political caucus meetings. Such meetings are allowed under the Open Meetings Law which is a problem. There are court decisions which have ruled that public business should not be discussed at a private caucus meeting. The Ithaca City Council back in 1986 adopted a local law stating they will not hold private caucus meetings to discuss public business. We need to encourage local governments to adopt a law like Ithaca has.

**March Sunshine Week Event March 19th:** Kristin O'Neill the Assistant Director of the New York State Committee on Open Government has agreed to speak at our March event regarding the Open Meetings Law. We will invite local elected officials and the public to attend the event.

**Camera Purchase:** Joe Kissel is working on purchasing a quality camera to record our meetings and events.

**New Business:** Maria Tisby brought up the issue of local governments asking people to state their name and address when speaking at meetings. Maria has concerns about requiring people especially women to state their name and address. Paul Wolf stated that this could be a future project to undertake to see what local governments require people to state their name and address and those that do not.

Joe Kissel mentioned the upcoming census and the importance of that effort being as transparent as possible.

**Adjourn:** Maria Tisby made a motion to adjourn seconded by Larry Vito. Meeting adjourned at 7:45 pm.

Next meeting will be March 12<sup>th</sup>, 6:30 pm at the Williamsville Library.

## Buffalo Niagara Coalition



for Open Government, Inc.

*Advocating for timely access to information & meaningful citizen participation*

[www.nyopengov.org](http://www.nyopengov.org)

March 2, 2020

April N.M. Baskin  
Chair  
Erie County Legislature

*Via Email Only*

Re: Erie County Water Authority Appointment

Dear Chairperson Baskin:

Last year when a vacancy for Erie County Water Authority Commissioner occurred, the only action taken by the Erie County Legislature to inform the public was the issuance of a press release.

In 2019, just two people applied for the Commissioner position. It is hard to believe that only two people were interested in a part time Board position that pays \$22,500 per year.

Last year the Buffalo Niagara Coalition For Open Government called upon the Erie County Legislature to do more to publicize the Water Authority opening. Our request to extend the application deadline and to put more effort into attracting applicants was ignored. Simply issuing a press release is not sufficient and we are once again calling upon the Legislature to do more.

Other steps that the Erie County Legislature should take are:

- Posting the position on the Erie County website;
- Encouraging the Water Authority to post the position on their website;
- Advertise the position in the Buffalo News;
- Postings can be done on employment websites such as: Indeed.com, wnyjobs.com, Craigslist, Monster.com, Careerbuilder.com, Ziprecruiter.com, Buffaloniagara.org.
- The Erie County Bar Association on a weekly basis distributes job openings by email to attorneys.

The problem with the Erie County Water Authority is that from the Commissioners on down people are often hired based on their political connections. Only political insiders know about job openings, as there is no true effort to obtain applicants from the public who are not politically connected. The

Legislature furthers the political insider game when no effort is made to make the public aware of the Commissioner opening.

Sincerely,

Paul W. Wolf, Esq.

President

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March 9, 2020

April N.M. Baskin  
Chair  
Erie County Legislature

*Via Email Only*

Re: Erie County Director of Western Regional Off-Tracking Betting Corporation Appointment

Dear Chairperson Baskin:

On March 2, 2020, the Buffalo Niagara Coalition For Open Government forwarded a letter to your attention seeking a committed effort by the Legislature to make the public aware of the available Erie County Water Authority Commissioner position. Simply issuing a press release is not sufficient and we have called upon the Legislature to do more.

We have the same concern regarding the available Erie County Director of Western Regional Off-Track Betting Corporation appointment. With a federal grand jury investigation underway, unacceptable delays in responding to FOIL requests and inappropriate perks being provided to Board members, it is important that the Legislature put forth an honest effort in soliciting applicants for the OTB Board of Directors.

Steps that the Erie County Legislature should take are:

- Posting the position on the Erie County website with a description of duties, skills and experience being sought;
- Encouraging the OTB to post the position on their website;
- Advertise the position in the Buffalo News;
- Postings can be done on employment websites such as: Indeed.com, wnyjobs.com, Craigslist, Monster.com, Careerbuilder.com, Ziprecruiter.com, Buffaloniagara.org.
- The Erie County Bar Association on a weekly basis distributes job openings by email to attorneys.

The problem with OTB is that from the Board members on down people are often hired based on their political connections. Only political insiders know about job openings, as there is no true effort to

obtain applicants from the public who are not politically connected. The Legislature furthers the political insider game when no effort is made to make the public aware of the Board opening.

Sincerely,

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