

Erie County Rights Coalition

Dear John J. Mills,

We are collectively writing this letter in an effort to shed some light on the concerns of a great many individuals and businesses represented in your legislative district. The recently proposed change of long standing, legal and permissible business hours is going to have an extreme detrimental effect with many unintended consequences on many working class people at a time in our county and city's redevelopment, growth and resurgence when we really can't afford to lose jobs and harm our fragile local economy.

The arguments in favor of rolling back the closing time of bars, restaurants and nightclubs from 4:00am to 2:00am have no basis in fact and will actually do more harm than good to our local communities.

- There exists no empirical data to prove that any lives will be saved or crime be lowered by this proposed measure. We could just as easily hypothesize that the earlier closing time will be more dangerous because currently bar closing times are actually staggered over the course of the evening by individual business choice and market forces, not forcing large groups of people into the streets at an early time that will prove problematic for law enforcement and put many at greater risk due to the concentration of people and vehicles all on the roads at the exact same time.
- The majority of DWI cases actually happen shortly after daily happy hour, not at 2:00am, 3:00am or 4:00am.
- No evidence has been presented to prove that people from surrounding counties drive to Buffalo after their bars close. On the weekends, Niagara County bars close at 3:00am, making this argument even more improbable.
- The questionable poll recently conducted and partially funded by the Erie County Clerk is severely flawed and skewed to reflect the conclusions that he sought to advance his personal agenda. The credibility of this poll has to be questioned since the actual pollster also helped underwrite and fund this very poll...hmmm?
- You need to ask yourselves why the Erie County Clerk, not a lawmaker has taken up this legal issue right before an important election, and distracted you, our duly elected lawmakers now at this time with the important budget issues and negotiations at hand? He has personally called block clubs, business associations, Buffalo Place, the DA's office and whoever else he has a relationship with trying to garner their support to try and prop up his unsubstantiated and business unfriendly position. Where is the Erie County Sheriff on this issue? What about the rest of local law enforcement? Why have we not heard from those whose job it is to uphold the laws that are already on the books? Has the District Attorney's office weighed in? Why has he made this his personal crusade? Many of us would like to know the real "agenda" advancing this unpopular proposal...
- But, there is a danger of the growth of underground, unregulated after-hours clubs and house parties which will ultimately prove much more dangerous to our local communities. You need to look at the issues in University Heights and only imagine how much more dramatic the issues will become if these young college students are forced further underground to unregulated and uncontrolled environments. This is a disaster waiting to happen. And the dangers go far beyond alcohol, including illegal drugs, rapes and other heinous crimes that are probable if uncontrolled.
- Years ago, late night restaurants and bars served late shift workers in the steel & auto

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industries. Today's late night establishments serve a wide range of people, including doctors & nurses, police and first responders, call center workers, and hospitality workers from many of the bars, restaurants and hotels that close earlier than 4:00am or employ shift workers.

- A large number of local businesses will lose significant revenue, resulting in serious job cuts. Erie County and New York State will lose substantial and much needed sales tax revenue. Many levels of government will lose employment tax revenue and income tax generated by myriad of businesses directly and indirectly affected by this proposed change. Local establishments such as Duke's Bohemian Grove Bar, for example have built their business model based on the current regulations. Changing the law now would result in Duke's cutting hundreds of worker hours per week. This is just one example.
- The unintended trickle-down effect will be a loss of business by vendors as well as by surrounding businesses that count on the extended hours. Businesses like Jim's Steakout, Mighty Taco, Towne Restaurant and many of the other restaurants benefit from the additional business that the 4:00am closing time provides.
- Our late-night hospitality industry is a unique feature that distinguishes Buffalo/Erie County from many other destinations for out-of-town visitors. Convention-goers, sports fans in town to see a game, and people visiting family all return to their cities with stories of the late night dining and entertainment that they enjoyed on their trip to western New York. In fact, it has been improperly publicly stated by the County Clerk that Erie County is the only upstate county that allows service until 4:00am. This is simply untrue. He needs to check the facts before making such public statements.
- Will the Seneca-Buffalo Casino, which the courts have allowed to compete on a 24/7 basis be somehow held to the same regulations? This will allow this monopolistic vice venue another extreme competitive advantage over other local businesses because they will build a large nightclub, set their own 4:00am closing time like they have in Niagara County, not charge or collect any NYS Sales Tax and pay no income tax on their earnings. Very BAD idea for our local economy that has already suffered the destruction that the Casinos have dealt to WNY businesses and the harm they have caused many people and families that are facing bankruptcy and foreclosure due to the addiction that this vice perpetuates.
- Do the backers of this proposal have any conflicts of interest? It seems that some have business interests that would benefit at the expense of those that would lose due to this proposed change.

Many bars already close earlier. This is their individual choice. Is this really a problem to begin with? This seems to be a solution looking for a problem, motivated by a marriage of election year politics and a few insider business owners trying to garner influence to gain an advantage over their competitors.

We therefore, respectfully submit that the law allowing properly licensed liquor establishments to serve alcoholic beverages until 4:00am, if they so choose, should NOT be changed.

Contact email: info@eriecountyrights.com