



ERIE COUNTY LEGISLATURE

92 Franklin Street - 4th Floor
Buffalo, New York 14202

TO: Members of the Erie County Legislature

FROM: Karen M. McCarthy, Clerk

DATE: June 9, 2016

SUBJECT Erie County Charter Revision Public Hearing – Written Testimony

The attached remarks were received from speakers at the Erie County Charter Revision Public Hearing held on June 9, 2016.

June 9, 2016

Erie County Legislature
Old County Hall- 4th Floor
92 Franklin Street
Buffalo, New York 14202

Dear Honorable Members:

It was a true honor to serve on the Erie County Charter Revision Commission. As we commenced our efforts to improve Erie County Government, I think all commissioners were optimistic that we could make changes to improve County government.

However, as we proceeded to deliberate as a commission, I became deeply troubled by several proposals that would fundamentally change County government. Many of these proposals were accompanied by little to no discussion or explanation, and were not properly vetted by any committee. When it came time to vote on these proposals, again there was little to no discussion on the proposals, the need for some proposed changes, and rationale for such changes. Needless to say, I left this process deeply saddened about our work and troubled by some of the proposals that passed in a nonchalant manner, particularly those that fundamentally change Erie County government.

In many instances, I voted no on proposals because they were not, in my opinion, properly vetted. I did not believe it was appropriate to give an artificial rubber stamp to proposals that were not discussed in detail. As you are aware, if any legislator believes we had a good idea that we did not approve, he or she could always propose a local law to enact legislation, or, if needed, amend the Charter.

I respectfully request that this Honorable Body consider each and every proposal, and not take the vote of the Commission to mean that all proposals were appropriately discussed. Each proposal should be considered on its own, and the Legislature should conduct its own due diligence on these proposals.

Specifically, there are a few issues and recommendations I would like to bring to the Legislature's attention. The first is Intro 10-4, which places ethics rules in the Charter. While I think we can all agree that ethics reform is an important issue across government, this proposal was not vetted by any committee or discussed in any detail. I believe there may also be concerns regarding the legality of certain provisions, which should be addressed before discussed by the Legislature.

I also believe Intro 10-9 raises very serious concerns. While cloaked as a regional planning board, this proposal goes much further and I believe adds another layer of government through both a Regional Council and Planning Board. If you look closely at these proposals, they both include a provision to control staff and a budget, with funds allocated by the Legislature. This

would also mean more patronage jobs for the County, as there are no minimum staff qualifications and no union jobs mentioned in the proposed charter change.

The above represents my major concerns with the work of the Commission. I again request that the Legislature deliberate each and every proposal before voting.

Thank you for your time and consideration.

Respectfully Submitted,


Matthew J. Kibler, Esq.

Statement in Opposition to Article 25A- Regional Cooperation and Planning – Erie County Charter

This statement is in opposition to the "Regional Council" approach to County planning.

This proposal for a Regional Council ignores the political, geographical and municipal balance of the County Planning Board proposal submitted to the Charter Revision Commission by the County Executive and jeopardizes the competency, diversity and planning expertise that was incorporated into the County Executive's proposal. Having a Regional Council adds another layer of government at additional cost to the taxpayers of this County. *It is quite duplicatory of the Legislature's function*

A County Planning Board was proposed by then County Executive Giambra and subsequently put together by a group of knowledgeable people from the public and private sectors who sought input from public and private sectors of the community. After it passed the County Legislature that proposal was vetoed by then County Executive Collins. The proposal was called "the best County Planning Board legislation in New York State" by a New York Department of State official familiar with planning boards throughout the State. The proposed legislation was politically balanced between the Legislature and the County Executive, afforded representation of cities, villages, and larger and smaller towns. It required planning board members to have some professional or advocacy experience in development, land use, planning or the environment. It was, in the minds of many long-time advocates of a more livable Western New York, the best possible way to help the municipalities of this County make land use and built environment decisions that addressed economics, aesthetics and function.

The proposal for a Regional Council also fails to recognize the already existing time and work burdens on local elected officials, most or many of whom serve in their positions on a part-time basis.

Erie County is one of only four counties in Upstate New York that does not have a county or multi-county planning board. The other three counties are all rural counties in the northern part of the State. Many people do not understand what a County Planning Board can and cannot do. Under New York's General Municipal Law a County Planning Board has the required role of reviewing proposed development activity within 500 feet of certain listed places including a County road or other facility or of a municipal boundary. The County Planning Board also reviews subdivisions. A County Planning Board cannot dictate or make land use policy or actions for any municipality. That is prevented under New York's home rule law. If the Planning Board objects to the proposed development, those objections can be disregarded by the local governing board by a majority plus one vote. Having this Section 239 function performed by a knowledgeable County Planning Board, composed as provided in the County Executive's proposal, rather than by the County planning staff, it affords the County planning staff the opportunity to devote more time to its other functions and removes Section 239 decisions from the possibility of being dictated by the County Executive as has happened in the recent past.

A County Planning Board with knowledgeable members can help local officials make more informed decisions, and provide examples of actions taken in other local and national municipalities to address a current proposal before a municipality. This advisory role is especially important to those municipalities that do not have professional planning expertise on staff, or who are faced with a controversial proposal for land use or development.

Unfortunately, the County Executive's proposal was not adopted by the Charter Revision Commission. Although the Regional Council proposal is an effort to re-introduce the possibility of a County Planning Board, it falls short because it adds extra cost to the County taxpayers, puts a greater burden on local officials, destroys the political and municipal balance, and jeopardizes the quality of the planning board that was so carefully provided for in the County Executive's proposal.

Gerald Kelly & George Grasser Comm. 12D-3
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