

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS LORIGO, GREENE, TODARO, AND MILLS**

Re: Support for Allowing Bars and Restaurants to sell “To-Go” Alcoholic Beverages

WHEREAS, during the height of the pandemic, New York State’s Liquor Authority allowed restaurants and bars licensed to sell alcohol for on-site consumption to sell alcohol for off-site consumption. New Yorker’s enjoyed that privilege responsibly and it saved many bars and restaurants from being forced out of business by providing an additional revenue stream at a time when state mandated restrictions were reducing their hours of operation and seating capacity; and

WHEREAS, alcohol sales make up a significant portion of revenue for most bars and restaurants and it presents a profit margin more than 50% over costs. This means that alcohol is one of the most profitable items sold to restaurant customers; and

WHEREAS, prior reports to the Erie County Legislature by the Erie County Sheriff’s office did not show an increase in DWI arrests or accidents during the period of time New York State allowed the sale of mixed drinks for offsite consumption; and

WHEREAS, Governor Kathy Hochul, during her latest State-of-the-State, said her intent is to push for the permanent ability to sell cocktails to go; and

WHEREAS, this honorable body supported the former Governor’s decision to allow to-go sales of alcoholic beverages and urged it be made permanent in Intro. 12-4 (2020) and called for a permanent extension on the sale of to-go alcoholic beverages in Intro. 8-4 (2021). Both of the previous resolutions from this honorable body are appended to this resolution; and

WHEREAS, despite all the restrictions and mandates, New Yorker’s are far from being able to live without fear of COVID-19. Infection rates are among the highest they have ever been. As a result, fewer people are willing to go out and bars and restaurants are struggling again; and

WHEREAS, New York State has an opportunity to help thousands of family businesses increase their bottom line by loosening restrictions on where mixed drinks are consumed and allowing patrons to take a mixed drink home with a food order.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby urges the New York State Senate and New York State Assembly to enact legislation enabling bars and restaurants to sell alcohol, including mixed drinks and cocktails, for off-site consumption; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation to the New York State Senate and New York State Assembly, Governor Kathy Hochul’s Office, and any other party deemed necessary and proper.

Fiscal Impact: None for resolution

REFERENCE

Intro. 12-4 (2020)

ECLEG JUN02'20 AM 9:49

A RESOLUTION TO BE SUBMITTED BY LEGISLATORS LORIGO, RATH, TODARO, AND MILLS

Re: Support for Local Control in Easing Open Container Restrictions

WHEREAS, with the spread of COVID-19 it appears likely that New York will impose strict limitations on restaurant seating capacity upon their reopening; and

WHEREAS, many people are uncomfortable returning to restaurants where social distancing is difficult or even impossible. This honorable body seeks to rethink entertainment options for residents and businesses alike in light of policies and practices necessitated by the spread of COVID-19; and

WHEREAS, open-container laws are intended to limit public intoxication and the operation of vehicles under the influence, the latter of which is regulated by New York State; and

WHEREAS, Municipal Home Rule Law provides local municipalities with the authority to make any law or ordinance that is not inconsistent with any state laws; and

WHEREAS, New York State laws explicitly prohibits the consumption of alcohol in automobiles under vehicle and traffic law. However, New York State has left it to local municipalities to regulate local streets and parks on their own; and

WHEREAS, many municipalities restrict open containers to establishments that are licensed by the state liquor authority, the Village of East Aurora is one of the few municipalities that does not have restrictions on the use of alcohol on public sidewalks; and

WHEREAS, residents across Erie County should have the opportunity to responsibly enjoy alcoholic beverages in areas where they have traditionally been banned and there are many laws in place that would govern their behavior.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body fully supports the prohibition against open containers in motor vehicles and areas traditionally reserved for minors; and, be it further

RESOLVED, that this honorable body hereby supports local municipalities who wish to reconsider their restrictions against open containers on public streets and parks so as to encourage residents to utilize local restaurants and establishments; and, be it further

RESOLVED, that certified copies of this resolution be sent to every municipality located in Erie County and any other party deemed necessary and proper.

Fiscal Impact: None for resolution

REFERENCE

Intro. 8-4 (2021)

A RESOLUTION SUBMITTED BY
LEGISLATOR GILMOUR

ERIC G. FOR21/21 PM12:35

Re: Support for Permanently Continuing Alcohol Take Out and Delivery in Erie County and New York State

WHEREAS, since March 2020, Executive Orders issued by Governor Andrew M. Cuomo have allowed restaurants to provide and sell individual and batched cocktails, beer and wine to patrons ordering food for take-out and delivery on a month to month basis; and

WHEREAS, these “to-go” alcoholic beverage sales have been vital to sustaining business during the COVID-19 pandemic and subsequent restaurant shut downs and continued restrictions on in-person dining capacity; and

WHEREAS, many restaurants rely on beer, wine and liquor sales as vital to their business, often making up to nearly 40% of their profits at their bars and this in turn generates considerable sales tax revenue for Erie County from this important business sector; and

WHEREAS, the New York State Restaurant Association has noted that 86% of New York State adults are in favor of retaining the ability to purchase alcohol via take-out and delivery from restaurants and the Association has requested the continued ability for restaurants to offer these beverages for sale; and

WHEREAS, without a short- or long-term extension, restaurants will have to cease selling and offering these beverages on March 28, 2021 to comply with local and state laws.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature requests that the Governor extend the ability of restaurants in Erie County and statewide to continue offering alcoholic beverages for sale for take-out and delivery indefinitely during the duration of this pandemic; and be it further

RESOLVED, that this Honorable Body supports a permanent change to state law that allows for batched and individual alcoholic beverages to be offered for sale by restaurants via take-out or delivery once the Governor’s Executive Powers expire; and be it further

RESOLVED, that certified copies of this resolution be transmitted to the Governor, the New York State Liquor Authority, and the local delegation of the New York State Assembly and State Senate.

Fiscal Impact: None for this resolution.