

November 29, 2018

GOVERNMENT AFFAIRS COMMITTEE
REPORT NO. 7

ALL MEMBERS PRESENT.

CHAIR SAVAGE PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. LL INTRO. 4-1 (2017)
BURKE: “Preventing Underground Tattoo Parlors: A LL to Increase the Ability of Law Enforcement to Prevent Illegal Tattooing”
(Chair’s ruling)
 - b. INTRO. 13-2 (2017)
BURKE: “Calling on Albany to Stop Siding with Lobbyists and Allow Municipalities to Regulate Pesticide Usage”
(Chair’s ruling)
 - c. INTRO. 19-3 (2017)
MILLER-WILLIAMS: “Supporting the Restoration of the Parent Facilitator Program in Buffalo Public School District”
(Chair’s ruling)
 - d. INTRO. 23-2 (2017)
BURKE: “Calling for the Establishment of the Erie County Broadband Network in Light of the FCC’s Vote to Repeal Net Neutrality Provisions”
(Chair’s ruling)
 - e. INTRO. 11-1 (2018)
SAVAGE, BASKIN, LOUGHRAN, BRUSO, BURKE & MILLER-WILLIAMS: “Amending the Erie County Tax Act – Home Rule Requests”
(Chair’s Ruling)
 - f. COMM. 11E-7 (2018)
COUNTY CLERK: “Letter to Chair Savage Requesting Committee Discussion Regarding Security at Auto Bureau Locations”
(Chair’s Ruling)
 - g. COMM. 11E-14 (2018)
COUNTY EXECUTIVE: “Appointments to the EC Salary Review Commission”
(Chair’s ruling)
 - h. COMM. 13E-8 (2018)
LORIGO: “Letter to County Executive Requesting Department’s FOIL/FOIA History”
(Chair’s ruling)
 - i. COMM. 14M-9 (2018)
NYS AUTHORITIES BUDGET OFFICE: “Annual Report on Public Authorities in NYS – July 1, 2018”
(Chair’s ruling)
 - j. COMM. 15E-10 (2018)
DIXON: “Letter to SUNY Erie President Regarding Information Hot Line with Lemire LLC”
(Chair’s ruling)
 - k. COMM. 15E-11 (2018)
DIXON: “Letter to Chair Savage Regarding Press Release from Lemire Group”
(Chair’s ruling)
 - l. COMM. 15M-1 (2018)
ASSIGNED COUNSEL PROGRAM: “Financial Report for the Period 1/1/18 – 6/30/18”
(Chair’s ruling)
 - m. COMM. 15M-2 (2018)
ASSIGNED COUNSEL PROGRAM: “Quarterly Report for the 2nd Quarter of 2018”
(Chair’s ruling)
 - n. COMM. 19D-1 (2018)
DEPARTMENT OF LAW: “Transmittal of New Claims Against Erie County”
(Chair’s ruling)
 - o. COMM 19M-7 (2018)
ASSIGNED COUNSEL PROGRAM: “Quarterly Report for the 3rd Quarter of 2018”
(Chair’s ruling)

- p. COMM. 20M-1 (2018)
BUFFALO NIAGARA COALITION FOR OPEN GOVERNMENT: “Report Titled, ‘Behind Closed Doors, Executive Sessions & the Public’s Right to Know’”
(Chair’s ruling)
- q. COMM. 21D-1 (2018)
FIRST ASSISTANT COUNTY ATTORNEY: “Transmittal of New Claims Against Erie County”
(Chair’s ruling)
- 2. RESOLVED, the following items are hereby received, filed and printed:
 - a. COMM. 18E-5 (2018)
COUNTY EXECUTIVE: “Appointments to the Erie County Council on the Disabled Advisory Board”
(Chair’s ruling)

October 2, 2018

The Honorable
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Honorable Members:

Pursuant to Section 1707 and 2205 of the Erie County Charter, I do hereby appoint and submit for your confirmation the following individuals to the Erie County Council on the Disabled Advisory Board. Their terms will expire October 1, 2020.

Appointees

Kimberly Bandura
114 Southridge Drive
West Seneca, NY 14224
Reappointment

Kristin Collins
718 Jewett Holmwood Rd
East Aurora, NY 14052

Andrew Marcum
552 Park Hall
University at Buffalo
Buffalo, NY 14260
Reappointment

Richard Marino
3617 Lake Avenue
Blasdell, NY 14219
Reappointment

Dennis Martinez
165 Mariner Street
Buffalo, NY 14201

Frances Moyer
111 E. Union Street
Hamburg, NY 14075

Sheri Shaw
640 Union Road
West Seneca, NY 14224
Reappointment

Andrea Russell
1985 Delaware Ave.
Apartment 3G
Buffalo, NY 14216

Patricia Wiseman
181 Ellicott Street
Buffalo, NY 14203

Thank you in advance for your cooperation and continuing assistance.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Executive

- b. COMM. 18E-6 (2018)
COUNTY EXECUTIVE: “Appointment to Erie County Board of Ethics”
(Chair’s ruling)

October 2, 2018

The Honorable
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Appointment of Member of Erie County Board of Ethics

Dear Honorable Members:

Pursuant to Section 19.01 of the County Administrative Code, I do hereby appoint and submit for your confirmation the following individual to the Erie County Board of Ethics. His term will expire December 31, 2022.

Appointee

Mr. Brian W. Downey, Esq.
976-A Union Road
West Seneca, New York 14224

Thank you in advance for your courtesies.

Sincerely yours,

Mark C. Poloncarz
Erie County Executive

3. INTRO. 2-3 (2018)
**LORIGO, DIXON, MILLS, RATH, SAVAGE,
MILLER-WILLIAMS, HARDWICK,
LOUGHRAN, BURKE & BRUSO**

AS AMENDED

WHEREAS, Governor Cuomo has proposed ending New York State's tip credit for tipped food service employees; and

WHEREAS, tip credit is the difference between what a tipped employee makes and what the established minimum wage is. This lower minimum wage for tipped employees allows employers to save money on their cost of labor and allows tipped workers to earn additional income through tips from customers; and

WHEREAS, elimination of the tip credit would lead to increased costs for employers, which would be passed on to customers or eliminated through a decrease in employee hours. Further, elimination of the tip credit would decrease the main incentive customers have to tip service employees all together; and

WHEREAS, the practice of tipping often leads to workers earning well above the prevailing minimum wage and as a result a decrease in tips offered will harm workers in the end. Further, the restaurant industry relies on the tip credit to manage labor costs, which helps many of these small businesses operate in an industry with exceptionally high failure rates in the first few years; and

WHEREAS, Governor Cuomo is working to find a solution to a problem that doesn't exist, citing sexual harassment and racial discrimination associated with tipping practices as reason for the elimination of the tip credit; and

WHEREAS, New York State, with the 4th highest cost of doing business according to a CNBC poll, has the reputation for having a hostile business climate encouraging many businesses, and therefore residents, to leave our state. Elimination of the tip credit and raising the cost to operate a restaurant will only serve to increase the perception that New York State does not support businesses.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body goes on record opposing the elimination of the tip credit and supporting our tipped workers in the service industry; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Andrew Cuomo, the Western New York Delegation to the New York State Senate and Assembly, and any other party deemed necessary and proper.
(6-0)

4. INTRO. 3-12 (2018)
LORIGO, MILLS, DIXON, HARDWICK & RATH

WHEREAS, Governor Cuomo's new spending plan proposes deep cuts, almost \$20 million, to upstate transit authorities, including a \$1.7 million cut in overall funding to the Niagara Frontier Transit Authority (NFTA); and

WHEREAS, this most recent funding cut will remove about one percent of the total budget for the NFTA likely delaying or canceling capital projects that are a part of their five year plan; and

WHEREAS, ridership for the last fiscal year was just above 26 million; and

WHEREAS, in part because of the growth in the City of Buffalo over the past few years the NFTA is in desperate need to keep up with demand from residents and continue their needed capital improvements; and

WHEREAS, capital projects planned for the NFTA would help increase overall ridership and transportation options affording more employment access and opportunity to residents throughout Western New York; and

WHEREAS, these varying levels of funding make it very difficult to set, and stick to, a program of capital improvements; and

WHEREAS, the Governor's proposal disproportionately favors NYC offering a seven and a half percent year-over-year increase in funding for the MTA. This increase allows the MTA to continue their future projects and expansions; and

WHEREAS, this honorable body finds and determines that upstate NY is deserving of the same percent increase in overall funding as downstate; and

WHEREAS, the NYS Legislature should amend the Governor's budget to include, at the very least, even increases in funding for all transit authorities in NYS.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby supports the NFTA and encourages expansion of its rail lines and local public transit options; and be it further

RESOLVED, that this body further encourages the NYS Legislature amend the Governor's budget to ensure proper funding to the NFTA and other upstate transit authorities; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Cuomo, the Western New York Delegation to the NYS Legislature, and any other party deemed necessary and proper.
(6-0)

5. INTRO. 6-5 (2018)

HARDWICK, LORIGO, MILLS, RATH & DIXON

WHEREAS, recent events have exposed a long-standing problem at the Erie County Water Authority relative to offering long-term employment contracts to outgoing, non-civil service, employees to prevent their involuntary release as a result of a turnover of appointed commissioners; and

WHEREAS, most recently contracts have approved of advantageous golden parachute provisions, which bind the authority to pay out large sums of money to otherwise at will employees who are fired without cause prior to the end of the contract; and

WHEREAS, an amendment to §1054 of New York State Public Authorities law affords management of the Erie County Water Authority broad authority to enter into any contracts or agreements as they see fit; and

WHEREAS, New York State, which regulates all public authorities, is the only entity with the ability to directly address the problem with a ban on employment contracts like the ones at hand with an amendment to Public Authorities Law; and

WHEREAS, that a prohibition against employment contracts longer than one year and any severance packages in excess of a full year's pay would help address the problem and increase the accountability of all public authorities; and

WHEREAS, this honorable body finds it in the best interests of all residents of New York that any amendment to Public Authorities Law banning the use of employment contracts containing golden parachutes be equally applicable to all public authorities across the state.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body urges New York State's legislature to review the issues surrounding employment contracts at public authorities and implement a ban on employment contracts containing "golden parachutes" for non-civil service employees; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Andrew Cuomo, the Western New York delegation to the New York State Senate and Assembly, and any other party deemed necessary and proper.
(6-0)

PATRICK B. BURKE
CHAIR