


NIAGARA COUNTY LEGISLATURE

FROM: Legislator John D. Ceretto DATE: 05/04/10 RESOLUTION # IL-027-10

<b>APPROVED</b>	<b>REVIEWED</b>	<b>COMMITTEE ACTION</b>	<b>LEGISLATIVE ACTION</b>
<b>CO. ATTORNEY</b>	<b>CO. MANAGER</b>	_____	Approved: Ayes <u>14</u> Abs. _____ Noes <u>4</u>
	_____	_____	Rejected: Ayes _____ Abs. _____ Noes _____
_____	_____	_____	Referred: _____

**RESOLUTION REQUESTING AN INSPECTOR GENERAL INVESTIGATION OF POSSIBLE NEW YORK POWER AUTHORITY CODE OF CONDUCT VIOLATION**

WHEREAS, Elise Cusack served as a representative on the New York Power Authority (NYPA) Board of Trustees for nearly five years, a tenure that, according to an April 3, 2010 article in the Buffalo News, was “marked by a stretch of excessive absences”, with Cusack having attended only two of 19 board and committee meetings in person, and

WHEREAS, although Cusack’s term as a Trustee expired in May of 2009, she retained her position until her resignation effective March 1<sup>st</sup>, 2010, and

WHEREAS, four weeks after her resignation from the New York Power Authority, Cusack accepted a \$77,500 part-time position with the Power Authority as a community liaison who will focus on the development of CanalSide in Buffalo, a newly created position that no other job candidates were considered for, and

WHEREAS, although the Lewiston Power Project is the largest and most profitable hydroelectric facility in the NYPA portfolio, the Power Authority has consistently failed to provide Niagara County and its residents the reciprocal benefits of having this location in our community, and

WHEREAS, Cusack, despite being a Western New York resident, has repeatedly failed to properly advocate for Niagara County and the Western New York community as a whole, including her unquestioned support for and silence on the “sweep” of \$550 million in NYPA revenues by the State of New York in 2009, profits primarily derived from the Lewiston hydroelectric facility, and

WHEREAS, the simultaneous resignation by Cusack from the NYPA Board of Trustees and the immediate hiring of Cusack by NYPA raises significant questions, including the perception of “quid pro quo” on her unmitigated support for NYPA actions and her silence on NYPA actions that have been detrimental to Niagara County and Western New York, and

WHEREAS, in addition to the perception of “quid pro quo”, the New York Power Authority Code of Conduct states that “New York Power Authority employees, officers and trustees shall perform their duties with integrity and not use or attempt to use their official position to secure unwarranted privileges for themselves, their relatives or any other party, including contracts and employment with NYPA”, and

WHEREAS, the timing of Cusack’s resignation and nearly immediate hiring calls into question when the conversations of Cusack’s potential hiring at NYPA took place, and if those discussions took place while Cusack was still serving as a Trustee, and if so, did a violation of NYPA’s Code of Conduct occur, now, therefore, be it

RESOLVED, because the hiring of Cusack by the Power Authority immediately following her resignation as a Trustee from the New York Power Authority at minimum creates the appearance of impropriety, the Niagara County Legislature does hereby request that the New York State Inspector General

initiate an investigation of the Cusack hiring by NYPA and to determine if a violation of the NYPA Code of Conduct did in fact occur, and to report such findings by July 1<sup>st</sup>, 2010, and be it further

RESOLVED, that the County of Niagara shall forward copies of this Resolution to Governor David A. Paterson, Senate Majority Leader Pedro Espada Jr., Senate Minority Leader Dean G. Skelos, Senator George D. Mazarz, Senator Antoine Thompson, Assembly Speaker Sheldon Silver, Assembly Minority Leader Brian M. Kolb, Assemblywoman Jane Corwin, Assemblyman Jim Hayes, Assemblyman Stephen Hawley, Assemblyman Robin Schimming, Assemblywoman Francine DelMonte, Richard M. Kessel, President and CEO, New York Power Authority, Michael J. Townsend, Chairman, New York Power Authority Board of Trustees, D. Patrick Curley, Eugene L. Nicandri, and Jonathan F. Foster, members of the New York Power Authority Board of Trustees, and be it further

RESOLVED, that a copy of this Resolution be forwarded to Mr. Joseph Fisch, Inspector General of the State of New York, and that a response be requested from the same.



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LEGISLATOR JOHN D. CERETTO