

Did the Former Ellicottville Town Supervisor Admit He Broke State Law?

Former Ellicottville Town Supervisor Admits He Broke State Law

Former Ellicottville Town Supervisor admits in a Letter to the Editor in Local Paper "The Villager", Volume 11, Issue 11, Dated March 10-16, 2016, page 3 that he had removed all the data from the Town computer harddrive, provided by you the taxpayers. Does the law allow this? "Committee for the Truth in the Village" also exposed...



We were going to stay on the sidelines for the latest round of political mud slinging in the Village of Ellicottville mayoral elections, even though we were aware that the present mayor was ambushed by his opponent while he (the mayor) was in the hospital recovering from surgery. But when the "Committee for Truth in the Village" appeared out of nowhere and attacked the present Mayor without giving him fair notice and opportunity to respond, we decided to look into the matter ourselves. What we found was ...

... nothing short of amazing. We are no fan of incumbents, however we are also not a fan of hidden agendas of an elitist group that use lies and deception to obtain its goals at the expense of the common folks.

John Burrell is an amazing creature of habit. Born with a silver spoon in his mouth and tongue to match, he claims to be a master of many political experiences, *i.e. a career politician*. He also does appear to have a great group of friends who always help him out when he is in trouble too.

The latest round of mud slinging is one for the Ellicottville election history books, from rumors of gift card voter "registration" drives (feds are already looking into it) to claims of "untruths and innuendo". Sorry, we don't deal with "untruths and innuendo". Truth is eternal and lies are fleeting. Pick your side, life in eternity or a brief moment in the sun just like [Icarus](#).

In any political race you have to put on your critical thinking cap and figure it out for yourself of who is telling the truth and who is lying, and who will do what once elected before they are elected. A politicians history is a fine example of what actions they will take in the future. You never vote for the party, you vote for the individual. For it is a fool who follows the herd over the cliff by refusing to utilize their critical thought process to determine for themselves who is right and who is wrong and who to vote for... Do your own research so you can come to the right conclusion yourself. Documented history is one of the best resources to discover what is done and by whom and when. In this article we will use the quotes directly from the individuals themselves and arrive at a conclusion together as to who appears to be telling the truth and who is lying.

A recent editorial by John Burrell raises many alarming concerns and questions. In the [March 10 - 16, 2016 Volume 11 - Issue 11, page 3 of local newspaper "The Villager"](#), and in the "Ellicottville Times", page 4 March 11 -17 2016 edition John Burrell states;

"That I erased the hard drive on the Town computer before I left office. The truth is, I did the same thing my predecessor did. I had all the data removed, had the computer gone through, and the password changed. This is common practice in today's e-world."

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- **First;** If all the data was removed there would be no need for the password to be changed because there would be no data left to protect.
- **Second;** This is a clear violation of [Local Government Records Law ARTICLE 57-A](#),



Let's start off with what is a "record" and if it applies to local government. Records Retention and Disposition Schedule MU-1 clearly states;

"The MU-1 Records Retention and Disposition Schedule indicates the minimum length of time that officials of Cities, Towns, Villages and Fire Districts must retain their records before they may be disposed of legally." [Click here to review the law yourself](#) from the official New York State government website.

It further goes on to state;

- No records may be disposed of unless they are listed on this Schedule, or their disposition is covered by other state laws.
- Retention periods on this Schedule apply to one "official" copy designated by the local government, unless otherwise stated.
- **The retention periods listed in this Schedule pertain to the information contained in records, regardless of physical form or characteristic (paper, microfilm, [computer disk](#) or tape, or other medium).**

[Here is the specific Schedule MU-1 law for SUPERVISORS, MAYORS, MANAGERS, AND/OR ADMINISTRATORS;](#)

1.[581] *Supervisor, Mayor, Manager, or Administrator's office files, including but not limited to correspondence, memoranda, reports, studies, publicity items, contracts, and other legal documents a. Where file documents a significant subject, or major policy-making or program-development process: RETENTION: PERMANENT b. Where file documents routine activity: RETENTION: 6 years*

The above laws identify the medium that the records are kept. In this matter we are concerned about 'computer disk' which was mentioned in the editorial. There would be an enormous amount of varying types of records kept on the Town Supervisors computer, and depending on what the record was determines the time schedule of when it is legally allowed to be deleted. The schedule itself shows on average that most records are required to be kept for six years. [Click here to review this schedule from the official state website.](#)

So what law appears to have been broken?

[PL § 175.20](#) Tampering with public records in the second degree. Tampering with public records in the second degree. **A person is guilty of tampering with public records in the second degree when, knowing that he does not have the authority of anyone entitled to grant it, he knowingly removes, mutilates, destroys, conceals, makes a false entry in or falsely alters any record or other written instrument filed with, deposited in, or otherwise constituting a record of a public office or public servant. Tampering with public records in the second degree is a [Class A misdemeanor.](#)**



Burrell claims his "**predecessor**" did the same thing. That doesn't give him permission to do it to and it's interesting that he does not name his "**predecessor**" and it would be further interesting to see what his "**predecessor**" actually has to say about it himself, if he is still around. His "**predecessor**" should have been given time to respond also because of the serious nature of the act he has been accused of committing. When this article first came out his predecessor was not given the opportunity to respond. His predecessor was Norm Stocker and in the late March edition of the Villager he did respond and he categorically denied that he deleted the records and also accused Burrell of committing a crime.



The most alarming part of his editorial is his statement;

"This is common practice in today's e-world."

No it is not, not for a public official on computers provided for them by we the people, unless of course your Hillary Clinton. This shows you the arrogance of the man and his elitist mentality where he believes he is above the law.

If any of you reading this and were part of the voter registration drive you need to seriously consider how you were enticed to register and your future as resident of the village. Did the people who approached you do so in a honest and fair manner? Were you actually legally allowed to register? We did not see any type of ads by the "committee" asking people to register to vote which would provide proof of a real good honest registration drive.

By the way if you are not registered you only have a couple of days before the time runs out to be

able to vote in the state primaries and New York is one of 11 states to use a strictly closed primary process, meaning you can only vote for members of your own party in the primary elections, and if you are already registered and don't like the candidates in your present party but you do like a candidate in another party you still have time to switch.

On to the "committee". They call themselves the "Committee for Truth in the Village", if you actually study their claims in depth the "Committee for Truth in the Village" is actually the "Committee for Lies and Deception for Our Hidden Agenda". They appear to consider themselves masters of Orwellian double speak, where right is wrong and up is down.

They imply they are the ones who speak/write the truth and it is they you are to believe by the wording they use. It's called NLP.

Truth carries with it many responsibilities. In this matter it would be allowing your opponent to respond, unless of course you work for the DA's office where they all believe they don't have to follow the law or speak the truth. Trust is synonymous with truth. You can't believe in one without having the other.



The "committee" claimed they reviewed the mayors "points in the ad and his interview in the villager". We decided to review the Committees response. What we found calls into question the sincerity of the "committee" and what its real agenda is.

- The "committees" ad came out one week before the election, and they specifically attacked the mayor and did not give him the proper time to respond via the Newspaper, which I am sure he would have responded via the Newspaper if he had time to do so. Does that earn your trust?
- The "committees" ad claims that the mayor is not doing a good job keeping down taxes, Show us a village, town or city in this state that taxes have gone down in the last 18 years. There probably isn't one anywhere.
- The "committees" ad promotes a term limit for a person who has had a public officers position for 18 years, yet on the opposite side of the same page they appear pay no attention to his opponents 40+ years as a public officer in one form or another, who by the way lost his elected position numerous times by failure to garner enough of the popular vote.
- The "committees" ad claims the 2016 budget "history" have "drastically different numbers". We are just into 2016 and most budgets haven't even come up for a vote, so how can they even claim that it has a history when it hasn't even been voted on and/or passed?
- The "committee" is pushing for more money in the "contingency fund". Where are they going to get it? From you folks, that's where.
- The "committee" appears to to be pushing for new equipment. Hasn't the village gotten by fine in the past with maintaining what they have been provided with at minimal costs? So they want to buy new equipment, how are they going to pay for it? You folks, that's where.

Put on your critical thinking cap folks, the "Committee for Truth in the Village" is actually the "Committee for Lies and Deception" attempting you brainwash you into excepting their agenda. It's your life, your taxes dollars, your decision for your future. Follow the hidden agenda or follow the truth, it's up to you.

Please forward any type of response that the mayor may produce to our attention so we can post it ASAP.

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Thank You and contact the proper authorities for the clear violation of law that was admitted to.

