

**Minutes
Erie County Fiscal Stability Authority
July 6, 2007**

(Note: the following is a draft copy of minutes of a meeting of the Erie County Fiscal Stability Authority ("ECFSA"), which was held July 6, 2007. These minutes will not become final until approved at a subsequent meeting of ECFSA Directors, and may be amended before approval)

Chairman Anthony Chairman Baynes called the meeting of the Erie County Fiscal Stability Authority ("ECFSA") into session at 2 p.m. on Friday, July 6, 2007 in the Auditorium of Erie County Community College in downtown Buffalo. Notice of the meeting had previously been distributed to all Directors by courier and announced to the public and press.

Directors Present: Anthony J. Baynes, Chair; Stanley J. Keysa, Secretary; Kenneth Kruly; John Johnson and Joseph Goodell

Others Present: Executive Director Kenneth Vetter

Chairman Baynes: "I'd like to call this meeting of the Erie County Fiscal Stability Authority to order. I welcome my fellow Board members, public officials, interested members of the public and press and media in attendance."

"We have scheduled this meeting at the request of Erie County to consider a number of contracts that require immediate approval."

"Our first order of regular business is to approve the minutes of the meeting of June 15, 2007. They have been submitted by Secretary Keysa, and were circulated to the members in their briefing books prior to this meeting."

Director Kruly moved to approved, Director Goodell seconded, and the Directors voted unanimously to approve the following resolution:

Resolution No. 07-60

**APPROVING MINUTES AND RESOLUTIONS FROM JUNE 15, 2007
MEETING**

BE IT RESOLVED that the Erie County Fiscal Stability Authority approves the minutes of its June 15, 2007 meeting and ratifies and affirms three resolutions numbered 07-57, 07-58 and 07-59 that were approved on June 15, 2007.

This resolution shall take effect immediately.

Chairman Baynes: “On to contracts. Erie County has forwarded a number of contracts for approval. I understand we will be considering them in two separate slates. I would now ask Mr. Vetter to go over those proposed agreements.”

Executive Director Vetter: Thank you Mr. Chairman, I would like to reiterate that the primary reason for us meeting here today was from an initial request from Commissioner Loffredo asking that the Board meet in a timely fashion regarding Homeland Security work for Ralph Wilson Stadium. This needed to be done on a timely basis to assure that the Buffalo Bills can get out there in their season, have fans in the stadium and move forward. Mr. Chairman, I recommend to you, there is a matrix in front of you with contracts page one has six contracts on it; page two has five contracts on it. I would suggest, and these contracts have been distributed to members of the Board, there have been no questions on any of these contracts. I would suggest that page 1, items 1- 6 and page 2, items 1-5 be considered for a vote as a slate of contracts.

Chairman Baynes: “So we have page one and page two, which is 1 through 6 on page one and 1 through 5 on page two, to be considered slate number one. Correct?”

Executive Director Vetter: “Yes, Mr. Chairman.”

Chairman Baynes: “Okay, may I have a motion to approve the first slate of contracts?”

Director Goodell: “I have some questions.”

Secretary Keysa: “I think you need to get a motion on the floor to open it up to discussion.”

Director Goodell makes a motion to approve slate one and Director Kruly seconds to get the item on the floor. The item is opened up for discussion:

Director Johnson: “I have a few questions as well, Mr. Chairman.”

Director Goodell: “The site works at the Ralph Wilson Stadium. As I read this, there was only one electrical bidder, one plumbing bidder and one trucking bidder, is that correct?”

Executive Director Vetter: “Commissioner Loffredo is here. He is the Commissioner of Public Works and is here to answer any questions.”

Commissioner Loffredo: “Good afternoon.”

Chairman Baynes: “Good afternoon Commissioner Loffredo.”

Commissioner Loffredo: “There are three contracts, one that is for the site work. This is for what they call the hard barrier around the perimeter of the stadium, 100

feet outside of the perimeter fence and that is a new security standard that the NFL just established in order to prevent vehicles from getting beyond that point. That barrier consists of what they call Jersey barriers in the parking lot area that are made up of boulders and dowels so no one can go beyond that point; although it won't restrict pedestrians of course. The other one is Frye electric and that is to replace a transformer. There are a series of transformers that feed into different facilities throughout the stadium. This one I believe leads to the administration building and the field house and the other one with Frye electric; that is to replace 40 lamps and associated equipment for the field lights. It is not all of the field lights but it is for forty of them and the whole contract if you add it all up is about \$328,000."

Director Goodell: "You didn't answer my question."

Commissioner Loffredo: "I know, I am sorry."

Director Goodell: "Why is there only one bidder?"

Commissioner Loffredo: "They bid it and he was the only one that I guess responded. It is within what we figured it would be so he is within the budgeted amount."

Director Goodell: "Well there is one bidder for electric, one bidder for plumbing and one bidder for trucking. I don't want to hold up approval of this Mr. Chairman but I would like the appropriate individual at the County to explain to us why this is the case; it is very simple work here. So why have we only got one bidder for that."

Commissioner Loffredo: "I might be able to shed a little light on that and this is just my guess. We are right in the middle of a construction season. Normally contractors get good bids at the beginning of the season and want to fill up their schedule but once you get into the season than they are not too interested. They are already booked so right now is not a good time to go out for bids. You normally want to do that at the beginning of the construction season; however, in this case, we had no choice. It was something new that came upon us and we just reacted as best that we can."

Executive Director Vetter: "Commissioner Loffredo, as a follow up question, because at the last meeting approval was given for the bid book and there were a series of what I believe were 43 separate contractors. Is that bid process we are in, where there are 43 separate approved contractors, is that still applicable to this?"

Commissioner Loffredo: "No."

Director Johnson: “My concerns are similar to those of my colleague, Director Goodell. While I appreciate very much Commissioner Loffredo’s explanation, I believe we are required by NYS Procurement practices that we have bid information on all. If there is only one bidder than this body deserves and explanation, simply, “*we only have one bidder*” that would be sufficient for me, Commissioner Loffredo.”

Commissioner Loffredo: “I don’t understand what the question is.”

Secretary Keysa: “If I could restate the question, I think what he is asking is “Was this put out to multiple companies? Was this put out through an advertisement in the newspaper or otherwise so that multiple companies could respond to this?”

Commissioner Loffredo: “Yes.”

Secretary Keysa: “...or was this a single solicitation?”

Commissioner Loffredo: “No, it was put out through normal procedures.”

Director Johnson: “If that be the case, then we should have information that it was solicited to several companies or contractors and only one person responded. That information should be included in the request for approval form. It would help us save time and help answer any questions.”

Director Goodell: “Is someone going to request this formally?”

Executive Director Vetter: “Mr. Chairman, let me suggest on this slate that there is a proviso on the contract on page 1 number 2, that is contract 1-2, that Erie County provide before signing the contract with the vendors; that Erie County provide detailed bidding information that has been requested for this contract, if that is acceptable to Director Johnson.

Secretary Keysa: “I would ask, is that then is a modification to the amendment by Director Goodell?”

Director Goodell: “I accept it as an amendment.”

Secretary Keysa: “Director Kruly are you seconding it?”

Director Kruly: “Yes.”

Secretary Keysa: “Then we can proceed on that basis.”

Chairman Baynes: “Okay, so let’s vote on page 1, items 1-6. We will approve these in slates.”

Director Goodell: "I have questions on page 2."

Chairman Baynes: "Before we vote, let's get to the questions on page 2."

Director Goodell: "This has to do with the \$2.1 million for employee education. I look on the second page and I see where the 2007 program provides for 109 degree program slots and totals \$799,000, so this is roughly \$8,000 per employee; that is kind of a big number, I would think. Maybe I don't quite understand what is being done here."

Executive Director Vetter: "Let me ask that Dr. Paulson come on up and answer the question."

Dr. Paulson: "The Employee Education and Training Program is now in its 22 year and has always included a component that provides the opportunity for staff to earn degrees, certificate, masters, associates, etc. We put that out to bid every year with the number of degrees in an RFP and then the institutions bid on the slots and that is an all inclusive cost for tuition, books, fees, etc. It covers everything so that there are no employee costs."

Director Goodell: "For how many years is that?"

Dr. Paulson: "This particular year is three semesters worth."

Director Goodell: "If an employee goes through the first year of this, does he/she continue in the same institution or does he/she have to switch at the end?"

Dr. Paulson: "No, no, he will continue through the same program. We put out the RFP for 109 slots. There are currently 84 slots in the current program and they will continue in the programs that they are currently in and we have roughly 25 slots for new students."

Director Goodell: "Now does that cover one year or several years?"

Dr. Paulson: "One year."

Director Goodell: "Thank you."

Chairman Baynes: "Any further questions on page 2?"

Director Johnson: "Mr. Chairman, to Dr. Paulson. With this education program, I was trying to find some information. Is it offered to any of the department's contract agencies?"

Dr. Paulson: "No, it is not."

Director Johnson: “Okay.”

Dr. Paulson: “Just to point out, roughly a third of the funds are for students in degree programs, the remaining 2/3rds are for in-service training and relate to all Social Services Department staff, as is agreed to in their functions.”

Director Johnson: “If there are training opportunities which is different from matriculating with a college or university, would the training opportunity to be provided by any staff or contract agencies.”

Dr. Paulson: “No.”

Chairman Baynes: “Any further questions on page 2?”

Director Goodell: “One more. The Western New York Storm Water Coalition ordinance; is this in contract with the State? Is this what I read?”

Executive Director Vetter: “You are looking at page one item four. That is a contract with New York State Environmental Conservation and with the Storm Water Coalition. They are pass-through funds from the State to the County, so it is really authorizing the County to receive the money and to disperse to the Storm Water Coalition.”

Director Goodell: “Okay, thank you.”

Secretary Keysa: “Mr. Chairman just to keep things straight here, I think we had an amendment that was moved by Director Goodell and seconded by Director Kruly to require information from the County on Contract 1-2 before signing. I think we should take a vote on that amendment first.”

Chairman Baynes: “Alright, why don’t you repeat the amendment?”

Secretary Keysa: “My understanding of the amendment was with regard to the contract number 2 on page one, that is regarding the site work at Ralph Wilson Stadium, we require that the County provide us information as to the procedure used for bidding before such time as the County signs the contracts that are covered by that particular item.”

Chairman Baynes: “Do I have a motion to approve with that amendment?”

Director Goodell moved to approve the following resolution with amendment as noted, Director Kruly seconded, and the Directors voted unanimously to approve:

Resolution No. 07-61

**APPROVING CERTAIN CONTRACTS SUBMITTED BY THE ERIE
COUNTY DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Chapter 182 of the New York Laws of 2005 created the Erie County Fiscal Stability Authority (“ECFSA”) to serve as a corporate governmental agency and instrumentality of the State of New York, and as a public benefit corporation to “oversee [Erie] County’s budget, financial and capital plans; to issue bonds, notes or other obligations to achieve budgetary savings and to finance short-term cash flow or capital needs; and, if necessary, to develop financial plans on behalf of the County if the County is unwilling or unable to take the required steps toward fiscal stability;” and

WHEREAS, the ECFSA first imposed a control period upon the County of Erie (the “County”) by adopting Resolution 06-49 on November 3, 2006; and

ECFSA Staff, has recommended approval of said contracts via written correspondence to each ECFSA Director;

WHEREAS, incident to and in furtherance of the imposition of the control period, the ECFSA adopted Resolution 06-51, which authorized a process for approving contracts, settlements, or other obligations binding or purporting to bind the County (“contract approval process”), on November 3, 2006; and

WHEREAS, in adopting Resolution 07-04 on January 11, 2007, the ECFSA renewed and continued the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA has adopted Resolution 07-10, which replaces and supersedes the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA must review and approve any contract, settlement, or other obligation, valued at greater than \$50,000, that binds or purports to bind the County or a covered organization, before it takes effect; and

WHEREAS, the County Executive or a “Responsible Official,” as defined in Resolution 07-10, has duly submitted a request for review of the contracts listed on the attached document; and

WHEREAS, the ECFSA Executive Director, after consultation with the ECFSA Staff, has recommended approval of said contracts via written correspondence to each ECFSA Director;

NOW, THEREFORE, BE IT RESOLVED that the ECFSA approves the contracts submitted by the Erie County Department of Public Works for site work at Ralph Wilson Stadium as listed on the attached document; and

BE IT FURTHER RESOLVED that, before the County executes the contracts covered by this resolution, the ECFSA be provided with documentation detailing the bidding process for each item and an explanation of the results.

Department	Description	Amount
EC Public Works	Purchase Contracts - Various approved contractors - Site work at Ralph Wilson Stadium	\$270,000 -Capital budget

This resolution shall take effect immediately

Secretary Keysa: “Now we will need to have a vote on the balance of the original slate.”

Chairman Baynes: “Okay, now let’s vote on the contracts on page one items 1-6 and on page 2 items 1-5.”

The Directors voted unanimously to approve the following resolution:

Resolution No. 07-62

APPROVING CERTAIN CONTRACTS, SETTLEMENTS, AND OTHER OBLIGATIONS BINDING THE COUNTY OF ERIE

WHEREAS, Chapter 182 of the New York Laws of 2005 created the Erie County Fiscal Stability Authority (“ECFSA”) to serve as a corporate governmental agency and instrumentality of the State of New York, and as a public benefit corporation to “oversee [Erie] County’s budget, financial and capital plans; to issue bonds, notes or other obligations to achieve budgetary savings and to finance short-term cash flow or capital needs; and, if necessary, to develop financial plans on behalf of the County if the County is unwilling or unable to take the required steps toward fiscal stability;” and

WHEREAS, the ECFSA first imposed a control period upon the County of Erie (the “County”) by adopting Resolution 06-49 on November 3, 2006; and

WHEREAS, incident to and in furtherance of the imposition of the control period, the ECFSA adopted Resolution 06-51, which authorized a process for approving contracts, settlements, or other obligations binding or purporting to bind the County (“contract approval process”), on November 3, 2006; and

WHEREAS, in adopting Resolution 07-04 on January 11, 2007, the ECFSA renewed and continued the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA has adopted Resolution 07-10, which replaces and supersedes the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA must review and approve any contract, settlement, or other obligation, valued at greater than \$50,000, that binds or purports to bind the County or a covered organization, before it takes effect; and

WHEREAS, the County Executive or a “Responsible Official,” as defined in Resolution 07-10, has duly submitted a request for review of the contracts, settlements, and other obligations listed on the attached document; and

WHEREAS, the ECFSA Executive Director, after consultation with the ECFSA Staff, has recommended approval of each contract, settlement, or other obligation via written correspondence to each ECFSA Director;

NOW, THEREFORE, BE IT RESOLVED that the ECFSA approves the contracts, settlements, and other obligations listed on the attached document.

Department	Description	Amount
Erie Community College	Purchase Contract - AdviseX Technologies - Purchase of Disk Storage Array System	\$117,000 - All college funds
EC Public Works	Purchase Contract - Siemens Building Technologies - Energy Performance contract for the EC Holding Center	\$90,271 -Capital budget
EC Environment & Planning	Receiving Grant Funds - NYSDEC & WNY Stormwater Coalition - Receipt of grant funds resulting in adoption & implementation of local ordinances that prohibit illicit discharges, control erosion runoff from construction activities & from new and re-development	\$656,000 - \$328,000 local share
EC Sewer Districts	Construction Contract - Tom Greenhauer Development - Construction of approx. 2,350 ft of 8" PVC gravity sanitary sewer pipe on William St. & Old Schoolhouse Rd.	\$363,770 - Capital budget
EC Sewer Districts	Construction Contract - Ferguson Electric - Low voltage power correction system for the Sweetland Pumping Station	\$66,594 - Sewer Funds
EC Division of Information & Support Services	Service Contract - Verizon - Annual moves, adds, changes fees for support of Nortel phone system	\$160,000 - All local share
EC Social Services	Service Contract - Buff State, Empire State, University at Buffalo, Millard Fillmore College, ECC - Employee education & training program	\$2,146,653 - No local share
EC Social Services	Service Contract - Bright Options - Contract for minority youth foster care - early intervention & ongoing engagement of children, parents & families	\$248,895 - \$87,113 local share
EC Social Services	Service Contract - Crisis Services, Hispanics United, Child & Family Services - Temporary Assistance to Needy Families (TANF) funds to enhance non-residential services to victims of domestic violence	\$143,883 - No local share
Erie Community College	Arbitration Award - Early retirement incentive	\$79,644.97 - Local Share - For this individual only

*EC- Erie County

This resolution shall take effect immediately

Chairman Baynes: “I would like to ask Executive Director Vetter to continue to discuss the second slate of contracts.”

Executive Director Vetter: “Mr. Chairman, there are four proposed contracts on page three. Items 3-1 to 3-4 are Social Service contracts. All with no local share and I would suggest from the staff level that a vote be considered to approve these contract contingent upon legislative approval because these contracts are slated according to what Dr. Paulson said for approval on the July 12 Legislature meeting. Two of the four have been approved already and according to Dr. Paulson they see no problem with these being approved by the Legislature. So I would suggest the contracts be considered as a slate with the proviso that these contracts will require necessary Legislative approval.”

Chairman Baynes: “May I have a motion to approve this final slate on page three. There are four items, again with the expectation that the Legislature will approve these four items.”

Director Goodell moved to approve the slate of contracts on page three and Director Kruly seconded:

Chairman Baynes: “Any amendments or discussion? Director Goodell?”

Director Goodell: “I presume that this motion means that if the Legislature causes a change in any of these contracts, they have to come back to us; is that correct?”

Chairman Baynes: “That is correct.”

Director Goodell: “Thank you.”

The Directors voted unanimously, without any further discussion, to approve the following resolution:

Resolution No. 07-63

APPROVING CERTAIN CONTRACTS SUBMITTED BY ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES

WHEREAS, Chapter 182 of the New York Laws of 2005 created the Erie County Fiscal Stability Authority (“ECFSA”) to serve as a corporate governmental agency and instrumentality of the State of New York, and as a public benefit corporation to “oversee [Erie] County’s budget, financial and capital plans; to issue bonds, notes or other obligations to achieve budgetary savings and to finance short-term cash flow or capital needs; and, if necessary, to develop financial plans on behalf of the County if the County is unwilling or unable to take the required steps toward fiscal stability;” and

WHEREAS, the ECFSA first imposed a control period upon the County of Erie (the “County”) by adopting Resolution 06-49 on November 3, 2006; and

WHEREAS, incident to and in furtherance of the imposition of the control period, the ECFSA adopted Resolution 06-51, which authorized a process for approving contracts, settlements, or other obligations binding or purporting to bind the County (“contract approval process”), on November 3, 2006; and

WHEREAS, in adopting Resolution 07-04 on January 11, 2007, the ECFSA renewed and continued the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA has adopted Resolution 07-10, which replaces and supersedes the contract approval process authorized by Resolution 06-51; and

WHEREAS, the ECFSA must review and approve any contract, settlement, or other obligation, valued at greater than \$50,000, that binds or purports to bind the County or a covered organization, before it takes effect; and

WHEREAS, the County Executive or a “Responsible Official,” as defined in Resolution 07-10, duly submitted a request for review of the contracts listed on the attached document; and

WHEREAS, the ECFSA Executive Director, after consultation with the ECFSA Staff, has recommended approval of said contracts;

NOW, THEREFORE, BE IT RESOLVED that the ECFSA approves the contracts submitted by the Erie County Department of Social Services for various services; and

BE IT FURTHER RESOLVED that, should the Legislature subsequently cause a change in any of the contracts approved herein, the ECFSA will receive a request for approval of the amended contracts.

Department	Description	Amount
EC Social Services	Service Contract – National Federation for Just Communities - Contract to foster preventative services aimed at diversity awareness and leadership training	\$80,000 – No local share
EC Social Services	Service Contract – ECMCC - Demonstration project to use Certified Alcoholism & Substance Abuse Counselors to provide integrated chemical dependency assessment, treatment service referral, case mgt. & prevention services in connection with reports of child abuse or neglect	\$1.4 million No local share
EC Social Services	Service Contract – Educational Opportunity Center - Contract for a program to work directly with TANF families to engage the cooperation and commitment of non-custodial fathers in the care and nurturing of their biological children	\$150,000 – No local share
EC Social Services	Service Contract – Catholic Charities Contract for “Closing the Gap” initiative that places site coordinators and caseworkers in designated schools to address significant gaps in student performance	\$20,000 – No local share

*EC- Erie County

This resolution shall take effect immediately.

Chairman Baynes: “There being no further business today, I will entertain a motion to adjourn.”

Director Kruly moved to adjourn and Director Johnson seconded. Without further discussion, the board voted unanimously to adjourn.

Respectfully submitted,

Stanley J. Keysa
Secretary

Date: July 26, 2007