

**Erie County Fiscal Stability Authority
Minutes of the August 14, 2007 Directors' Meeting**

(Note: the following is a draft copy of minutes of a meeting of the Directors of the Erie County Fiscal Stability Authority ("ECFSA"), which was held August 14, 2007 at 11 a.m. in the Auditorium of the Erie County and Buffalo Public Library. These minutes will not become final until approved at a subsequent meeting of ECFSA Directors, and may be amended before approval)

Prior to the start of the meeting, Robert Glaser presented to Secretary Keysa a letter from Governor Eliot Spitzer naming him as member and Vice Chair of the Authority. Mr. Glaser then signed and filed an oath of office, sworn to before and notarized by Craig Bucki.

Directors Present: Robert M. Glaser, Vice Chair; Stanley J. Keysa, Secretary; Director Kenneth Kruly; Director Joseph Goodell and Director John Johnson

Vice Chair Glaser: "Welcome to the Erie County Fiscal Stability Authority Board meeting for August 14, 2007. My name is Robert Glaser; I am the new Vice Chairman of the Authority. If I make any mistakes just raise your hand out there and let me know.

"Chairman Anthony Baynes - I spoke with him last night and he is sorry he can't be here today. He is still recovering and is feeling better, if anyone is interested. He wanted to say thanks for the work that you are doing. With that we will open the meeting. The first order of business will be the approval of the minutes from the last meeting. I think you have all gotten a package of those and a chance to review those. Could I have a motion to approve?"

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

Resolution No. 07-66

**APPROVING MINUTES AND RESOLUTIONS FROM
JULY 26, 2007 DIRECTORS' MEETING**

BE IT RESOLVED that the Erie County Fiscal Stability Authority approves the minutes of its July 26, 2007 meeting and ratifies and affirms two resolutions numbered 07-65 and 07-68 that were approved on July 26, 2007.

This resolution shall take effect immediately.

Vice Chair Glaser: "With that, the main order of business for the day is to review some contracts that need to be approved for the County of Erie. There are

several of those. Mr. Vetter, if I could pass it over to you to go over those please?”

Executive Director Vetter: “Yes, Mr. Vice Chairman, there is a list in your packet, six pages long, of 32 contracts that have been forwarded to the Authority for approval. The staff has reviewed these, they have gone to the Board of Directors for review and staff is recommending that as a slate that the 24 contracts on pages 1- 4 be considered for approval by the Board. I would suggest at this time that a motion be made for approval. If there is any discussion, we have people here who are from the County who are available to speak.”

Vice Chair Glaser: “Could I get a motion for approval?”

Director Goodell moved to approved, Director Kruly seconded, and the Directors opened up the item for discussion.

Executive Director Vetter: “Mr. Vice Chairman, I believe Commissioner Loffredo is here. There were some questions particularly with the contracts that came in later regarding Girdle Road safety improvements, the Lakeshore Road bridge, Cemetery Road bridge and the Akron – Crittendon bridge. If you could talk a little bit about that and one of the items related to Crittenden Road bridge? There is something in today’s Buffalo News where the town supervisor asks for quick action from the Fiscal Stability Authority on that particular item and I know myself and your staff were working on getting this proposal ready, actually through Saturday evening, to facilitate this. So if you would like to say a few words on these particular items?”

Commissioner Loffredo: “Actually there are two items that really are combined and they are combined in regards to their summer bid book. If you recall me talking about that before, you approved some of the bid book. That is where our district engineers hire suppliers and contractors. These suppliers and contractors were low bidders and they submitted bids through our purchasing department and they put together what we call the summer bid book. You funded that bid book through various funding sources in the amount of \$2.9 million. Now we are coming back to you for two items. One item is the Akron-Crittenden bridge and the other is our overlay. Let me talk about the overlay program first. We are asking you to increase that to the maximum amount of \$4.8 million. That would allow us to proceed with our overlay program. That is where our district engineers paved about 23 miles of County roads. The construction season is just about half over, so we are kind of up against the time lines but we are going to try and get all of those roads as best we can this year. Along with that we are also asking you to increase that total amount by another \$315,000 roughly and that would take care of the Akron-Crittenden bridge and allow us to issue contracts to repair that bridge. Hopefully we can

have that bridge repaired by sometime late fall. That is in the bid book too and there are two parts to that. One is the construction part and the other is \$32,000. In addition, you are authorizing us to issue a change order or going to engage a consultant at \$32,000. There are two parts to that item, so the total amount we are asking you to authorize to spend out of the bid book is a little over \$8 million.”

Director Kruly: “Commissioner Loffredo, a question about the timing of this, when I got the package yesterday and read through it, I found it interesting that on the Cemetery Road bridge it seems to be getting a lot of attention lately. I actually transmitted that to the County Legislature in 1999 when I was the County Budget Director and the price was \$422,000. Why does it take 8 years and an extra \$310,000 to do that bridge?”

Commissioner Loffredo: “Well, while you were Budget Director, I was Commissioner of Public Works and I submitted it back then. I was surprised to see that it is still in the works. What the problem is, and I don’t know if it is something that we can fight that battle locally or if it is a national battle, is the federal government. This is federally-funded and the federal government keeps putting red tape into the procedures. They keep adding items in to the procedure that we have to follow and it is not a grant where they just give you money and you just go off, do it, than tell them what you did and they give you a check. Every step of the way, we have to get approvals and you will see numerous agreements for the same bridge. Design agreements, construction agreements, and so forth and that list is just getting longer and it’s a national problem, this pipeline. When I left here, it was a lot shorter than it is now and it is getting longer. What happens is that when anything bad happens, they add another item that you have to follow so that nobody else makes that mistake throughout the country. So, in answer to your question, it is the federal guidelines. This bridge, if it were just County-funded, we probably could design and construct that in about two years, three years max. Right now it is seven years with federal funds and it’s going to get longer, so this is a national concern.”

Director Kruly: “The Crittenden Road bridge that Mr. Vetter just referred to was also approved in 2000, so that is seven years; so that same issue is there with the federal government?”

Commissioner Loffredo: “Well the Crittenden, yes you are right, there is that same issue. It is just overwhelming and hopefully the federal Transportation Highway Act comes up in about two years to be renewed. I am talking to certain federal committees and asking if they want to fight this battle, which is a tough one.”

Director Goodell: “I have a question on that. On the amount you show involved with that bridge, and there are some others here, that the local share is either

\$732,000 or \$36,000 or does this mean that the local share is \$36,000 out of the total \$732,000?”

Executive Director Vetter: “I’m sorry Director Goodell, if I could, on this sheet, the \$732,000 is the total cost that is being asked for approval and the local share is \$36,000.”

Director Goodell: “Why are we being asked to approve anything over the local share?”

Executive Director Vetter: “Because the total contract and because the other monies are pass-through monies. Under the legislation and the resolution, we need to approve the contract.”

Director Goodell: “I understand that. Thank you.”

Vice Chair Glaser: “Commissioner Loffredo just a question. These I assume are the worst bridges in the County. They have the most urgent needs and County has to take care of these things?”

Commissioner Loffredo: “Yes, it’s a series that goes from black to white but there are a lot of grays along the line so you are looking at the blacks with regard to the line.”

Vice Chair Glaser: “My point is, is there anything else there that is critical, that we should be looking at or not?”

Commissioner Loffredo: “All of our bridges are inspected by the State using federal guidelines once every two years. If there is a problem with that bridge then they inspect that bridge every year. So they are constantly looking at these bridges and they are not just left out there until something happens.”

Vice Chair Glaser: “So these are not temporary fixes we are talking about?”

Commissioner Loffredo: “No.”

Secretary Keysa: “The same is true for the Lakeshore Road bridge?”

Commissioner Loffredo: “Yes.”

Secretary Keysa: “That is a permanent solution?”

Director Goodell: “Where is that bridge located on Lakeshore?”

Commissioner Loffredo: “I’m not sure. We have 277 bridges and I’m not quite sure on that one.”

Executive Director Vetter: “Just one last quick question with regard to the Supervisor Cummings on the Crittenden Road bridge. Will this approval take care of the concerns that he has expressed?”

Commissioner Loffredo: “Yes, yes it will; it will allow us to go ahead with the construction and hiring a consultant for this venture.”

Vice Chair Glaser: “Any other questions? Thank you Commissioner Loffredo.”

Executive Director Vetter: “Mr. Vice Chair, staff is recommending that the first four pages, including the four that Commissioner Loffredo had spoken about, assuming that the answers that we have received are expectable, we are proposing that those be voted on as a slate.”

Secretary Keysa: “We have a motion and we have a second, I believe all we have to do is roll call.”

Vice Chair Glaser: “Any further discussion on those items? All in favor?”

The Directors voted unanimously to approve the following resolution:

Resolution No. 07-67

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
EC Health	Receipt of Grant Funds – Health Research Inc., Federal Centers for Disease Control – Continuation of an existing grant to upgrade local Health Departments' preparedness and response capacity to bioterrorism events.	\$1,100,265 – No local share
EC Health	Receipt of Grant Funds – NYS Department of Health – Advance healthy environments in specific worksites in Erie County	\$113,000 – No local share
EC Health	Receipt of Grant Funds – State & National Laboratory Response Network – Capacity to test and analyze potential bioterrorism agents, serving the 17 counties in the western region of NY State	\$210,000 – No local share
EC Mental Health	Service Contract – Lakeshore Behavioral Health – Assertive Community Treatment program, NYS retroactive increase in rates/funding.	\$4,209,136 – No local share
EC Environment & Planning	Grant Sub-recipient – Federal CDBG, Angola Theater – Sub-recipient agreement with the Village of Angola for CDBG funds for the new Angola Theater	\$81,900 - \$9,100 Local share
EC Environment & Planning, Sewerage	Inter-municipal Agreement – NYSDOT & Village of Hamburg – Sewer Dist. # 3 joint construction project with NYSDOT to rebuild Main St. & Buffalo Ave. Sewers in the Village of Hamburg	\$92,852.13 – Sewer Funds
EC Environment & Planning	Grant Sub-recipient – Federal CDBG, Sidewalk, Village of Angola – Sub-recipient agreement with the Village of Angola for CDBG funds for sidewalks	\$50,729 - \$7,500 Local share
EC Environment & Planning	Grant Sub-recipient – Federal CDBG, main St. Paving – City of Tonawanda Sub-recipient agreement with the City of Tonawanda for CDBG funds for paving	\$115,000 – \$10,000 Local share
EC Environment & Planning	Grant Sub-recipient – Federal CDBG, Streetscape improvements – City of Tonawanda Sub-recipient agreement with the City of Tonawanda for CDBG funds for streetscape improvements	\$115,000 – \$10,000 Local share
EC Environment & Planning, Sewerage	Purchase Contract - Grove Roofing – Southtowns Sewer District Roof Replacement Phase I	\$117,800 – All sewer \$'s
EC Environment & Planning, Sewerage	Purchase Contract - Polydyne – Liquid Polymer for Southtowns sewage treatment plant, wastewater sludge conditioning	\$130,000 – All sewer \$'s
EC Public Works	Service Contract – Foit-Albert Associates – Change order #2 covers the development & preparation a project initiation report connected with the Botanical Gardens	\$30,000 – No local share
EC Public Works	Service Contract – URS Inc.- Change order to add professional engineering and architectural services for Botanical Gardens projects	\$80,000 – No local share

EC Senior Services	Service Contract – Supportive Services – Amendment to an existing contract approved by the ECFSA. Increase of \$16,354 in funding	\$16,354 – No local share
EC Senior Services	Service Contract – American Red Cross – Address all forms of abuse in long-term-care facilities	\$67,334 – No local share
EC Social Services	Service Contract - ECC – Strengthening families program.	\$100,000 – No local share
Purchase of Right of Way Parcels	Wehrle LLC – Purchase of Right of Ways parcels	\$131,800-6,590 Local Share
EC Law Department	Lease - 69 Delaware Ave. Assoc, Eugene Tenney – 69 Delaware Lease, Law Department Lease	\$186,000-2008 Rent \$192,000-2009 Rent
EC Sheriff	Purchase Contract - United Uniform – Soft Body Armor Vests for Sheriffs Deputies	\$68,705 – source of funds – forfeiture crime proceeds – no local share
EC Department of Health	Receipt of Grant Funds – NYS Dept. of Health – Immunization Action Plan – to ensure children are immunized by their 2 nd birthday	\$139,820 – no local share
EC Public Works	Purchase contract – Accadia Site Contracting & DiDonato – Girdle Rd Safety improvements	\$341,058 – Capital budget
EC Public Works	NYS DOT Program & change order – NYSDOT & Donald J. Braasch Construction – Lake Shore Road Bridge Repair	\$1,534,650 - \$76,732 local share
EC Public Works	NYSDOT, change order, Erdman, Anthony & Associates – Cemetery Bridge change order	\$732,000 - \$36,600 local share
EC Public Works	Emergency Declaration bridge repair – UCC Constructors, Clough, Harbour & Associates – Akron-Crittendon Bridge – “red flag deficiencies	\$315,700 – AI in capital budget

*EC – Erie County

This resolution shall take effect immediately.

Note: Resolution # 07-68 was approved out of sequence at the July 26, 2007 meeting just before Chairman Baynes collapsed and the meeting was abbreviated. The number has not been used at this meeting to avoid confusion.

Executive Director Vetter: “Mr. Vice Chairman, if I could continue, there are a number of items on page 5 and page 6 recommended for individual approval that there have been significant questions on that need to be addressed.

“With that I would like to call up, for the first item on page 5 item 1 is with regard to the Globalquest contract for the County’s Division of Information and Support Services. I believe Mr. Stevenson is here to speak with regard to that and then I would recommend the Board consider a motion.”

Rick Stevenson: Good morning my name is Rick Stevenson. I am with Information Support Services. My position is as ERP Administrator for the County of Erie. I am here today requesting approval to increase a funded purchase order that is in a sense, no pun intended, bridge money funding for the continuation of consulting services to assist Erie County staff in the support, maintenance and build out of our ERP system. The amount that we are requesting approval for is \$178,160.

Executive Director Vetter: “Mr. Rick Stevenson in the contract approval that was forwarded the amount was \$271,000 including contingencies.”

Rick Stevenson: “That is correct, there was an initial purchase order cut for \$39,000 some dollars and that was to replace and HR payroll consultant who unfortunately had to leave the project due to a family emergency.”

Executive Director Vetter: “So the total amount that you would require approval for is the \$271,000. Is that what would be appropriate at this time?”

Rick Stevenson: “Okay, yes.”

Director Goodell: “I would like to make one observation here. Periodically we see various contracts that have information, support services group is asking for. I think it appropriate or at least I would like to see some form of long range plan of three or four years of what systems the organization is planning to implement. I am not saying that we would approve all of those but I would like to have, just as there is a capital budget, I would like to see some form of information technology budget that we could look. It would give me more confidence in approving money for Information and Technology. If I could see there is some kind of plan there because Information Technology could be a black hole were money is poured in and with very little results. I am not saying that this is the case here, but it is the kind of thing that I have learned the hard way to watch carefully.”

Vice Chair Glaser: “I am sure you have something like that relatively in place but would it take a lot of elbow grease to bring up a 3 - 5 year plan at some future point that you could share with us?”

Rick Stevenson: “I would be happy to or my associates would be. One of the reasons Erie County invested in SAP is our ERP provider is that it is a tier one software solution and its applications or modules in this case to address all of the needs of Erie County Departments and services they provide. So within that framework certainly we have constructed and would be happy to present a framework going forward of not only what has been implemented and used today but also what is currently being implemented and being planned for future opportunities.”

Vice Chair Glaser: “That would be great. On a scale from 1 to 10 how far are you on overall implementation of your plan?”

Rick Stevenson: “We have the core financial HR payroll and procurements modules implemented. There are areas that we have discussed or looked at for plant maintenance. We have looked at case management for the Social Services Department. We have looked at citizens response, call center, applications and a portal for web based activities, so I would say that we are probably 30% of the way. There is a significant amount that we can but do not have to implement so it is as our appetite and ability allow us to we can move forward with these implementations.”

Vice Chair Glaser: “As part of that plan will you have some cost benefits analysis of different marking points that you are going to put together?”

Rick Stevenson: “Yes we do. We save through reallocation of monies that would be spent on point solutions, on training, on Erie County staff and users. One system that present a common look and feel makes training easier it allows for greater flexibility in movement of resources throughout the county and because SAP is an integrated solution, once the information is entered into the structure and is available as it is appropriate through security for all those individuals who need it and as you enter it once, you can view it or use it many times the quality and the integrity of the data goes up significantly.”

Vice Chair Glaser: “Very good. Are there any other questions? Thank you very much.”

Rick Stevenson: “Thank you.”

Executive Director Vetter: “Mr. Vice Chairman, I would suggest a motion to approve this contract.”

Vice Chair Glaser: “Could I get a motion to approve this contract?”

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

Resolution No. 07-69

APPROVING CERTAIN CONTRACT SUBMITTED BY ERIE COUNTY DIVISION OF INFORMATION AND SUPPORT 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, has duly submitted a request for review of the attached contract; and

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

NOW, THEREFORE, BE IT RESOLVED that the ECFSA approves the contract submitted by the Erie County Division of Information and Support Services for Globalquest consulting services.

Department	Description	Amount
Erie County Division of Information & Support Services	Services Contract – Globalquest – Consulting Services for county business functions including financial services, payroll processing & procurement of goods & services	\$217,600 – all local share

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Vice Chairman, if I could continue, the second item on page 5 number 2 is with regard to the Clerks Office, Cheektowaga Auto Bureau and I believe County Clerk Hochul is still here, if you could please come up and talk about the lease?”

County Clerk Hochul: “Hello again, well I am going to heed the words and advice I received this morning. I would like to enter into a long term lease in Cheektowaga, so I was paying attention. This is a different scenario. We are very anxious to

move our operations into County-owned space we did an exhaustive survey of the area of Cheektowaga and that vicinity to determine whether or not there was any suitable County space we could have moved our operations into and the answer came up a resounding no.”

“This is our largest and most utilized operation in Erie County and indeed at one time, in the depth of 2005 crisis, it was the only bureau in Erie County serving 677,000 licensed motorists. That was unacceptable and I think that was uniformly the consensus. As you know, we have restructured operations; we are still down to two major operations as opposed to the four and we lost the northtowns and southtowns which has been a real challenge to our office and what we have done in lieu of that is have satellite operations which are smaller and I will admit managerially much more difficult to manage because you have a two person operation in West Seneca, one person calls in sick you have 50% of your operations shut down.”

“I am a strong believer in always looking for alternatives but I firmly believe that this makes sense for the County residents to enter into a five years lease to continue our operations in Cheektowaga and in this particular instance, we have the unique opportunity to take over an additional 1,500 feet next door because with our restructuring we have now moved all our audit functions for these 15 different locations into one. We have had to consolidate. If you were to stop out at our Auto Bureau and saw the conditions are that these people are working in; we have three or four people working in a tiny space, our office manger operates out of a garage and it gets pretty darn cold in the winter time and hot in the summer but this is where we are at because of trying to consolidate our operations.”

“We are still reeling from the loss of those two major auto bureaus two years ago. So we are doing the best we can and I think this is a good plan for us. The rate has not gone up. We are at \$14.00 per square foot rate that we have been in since 1998. I think that is good news for us. All we are doing is adding some additional space, by taking over an abandoned insurance agency next door so that we can have proper space and meet DMV requirements for the space we need for the audit functions that are being performed there. I would appreciate your support on this and they are going to start performing the build out immediately and they do not charge extra for taxes and fees; it is an all inclusive price. Any questions?”

Vice Chair Glaser: “I have a question. When you do these leases, is there someone, for example we have a lease department, are there other people you talk to within the County to go over what you believe to be a good lease or is it all done by you?”

County Clerk Hochul: “We start the process. It has to get the approval of the County Attorney’s office so they are involved the negotiations. It goes to them, the County Legislature so there are other levels of scrutiny involved; yes indeed.”

Vice Chair Glaser: “In this particular lease, is there any improvement money we would get for taking over new space where they leased or would it contribute to any build-outs for us?”

County Clerk Hochul: “For this lease amount, it is all inclusive, that includes the build-out we need. They are not charging us.”

Vice Chair Glaser: “So there is some build-out and that is sufficient for you?”

County Clerk Hochul: “Yes it is.”

Secretary Keysa: “I think that you indicated that there is new flooring, counter space, ceiling tile replacements and repair.”

County Clerk Hochul: “Yes there is. You read our mind. There are some improvements and it doesn’t require build-out in terms of cashier stations. We are just looking to have an area where people can securely count the money. DMV regulations state that cashiers are not allowed to count the money at a cashier station they have to take it to a back office operation. We are really squeezed because we are doing the work for all these different satellites now that we never really did before and just don’t have the procedure handled properly.”

Vice Chair Glaser: “Is there any reason not to do this?”

County Clerk Hochul: “No, absolutely not. I think it is a great idea.”

Executive Director Vetter: “I would recommend a motion to approve this contract.”

Vice Chair Glaser: “I call for a motion.”

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

Resolution No. 07-70

APPROVING CERTAIN CONTRACT SUBMITTED BY THE ERIE COUNTY CLERK

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 attached contract; and

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

NOW, THEREFORE, BE IT RESOLVED that the ECFSA approves the contract submitted by the Erie County Clerk for the Cheektowaga Auto Bureau lease as listed on the attached document.

Department	Description	Amount
Erie County Clerk	Lease - Urbandale Development Company - Cheektowaga Auto Bureau Lease	\$120,148 per year for 5 years - all local share

This resolution shall take effect immediately.

County Clerk Hochul: “Thank you very much.”

Executive Director Vetter: “Mr. Vice Chairman, if I could go onto page 5 item 3 on Phase II of the Erie County DPW Division of Highways, \$4,800,000 for the state consolidated highway improvement program. I believe that Commissioner Loffredo is still here, if he could come up and speak for a moment.”

Commissioner Loffredo: “Actually I talked about it. This is the second part of the item in the summer bid book. So we are upping the summer bid book by \$4.8 million and that allows our in-house crew to do our in-house overlay program which consists of about 23 miles of County roads. We are more than half into the construction season so we really have to have this approved now and hopefully can finish the work by this fall.”

Secretary Keysa: “Is this just oil and chipping or is this regular asphalt overlay?”

Commissioner Lofredo: “Right it is the overlay. You approved the stone and oil previously.”

Director Goodell: “I would like to make an observation here. We first received this contract two to three weeks ago and then last week received a letter from Mr. Rubin stating that yesterday was the drop dead date; that today the crews would begin doing the work even if there was no approval, which is I think technically a violation of the law. I am disturbed that, in this particular case and others, that we received these contracts at the last minute. It seems to me that \$4.8 million list of projects all over the County, that list could and should have been ready in, I don’t know, May and I would like to ask the County in general to give us much fewer of these last minute contracts and hopefully an improved management of these issues would enable us to deal with these on a less than accelerated basis. I realize that there will be some, but I think we are seeing too many. Thank you Mr. Vice Chair.”

Vice Chair Glaser: “Could I add onto that Mr. Commissioner Loffredo? I understand that one of the reasons for this meeting was to move these contracts forward. What Director Goodell is saying is somewhat appropriate. The point being that we are to schedule these meetings if we could more closely align the timing of these things maybe we would be able to schedule these types of meetings ahead of time and be able to have good discussions, be able to review it and get a timely response back to you. Maybe we could just talk to whoever needs to be talked to about coordinating it better.”

Commissioner Loffredo: “That is our goal too. We don’t like operating in this manner unfortunately we have no choice. Just to give you a little background if you would like a little background on this.”

Secretary Keysa: “I would like a little background, please?”

Commissioner Loffredo: “This \$4.8 million is really being funded out of the cash reserves. It is going to be paid back to the cash reserves once the bonds are sold. This is a 2007 bond so we were not able to put it back together until recently. In the best of times, if the County has a large cash reserve they would upfront fund all the County projects at the beginning of the construction season so that the bonds in the beginning of the year they would refund the cash reserves. We are not in that situation right now. We are kind of just playing it as we go, trying to get as much cash as we can to fund this project from the cash reserves and that determination is just made very recently; that yes the cash reserves can handle this.”

Secretary Keysa: “So it is not a question of your knowing what roads you want to do? You have known these for months. It is a question of whoever is manipulating the budget, presumably the Budget Officer deciding that he is not going to fund this until this point?”

Commissioner Loffredo: “Yes, there are a lot of unknowns in the Comptroller’s office as far as revenue. There are big dollars and we have already hit the cash reserves with the Buffalo Bills score board at \$5.2 million, or I should say half of the \$2.7 million, because half is already funded. So we have already hit the cash reserves and we are hitting them again and that was the problem that concerned: can it handle that?”

Secretary Keysa: “Can we use bonding money to do CHIPS or is that illegal? I did not think we could bond money and then reimburse the bonding or certainly not the interest.”

Director Kruly: “You can’t pay for the interest. The interest is not fundable by the State but the County has been doing this for several years.”

Secretary Keysa: “This is a question of cash management. This is not a question of getting down the actual road and that is your job. I am just disturbed by the fact that we have raised this issue before and that there appears to be inappropriate activity with regard to the highway funding and the source of the money for the highway funding and where that is going. You have a dedicated fund from the transit tax and that is supposed to be going into this activity and apparently it is not.”

“I’m not going to ask you to answer that because again it is a cash management aspect of it, but I do want to express my concern over this.”

Vice Chair Glaser: “Commissioner Loffredo, what I think what I would like to leave you with is, if you could coordinate this process better, so that it is more efficient and not on a rushed basis and that be cash management and anything else

that is helpful to the County? I think we ought to be exploring that and we are willing to work hard to make those things happen. Maybe you can work with Mr. Executive Director Vetter over here and try to resolve for the rest of this year. If there are things coming up, please notify us. If there are important critical things than let's get them done."

Secretary Keysa: "Could I make one more comment here. Some twenty years ago, I believe it was going back several administrations, there was a last minute effort by the Rutkowski administration to finally respond to highway needs and round about October they decided to pave most of the shoulders of County roads with a quarter-inch of black top. Well that quarter-inch did not last two weeks on most roads and the \$.25 million that they spent was frankly wasted. My concern here is that we are late in the season and I hope we are not going to be paving roads with a quarter-inch of black top and waste it. I hope that you will be putting this where it is needed and its going to be a permanent, well if not permanent, a regular 10 year life on these overlays. Correct?"

Commissioner Lofredo: "Correct."

Executive Director Vetter: "Mr. Chairman, I would recommend a motion to approve."

Vice Chair Glaser: "Could I have a motion?"

Director Keysa moves to approved, Director Johnson seconded, and the Directors voted unanimously to approve the following resolution:

Resolution No. 07-71

APPROVING CERTAIN CONTRACT 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

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 attached contract; and

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

NOW, THEREFORE, BE IT RESOLVED that the ECFSA approves the contract submitted by the Erie County Department of Public Works for Phase II of the annual road, culvert and bridge repair program as listed on the attached document.

Department	Description	Amount
Erie County Public Works	Purchase Contract – Open bidders Phase II of the EC DPW Division of Highways Annual Road, Culvert & Bridge Repair Program	\$4,800,000 – 100% reimbursable through NYS CHIPS program

This resolution shall take effect immediately.

Executive Director Vetter: “I would recommend that the next two contracts with regard to diabetes be considered together. Each are for \$50,000. There were no questions on these contracts with regard to these items but I believe there is a Board member who would like to abstain and that’s why these have

been separated out. Unless there are any questions that have arisen since we last discussed this I would certainly recommend a motion to approve these two contracts on page 5 numbers 4 and 5 together.”

Vice Chair Glaser: Could I get a motion?

Director Goodell moved to approved, Director Johnson seconded, and the Directors duly voted to approve the following resolution, with Director Kruly abstaining:

Resolution No. 07-72

**APPROVING CERTAIN CONTRACTS SUBMITTED BY
ERIE COUNTY DEPARTMENT OF HEALTH**

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 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 contract submitted by the Erie County Department of Health for receipt of grant funds for diabetes prevention as listed on the attached document.

Department	Description	Amount
Erie County Department of Health	Receipt of Grant Funds – NYSDOH for the WNY Coalition of Diabetes Prevention Reduce occurrence of undiagnosed diabetes among minority population in WNY	\$50,000 – No local share
Erie County Department of Health	Receipt of Grant Funds – NYSDOH for the Prevention of Type Two diabetes in children Reduce risk of Type Two diabetes through Fit and Fun physical activity	\$50,000-No local share

This resolution shall take effect immediately.

Secretary Keysa: “The abstention is Director Kruly?”

Director Kruly: “The abstention is for both of those items. My wife is a certified diabetes educator, although I don’t believe she has any involvement with the contract here, I think it is best for me to abstain.”

Secretary Keysa: “Thank you. We have four ayes, one absence and one abstention. We have four votes which is nevertheless a quorum.”

Executive Director Vetter: “Mr. Vice Chairman, in moving this along, item 6 on page 5 is for the purchase of fuel for the County. I believe Mr. Joseph Spino is here to talk about this. This is something that came very recently when the County realized the fuel reserves were low and needed to rebid for the next few months until there one year contract comes up. Could I ask Mr. Joseph Spino to come to the microphone?”

Joseph Spino: “How are you doing? My name is Joe Spino I am an analyst with the Office of Budget. Mr. Cercone was unable to attend.”

“We are asking for a \$400,000 increase in the purchase order for the fuel. We are going to bid again in September, so this is just to get us through to the next bid process in September which then you will have to approve that contract when that comes forward. I am open for discussion but we

are just trying to order fuel to keep our DPW funded with their gasoline and the Sheriffs office.”

Vice Chair Glaser: “Is there anything contentious about this?”

Director Goodell: “I have a question. Is this due to the increase in the price of fuel or an increase in the usage of fuel?”

Joseph Spino: “Well compared to last year, the amounts that were approved in gasoline, it’s actually just an increase in the purchase order; it is not increased usage. Basically, last year, we spent \$900,000 in fuel. This year, we are only at around \$500,000 and the \$400,000 will get us back up to that \$900,000. We had only approved \$500,000 for fuel for this year in this purchase order that was approved so we are just increasing the purchase order amount for another \$400,000. Mr. Executive Director Vetter may have something to add.”

Executive Director Vetter: “Director Goodell, if I could, because I am familiar with the procedure in the Fleet Division. In order to provide some assurance that there isn’t extensive overuse of fuel there are purchase orders that are cut at certain points in the year to restrict the amount of fuel the County has at any given time. So this isn’t an increase in the amount of fuel that the County would require, it is simply that, since we have entered into a control period, this is bringing out another piece of the fuel that was previously approved in the County’s finances.”

Vice Chair Glaser: “So it had been budgeted for?”

Joseph Spino: “That’s correct. We are not over-budget we are well within our budget.”

Secretary Keysa: “Just a question. By delaying this, what do you expect will happen to the price of the fuel?”

Joseph Spino: “Well this original contract was approved last year before the control period. When it comes up for bid again in September, who is to know what bids prices are going to come in at, but right now, we are at \$3.00 a gallon, but we don’t know what they will come in at next year. We will have to wait until September.”

Secretary Keysa: “I guess what I am asking is: did splitting this and holding this back potentially raise the cost or is the fuel on a variable rate? Is it a fixed rate for the whole contract or is it a variable rate?”

Executive Director Vetter: “Secretary Keysa, maybe I can answer that. The contract that is in place has been there since October 1 of last year. This is no change in

price but in terms of internal control they have only cut certain purchase orders so that there is not an overuse of fuel and this is the last piece.”

Secretary Keysa: “I guess a different question might be: the arrangements that we have for fuel, are those fuels variable with some benchmarks or is it a fixed price for the year?”

Executive Director Vetter: “The items that were submitted with this indicated that there was a fixed price. That it was not something at the pump plus or minus a percentage or penny; it was a fixed price for the year.”

Secretary Keysa: “Okay, thank you.”

Executive Director Vetter: “Vice Chairman, if there are no other questions I would recommend a motion to approve this item.”

Vice Chair Glaser: “Could I have a motion.”

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

Resolution No. 07-73

APPROVING CERTAIN CONTRACT SUBMITTED BY THE ERIE COUNTY DIVISION OF INFORMATION AND SUPPORT 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, has duly submitted a request for review of the attached contract; and

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

NOW, THEREFORE, BE IT RESOLVED that the ECFSA approves the contract submitted by the Erie County Division of Information and Support Services for fuel as listed on the attached document.

Department	Description	Amount
Erie County Division of Information and Support Services - Bureau of Fleet Services	Purchase Contract - T.F. Kurk Inc/Kurk Fuel Co. Replenishing Bureau of Fleet Services fuel account	\$400,000 - All local share

This resolution shall take effect immediately.

Executive Director Vetter: "Mr. Chairman, just two more items on page six. The first item is the Commission of Regional Law Enforcement contract with the International Association of Police Chiefs. I believe Commissioner Kevin Comerford is here with Central Police Services to speak with regard to this item."

Commissioner Comerford: "Good Morning, my names is Commissioner Kevin Comerford; I am the Commissioner of Central Police Services. I was hoping this one was one of the 24 that were just approved, but no such luck. We are looking for approval to enter into a contract with the International Chief of Police for an amount not to exceed \$250,000."

"I will give you a little history how we got here. This August there was an agreement made by the Chairperson of the Legislature, the Sheriff, and County Executive; in exchange for funding the Sheriff's road patrol in the

2007 budget, they would agree to participate in this study to take a look and see collectively how we deliver law enforcements services, what we are spending, how we pay for them and if there is a better way to provide those services. Since that time the commission has met and put together an RFQ. We brought in three interested parties, two showed up in the interviews. Everyone in the commission participated in the selection process and it was pretty much unanimous, everyone that voted felt that IACP was the best vendor to provide this service. We expect probably 120 days for them to do this study from start to finish. Any questions?

Director Kruly: “Commissioner Comerford, I noticed in the proposals that one of the options that is suppose to be reviewed is the Regional Police Operations which I assume is the Metro Police; is that a correct interpretation?”

Commissioner Comerford: “No.”

Director Kruly: “What is regional then?”

Commissioner Comerford: “Well what happens is, in part of the discussions, because that was out there, I think if you go to right at the top left there at the top of page two. It was left in there. When we sat down with this commission, one of the concerns was people didn’t want to participate in a study about regional policing because no one wanted it and we would be wasting our time, but when we took a step back and found out what they were comfortable with. You know there was a lot of discussion and there were some saying: how do we know the model that we have here in Erie County today isn’t the most cost efficient model? I have to tell you I have been in the business nearly 35 years and I can’t tell you.”

“There are basically three different options to look at. One is a regional police force; two, continue on having individual police department; or three, the hybrid model that we have now with a combination of Sheriff’s, State Police, local policing and the city police departments, but how do we know generally how much we spend? We don’t know how that compares across the country, we don’t know if it is pretty efficient way to deliver the services. The other piece, and probably more important is effectiveness. There are pockets of excellence but we really don’t know how we compare compared to the rest of the state and rest of the county as far as clearances. It was out there that there was a discussion on regional policing and what the Commission did to get buy-in from all the participants was that it couldn’t just be focused on that; it had to look at everything so that there was some fairness. The individuals from the departments that participated believed that they do a pretty good job of covering the service. So this is a chance to find out once and for all or at least for the next twenty years or so.”

Director Kruly: “So it is a regional thing in terms of merging the departments, even though it is listed in this proposal as not an option that is being considered?”

Commissioner Comerford: “It could be an option, but we don’t know. We are asking IACP to take a look at how we deliver services today, what we spend on operations, different budgets, how we fund them, the level of service that is provided, the quality of service. Take a look at similar-sized agencies across the State, similar-sized departments across the State and across the country and then, based on that, get recommendations on where we should be 5 to 10 years from now.

Director Kruly: Is the City of Buffalo included in this? Is the City participating in this study? Is the City potentially going to be combining services if the study would recommend that?

Commissioner Comerford: “The City was invited to participate but declined. When we brought this up with the consultant, we asked them how they would get their data and information in there, because if you are looking at clearances, crime rates, etc., if you don’t include the City, you are missing probably three-quarters of the total. They have done this all across the country, so that all or most of this information is public information. They felt that they could give us a pretty accurate snap shot of current conditions in Erie County whether they participated or not. Moving forward, I do not have an answer for that, sir.

Director Kruly: The hybrid option, isn’t that essentially your department right now, that has existed for 34-35 years? You already provide a number of services to the police department, so you need a study to determine what other things you can provide?

Commissioner Comerford: “We do the back office stuff and the focus is going to be the front-line police services. What happens when someone calls 911? Who shows up, whether it is a town or village police department, Sheriff’s, State trooper or a City Department? You know, one part of the discussion was to take a look at the entire model to see how we deliver services. I can tell you, I’ve looked at the numbers. If you believe they are accurate on State websites, you know we spend collectively \$450 million to deliver law enforcement services across Erie County.”

“Are we doing a good job generally? Yes, we are doing a good job. Could we do a better job? I don’t know. You know it is good and I tell you if you go back in County history, the last time we examined all of these service was in the mid sixties. There was a commission. As a result of that commission, there was a vote on the consolidated metro police department that failed. It just didn’t hold up the tent. They took a step back and decided what is the next best thing we can do? So they decided

to create Central Police Services, leave the front-end policing alone and do the back office on a more regional basis. So if you end up in the same place, something good coming out of it, there is a benefit to it.”

Director Kruly: “The State Police provide some services, I believe, in towns like Clarence and maybe some others. Are they involved in this at all?”

Commissioner Comerford: “Yes they are.”

Director Kruly: “Just a comment and then I will finish. This study, I believe, came from some discussions with the County Executive a while back about requiring the towns that receive Sheriff’s patrols that to pay for those patrols, I felt that the County Executive had the right idea there and that the towns that receive services should pay for them just as residents of be Amherst, Cheektowaga, Tonawanda or Buffalo pay through their own taxes for those patrols. I support the County Executive on that idea, but I think this is a reaction to that and I think spending \$250,000 on a study is inappropriate at this time, particularly with a new administration coming in. I would like to have another view of things and I will not be able to support this resolution today.”

Commissioner Comerford: “Okay.”

Director Goodell: “Mr. Vice Chair, when we had this issue presented to us in a slightly different form some months back, we made the point that we would like to see the proposal recast as a requirement of considering it. We would like a demonstration of support from a significant number of the municipalities or towns that they support this kind of study, not necessarily that they support the conclusions, but that they support this and feel inclined to follow the recommendations. We don’t have that information in front of us and I think that is a big worry on my part in terms of doing a study and whether implementation would be possible or successful.”

Commissioner Comerford: “I am going to respectfully disagree with you sir. If you look, this was one of the reasons it has taken ten months to bring it before this board. One of the big issues was; nobody trusts anyone and getting buy-in from everyone part of the early discussions was that we wouldn’t have meetings unless everyone could be there and it was quite a challenge getting all of the participants. One of the submittals was the rating sheet that showed the participants County Executive, the Sheriff or his representative, a representative of the Legislature, the Association of Town Governments had four representatives; two from municipalities with police departments and two municipalities who relied on patrol form the Sheriffs and State police. Erie County Chiefs of Police had two representatives and the union representatives from the Sheriff’s and Western New York Police Association participated in this, so that over the six month we put together

the RFQ that everyone agreed to and supported. I think that was in response to the comments from the board when the efficiency grant was submitted.”

Vice Chair Glaser: “Commissioner Comerford, you said that you have been in law enforcement for 30 years?”

Commissioner Comerford: Yes sir.

Vice Chair Glaser: “Just using your knowledge, which I assume is considerable, what are your expected outcomes from a study like this? Do you just need further backup for points that you believe need to be done in this community, or are you expecting new things to come out of the report that would surprise you?”

Commissioner Comerford: “Like I said before, you kind of know what you’re spending; you don’t know how you are doing. Look at the bike-path rapist as an example. I struggle with how you can have something like that happen across a span of Erie County for thirty years and you don’t have public safety agencies connecting the dots. Once they started, they were very good at it. It’s very similar to the homicides that occurred in St. Catherine’s with Bernardo and Homulka; the same thing. You had different agencies that had pieces of information but they never got put together. I know what we spend and I think it is generally on par or below what is spent across the County per capita on law enforcement but I don’t know the efficiency and effectiveness of what we do. If we are spending the same amount of money and only clearing half the number of crimes that are being cleared in other areas than we are doing ourselves a disservice and I honestly don’t know.”

Vice Chair Glaser: “Aren’t there national statistics that we could easily get from websites or some organization? I don’t know the answers to these questions but I’m just curious.”

Commissioner Comerford: “It took almost forever to get the fiscals and put them together. It is a full time project and this is why. When I was with Buffalo Police we went through this whole exercise with the redistricting and I used to come to meetings with mountains of studies that all said the same thing and finally the last one they finally said enough. We sat and agreed to redistrict and I think it has made a big difference in the way police services are delivered in the city. This stuff takes time and a lot of the time you need someone from the outside to come in and say this, because no one trusts anyone in here.”

Director Goodell: “What is the track record of this organization in terms of coming up with ideas that are some kind of combination of law enforcement and what is

their track record in terms of implementation? Do communities jump at the chance of some kinds of combinations? Do they ignore the organization the consultant? What can you tell us about that?"

Commissioner Comerford: "I can tell you that IACP; well there are three major ones. Police Executive Research Foundation, International Association of the Chief's of Police, MPRI national firms that do this. My experience in Buffalo from when they came in, the IACP has tremendous credibility. Their recommendation was the final study. We did that to the consolidated precincts. What has to happen, though, and this goes back to the participants in this commission, that was one of the what happened because you have got the buy-in and continue to get buy-in from day one. At all the meetings, everyone has been there working with them, I believe people are working together. For example if they come back and say your spending the same amount of money but only clearing half of the crimes that everyone else is across the country. I think it would force this commission to take a hard look at how are we going to deliver services and what if they truly believe in public services and public safety they'd make the right decisions to change it and make it better. Does that answer your question?"

Vice Chair Glaser: "I think this is very important what you are doing and think it would be very important for the community. I think it is so important that quite honestly, I would like to take some time because I don't think there is time sensitivity to this even though I know you would like to have it approved today. I am wondering if we could hold off on this one because I would like to take a little more time and have some discussion on this with the appropriate parties. I think it is very important."

Secretary Keysa: I'm going to suggest tabling it. There is also a question I have here. Was what really initially originated this was the concern over funding of the Sheriff's Department, specifically the road patrols?

"I don't have the data now but I looked at this a year ago, over a year ago and my recollection is when you looked at that over or close to half of the Sheriff's road patrol services were actually delivered in the City in Buffalo. There were drug cases where they came in and did undercover work, at least at that time. That may have changed with budget cuts, but when you look at the jail maintenance division where the cost are essentially allocated based on where the arrest are made, 66% of the costs of that division were made in the City of Buffalo, and yet simply asking certain municipalities to pay for the cost of their road patrol services really didn't address the equity of where the services were being delivered or where the cost were being incurred. Is this study going to look at that or is this really beyond the scope of the study?"

Commissioner Comerford: “They are going to look at that and the other thing we task them with doing. If you go back in the mid-eighties, the same issue arose with the Sheriff and the County Executive paying for road patrols and it would be nice to kind of resolve this for the community so that people don’t know every couple of year whether someone is going to answer when they call 911. The other thing we tasked them with was to come up with some perspective across the country how people pay for this. When you look at the discussion, it would be nice to put this to rest for at least how long we are going to be here. How it is going to be paid for once you agree on the model? How you are going to continue to support it so you don’t have these flare ups every five, ten, fifteen years?”

Secretary Keysa: “So this is going to provide real information based upon these comparative studies, to the what I will call the political establishment, which is to say the Executive, the next one, the Legislature, this one or the next one, as to how those cost are allocated else where. This is part of that study?”

Commissioner Comerford: “Part of what we included is the cost of Central Police Services and the back office services just to get a complete picture.”

Vice Chair Glaser: Mr. Commissioner Comerford, again I want to come back, I think this is very important. Important enough to know that maybe we need an even bigger study and would like to come back to it.

Secretary Keysa: “I would like to move to table this. I realize that you don’t have the information to look at the background on this and I think this is extremely important because I think it is an important portion of the equity of service delivery in Erie County and is an issue that needs to be address. We can’t let it sit there unaddressed but I will make a motion to table this.”

Director Goodell seconded the motion, and the Directors voted unanimously to approve.

Executive Director Vetter: “Mr. Vice Chairman if I could, the last contract for this meeting is with regard to the Erie County Board of Elections System software for voter registration software licensing fee. It is a continuation of contract and there are only two issues. One was with regard to Legislative approval and whether or not it was required. The second was that this was listed as a sole-source contract.”

Dennis Ryan: “Hello my name is Dennis Ryan, Deputy Commissioner, Board of Elections. We don’t believe it requires Legislative approval.”

Executive Director Vetter: “In terms of the sole-source, from what I understand in my conversations I had just yesterday afternoon that this is proprietary software. That it is a continuation of the current licensing agreement and that it would be ineffective to go to a new software provider at this point.”

Dennis Ryan: “Our contract with this company expires July 31, 2008, so this is the last payment we are making to this company. At that point they have offered to extend the contract at some point, but of course, we will have to do an RFP on it at a 10% increase to continue the contract. It does expire on July 31, 2008 and this is the last payment we are making.”

Vice Chair Glaser: “Mr. Ryan, just a naive question, I know I have read a lot in the paper about software voter systems, etc. Is this something similar to what Mr. Vetter asked; does this just complete our ability to be able to hold votes this fall or is this part of a new system that really we are going to be required to go to”

Dennis Ryan: “No, this is the same software that we have been using for the last nine years. It includes our election night reporting, all the maintenance agreements. Generally entering registration forms and keeping track of the data. We helped develop this system, which went national, but it started in Erie County and we helped develop it. It was built around the Erie County Board of Elections and then it went national.”

Vice Chair Glaser: “So it is just a payment that is pursuant to a contract that was already entered into.”

Dennis Ryan: “This is the final payment; correct.”

Executive Director Vetter: “I would recommend a motion to approve.”

Vice Chair Glaser: “Could I get a motion?”

Director Johnson moved to approved, Vice Chairman Glaser seconded, and the Directors voted unanimously to approve the following resolution:

Resolution No. 07-74

APPROVING CERTAIN CONTRACT SUBMITTED BY THE ERIE COUNTY BOARD OF ELECTIONS

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 purchase contract for Elections Systems and Software listed on the attached document.

WHEREAS, the County Executive or a "Responsible Official," as defined in Resolution 07-10, has duly submitted a request for review of the attached contract; and

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

NOW, THEREFORE, BE IT RESOLVED that the ECFSA approves the contract submitted by the Erie County Board of Elections for election systems software licensing fee as listed on the attached document.

Department	Description	Amount
Erie County Board of Elections	Purchase contract - Election Systems & Software Voter Registration software license fee	\$117,524 – included in municipality re-spread

This resolution shall take effect immediately.

Vice Chair Glaser: “Thank you Mr. Ryan. There being no further business, could I get a motion to adjourn?”

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

Respectfully submitted,

Stanley J. Keysa
Secretary

Date: August 30, 2007