

**Erie County Fiscal Stability Authority  
Minutes of Directors Meeting held December 17, 2007**

*(Note: the following is a draft copy of minutes of a meeting of the Erie County Fiscal Stability Authority ("ECFSA"), which was held December 17, 2007. These minutes will not become final until approved at a subsequent meeting of ECFSA Directors, and may be amended before approval)*

The meeting was called to order at 2:00 p.m. in the auditorium of the Buffalo & Erie County Main Library in downtown Buffalo. Present were: Vice Chairman Robert Glaser, Secretary Stanley Keysa, Director Kenneth Kruly, Director John Johnson and Director Joseph Goodell.

Vice Chair Glaser: "Welcome to the ECFSA Board meeting. I welcome my fellow Board members, public officials and members of the press on this snowy day. Thanks for coming. With that, what we would like to do is take into consideration a number of items for consideration today including numerous contracts, a report o the Erie County space study and a final vote on the ECFSA 2008 Budget. So the first order of business that I will turn to is the approval of the minutes of the November 30, 2007 board meeting."

"Do I have a motion?"

Director Goodell moved to approve, Director Johnson seconded. Without further discussion the board voted unanimously to approve the following resolution:

**Resolution No. 07-116**

**APPROVING MINUTES AND RESOLUTIONS FROM NOVEMBER 30, 2007  
MEETING**

BE IT RESOLVED that the Erie County Fiscal Stability Authority approves the minutes of its November 30, 2007 meeting and ratifies and affirms six resolutions numbered 07-110, 07-111, 07-112, 07-113, 07-114 and 07-115 that were approved on November 30, 2007.

This resolution shall take effect immediately.

Vice Chair Glaser: "The second order of business is the space study. With that I think Commissioner Loffredo is in attendance."

Commissioner Loffredo: "Good afternoon, the final report finally came out. Mr. Vetter has two copies of it, I didn't bring it with me but I brought the results and some hand outs. The report is like a small telephone book; there is a lot of data in there. There are two pages that are really the key to the summary, I have those two pages and I will hand them out."

"Basically what I want to cover and I will be brief because I know you have a lot of business before you today, what the study covered, and then I want to talk about the results of the study. Finally, I want to talk about: Where do we go from here?"

“So starting with: What did the study cover? Basically, the goal was to look at all the lease spaces and see how much we could put back into County-owned buildings. The buildings we looked at were the Rath Building, Ticor, 120 and 144 West Eagle, the ECMC Buildings and the Old School 84 which is at the ECMC site. The total square foot we looked at involved almost 750,000 square feet. The lease space was around 250,000 square feet. The results of the study, the study determined that we could probably cut it 200,000 and move approximately 160,000 into lease space by investing capital expenditures into those buildings; rehabbing those buildings. The 40,000 that we couldn’t fit back would have to be accommodated either by lease space or purchasing a building for the County.”

“Now the costs...”

Director Goodell: “Mr. Commissioner Loffredo, did you say that 120,000 square feet of that leased space could be moved into owned space?”

Commissioner Loffredo: “160,000 could be moved into owned space.”

Director Goodell: “Owned space with some work?”

Commissioner Loffredo: “Right and 40,000 could not.”

“There are two sheets here. There is a summary sheet and there are three scenarios. There are the attached sheets with highlights in the back. There are three highlighted lines and those are the lines that we are going to concentrate on.”

“If you pull out the summary sheet, this will probably be the best way to look at this. The first scenario is to do nothing. That is right now what it costs us to operate the spaces that we looked at and it comes up to about \$9.4 million a year.”

“Scenario two assumes that we rehab all the buildings; remove the asbestos in the Rath Building and Old School 84 and rehab Ticor, 134, 120 West Eagle and the capital cost of that is about \$78.4 million. That also includes modular furniture and moving costs.”

“Going to scenario three which includes everything in scenario two except removing the asbestos in the various buildings. If you notice there is really not that much difference between the two; it is like \$4.6 million, which really is not that much difference. The reason for that is that, when you work with asbestos, you have to close off areas, there is a lot of preparation and you are not as efficient; so you are spending a lot of money of which there is no return on. So it almost points to scenario two; if you are going to do it you would do scenario two.”

“So anyway that is the results of the study. What it points to or really what the conclusion is that right now, with the restrictions on the capital budget and trying to keep the capital budget as low as possible, it is tough to try and justify a \$78

million capital expenditure. So now where do we go from here? It is really a case by case basis where we will look at each case and I will give you some examples.”

“Look at Ticor and the County Attorney there is a good fit there. So we would look at that and look at the savings there. We could do that. We would not have this grand scheme.”

“Another one we were looking at is the Auto Bureau in the Rath Building. We have taken a look at that and the cost of this and that. Let me just talk about those two options and then the bigger picture. Let me talk about the bigger picture and then I will get back to the Auto Bureau. The bigger picture is, well if we throw this out, is there a way that these moves might be possible rather than just the two? Yes, if you don’t penalize the moves by removing asbestos in the Rath Building. It is something that should be done over a period of time. What comes in to play here is the question that you asked a while back and that is: What is the minimum capital budget to maintain infrastructure? Mr. Vetter has that report and in that report the answer is \$42 million a year to maintain our infrastructure; roads, bridges, buildings and vehicles. It does not include construction and it does not include other departments’ capital needs. So if you add those in you will probably get up to about 50 million in there, plus or minus.”

Secretary Keysa: “So that doesn’t include, for example, the \$15 million for ECMC or anything like that?”

Commissioner Loffredo: “No, but if you look at that, the way to handle that, I think, is to not bond everything. You will never get the capital budget on a basis where you are paying for it; some pay as you go items, some bonding. I think something like bonding 30 million, paying cash out of cash reserves; \$20 million that seem to satisfy all the needs plus what it does then you can address the asbestos issue on an on going basis and than case by case kick in the projects that make sense if you don’t penalize it. Really, there are two issues that you are looking at when you look at the whole picture. It is the minimum capital budget, how do you fund it, break it apart and so forth and then address this issue? Right now that is a long term effort that is not immediate; we can’t do it immediately. You can work your way into it. Maybe, over a couple of years, you can get that minimum capital budget and then start all of this. Right now, immediately, you look at the Auto Bureau and you look at Ticor. One thing when we look at this is, and I know it is a little different in business where you look at things in three years; three year paybacks and so forth. With the County we tend to look at things in 10 – 15 years. I’m not saying the merits of either one but that is how we look at it. So if you look at the Auto Bureau and the moving of the County Executive back and look at it under 10 or 15 years payback I think that those two might pop out and be worthwhile. They are items that we started talks on with the Auto Bureau to see where we are as far as implementing that group and we did look at the County Clerk moving back into Ticor. That was put on hold for the time being. So basically that is it at this point and that is where the space study is.”

Director Goodell: “What if you just decided that anytime a lease expires on that 160,000 square feet, that when a lease expires you look very hard at moving them into owned building space. What sort of cost issues roughly would you get there?”

Commissioner Loffredo: “There is room to move a lot of those offices to two places. The Rath Buildings and the Old School 84; those are really the main available places. There is asbestos in both. So with this minimum capital budget we talked about, if we could ever get to that point where we could have a game plan to fund that, break it in half and fund that we could systematically do that. Move people back, abate and so forth. The Rath building is going to cost to abate anywhere from about \$35 – 40 million over a period of years. I don’t think we could do it all at once.”

Vice Chair Glaser: “Commissioner Loffredo, do you think, are you satisfied with the report? Is the report pretty factual? You have the thick one?”

Commissioner Loffredo: “Yes.”

Vice Chair Glaser: “With that said and I know that you got it relatively recently right?”

Commissioner Loffredo: “Yes.”

Vice Chair Glaser: “I think we need to take a look at that and all of these things. I am not sure what the right answer is and I’m not sure anybody does yet but I think what we talked about earlier of putting in conjunction with what the minimum requirements are for the County. You know we have to figure out how to get it done and over a period of time to the extent that we can space it. That is wonderful but it will take some planning to do that for sure. I would encourage you, the new group and the new administration to do that. I don’t have much more to add other than...”

Director Kruly: “Commissioner Loffredo just a couple of questions. I know from my own experience that from time to time there is occasional remodeling where it is not like redoing a whole department but more like a couple of walls that get shifted around and that has some expense for material and work. Is any of that figured into this because that might be mitigated into this a little bit if something else were to occur?”

Commissioner Loffredo: “I think, if I understand the question, what we are really looking at here is the Rath building and the most efficient manner to put as many offices back in there and to do this we have this grand scheme; a very expensive scheme to do the piecemeal approach. This is probably the way we will have to go right now but over the long run it is probably not going to be as efficient as doing the grand scheme. It is very expensive right now and I don’t think, financially, the County is set to go in that direction.”

Director Kruly: “My other question, Commissioner Loffredo, is this would assume more or less the same number of employees more or less that is currently working for the County?”

Commissioner Loffredo: “That is the assumption as I understand it.”

Director Johnson: “There seems to be a major focus on School 84; the special needs school. In doing the necessary renovation work there, asbestos removal, etc. How much

participation would Erie County receive from the in terms of financing those renovations from State government?"

Commissioner Loffredo: "Well there are two School 84's. One is the New School 84 where the handicapped students are and the other is the Old. That is where we plan on renovating so there would be no State aid that I could see in this effort."

Vice Chair Glaser: "Commissioner, one of the talked about things was the moving of the Auto Bureau back into County Hall. Where are we on that right now? Is that the next major thing? Is that the next thing being planned?"

Commissioner Loffredo: "Yes, we just had a meeting with the County Clerk and her staff and we are working on that right now."

Director Kruly: "The target for that being to resolve it before the lease comes up again in the spring."

Commissioner Loffredo: "We would like to but it depends on funding. The big question there is do you penalize them with the asbestos removal plus we don't want to put them in there before the asbestos can be abated but the asbestos abatement throws everything out of whack as far as cost benefit ratio. We don't think that that really should be included in that estimate otherwise it throws everything off. So we are trying to figure out how we abate it and not penalize them for that move."

Vice Chair Glaser: "That is kind of a detail that needs to be worked out and I understand that. The big plan would be to start working this up so that, I think the last time we were up against leases that expire. I am not sure when the lease expires. When does the lease expire?"

*(Ms. Hochul is talking from the crowd. This is not being recorded).*

Kathy Hochul: "I am Kathy Hochul. Commissioner Loffredo and I had a very productive meeting on Monday to try and move this forward and he is absolutely correct. What is holding us back is the funding for this. We have come up with estimates of \$650,000 - \$700,000 to move our operations and to renovate the space. It is a one time cost but then if you add an additional third cost to abate the asbestos we are pushing a million dollars. Our funding source is truly results. We are looking to come before you for an efficiency grant to show that it would make sense. We would recoup the money in three to four years per your guidelines without the asbestos abatement. If we add the asbestos abatement it puts us further out to recover the investment made by the control board. As Commissioner Loffredo pointed out, this is a building infrastructure investment. Commissioner Loffredo's numbers look at recouping their money in ten to fifteen years. I guess as I put together my application to you for an efficiency grant to do this we ask for that grace in your own regulations. We have a plan; we actually have a budget right now that we could give to you tomorrow if you wish. We wanted to have the opportunity for Commissioner Loffredo to speak to you about the space study but really, our hang up is the asbestos."

Vice Chair Glaser: "I think it makes a lot of sense to spend a little more time with you to get the whole plan together and then bring it before us with all the needs that you have."

Let's makes sure we do this in a manner that would be timely. I don't know how much time it would take you to move out, if it is 30 days or how much notice you would need to give the landlord if in fact that is what you were going to do."

Kathy Hochul: "As you know, I came here this summer and was asked to wait patiently for the space study. My concern was that we would be backed up to where we are right now. I don't know that we will be out in time. Possibly we could get a month to month extension from the landlord. We are very hopeful that we could get that. If not we are looking at another year. It will take some time. The space has to be made ready to get moved to. They have to move and then the space has to be renovated so it does take some time but truly it is a long term investment that I think is worth making to save upwards of a million dollars over the course of our lease."

Vice Chair Glaser: "Is this a project that the transition group working for the new administration has been brought up to date on so that they can act upon it accordingly?"

Kathy Hochul: "Absolutely, I had a lengthy meeting with the County Executive-elect on this. The current and future County Executives are very much supportive of this plan. Mr. Collins would like to see this move on the fast track."

Director Johnson: "Are there any other funds available for this project other than local funds? You talked about efficiency grants. Are there any State DMV in participation?"

Kathy Hochul: "No, unfortunately, that was it is, it is up to the local municipality to fund the project. So there is nothing in the 2008 budget or in the capital budget for the County as far as I am aware. So we are looking to you."

Director Goodell: "I have a question on the asbestos abatement. Are there not two alternatives? One is to remove all of the asbestos, and the other is to encapsulate it. So I am correct on that and which one of the two are you looking at for the Auto Bureau?"

Commissioner Loffredo: "Removal."

Director Goodell: "Removal and that is the \$250,000 number; something like that."

Commissioner Loffredo: "The number is more like \$300,000."

Director Goodell: "And if you did just encapsulated it?"

Commissioner Loffredo: "It probably would be less but the problem would be, well we would rather remove because once you get up there you might disrupt it."

Director Goodell: "You're right, I think that is wise, I agree."

Secretary Keysa: "In terms of your renovation are you looking at typically a half a floor or a full floor at a time, or spaces?"

Commissioner Loffredo: “Well, if we are looking at asbestos removal, what we looked at is the whole floor and then we will try to isolate a floor above and a floor below. That is what we would like to do if we had a choice.”

Kathy Hochul: “I think that is absolutely the ideal situation, funding-wise. We are only looking to take half of the first floor in the Rath building. If the cost goes up another \$300,000 to \$500,000 to do the whole floor I just don’t want that to bog down our project because the merits of ours still stand on its own.”

Vice Chair Glaser: “Thank you very much for bringing us up to date on the space study and I would encourage you to keep on working on it. Thanks very much. The next items on our agenda are contracts. With that, Mr. Vetter, I will turn it over to you.”

Executive Director Vetter: “Mr. Vice Chairman, let me go through the lengthy list here and to make this a little more manageable because it is year-end and for the first quarter of next year. It is very difficult to go through the contracts because there are a number of agencies that provide services on behalf of the County. The cash flow situation may not be tremendous so that these items are on our agenda at this point before the beginning of the year so that we don’t impinge upon service to the people in the community because of a hold-up in some of the contract processes. The largest portion of those contracts is in health and human services because they relate to those kinds of items. Let me start and to make this more manageable I would like to take these on a department by department basis for consideration and if you would agree, start with items 1-1 through 1-4 for the County Attorney’s office. There were questions on item 1-4 which was an outside legal counsel representation regarding workers compensation. I believe Mr. George Zimmerman, who is the acting County Attorney, is here to speak to that particular item. I would suggest that after that, if the questions are answered satisfactorily, the items from the County Attorney’s office, items 1-1 through 1-4, that we approve them as a slate.”

George Zimmerman: “Good afternoon. Mr. Vetter is correct; we do have a proposal for retention of outside counsel in front of the ECFSA. It is a three-year contract, just so the board understands what we are talking about here. The County has been self-insured for workers compensation since 1951. That means we are actually still paying claims for people who got hurt back in 1960 under New York’s great laws for compensation. We have about 800 open cases which means we are actually making payments on them. At any one time we average about 300 cases that are pending for the Workers Compensation Board. Some of those may have several hearing in a year; some may have one hearing in a year. We have for many years used Hamberger and Weiss, which is the premier legal counsel for workers compensation defense firm in Buffalo. I did a little back of the envelope calculation of our total workers compensation budget for 2008. They represent about .4% of that entire budget. When you combine the TPA and our consultant, that is about 3% of our entire budget. So 97% of our budget goes to injured workers and various assessments from the State. Hamberger and Weiss has, I believe, 30 attorneys, about 15 of which practice in Buffalo. Half of those are partners with 8 to 10 years of experience. They handle solely workers compensation defense. They do not represent injured. They do not represent any other business or governmental agencies in any others areas. Therefore there is almost no conflict problems that we have with them with one exception being

ECMC which has also chosen to retain them. They are an excellent firm. The price, I think, considering the work they do for us, is excellent. They not only handle the actual cases, they send a representative to one of our annual workers compensation seminars we put on for department heads and principal clerks to handle the paper work for various departments in the County. They are also available to my litigators when we have questions regarding workers compensation and how it interacts with the lawsuits that we handle internally in the law department. That is true if it is a County employee that is involved in a lawsuit or a non-county employee, if we have any type of workers compensation law question they are there to help and will return our calls that day. They will get back to us immediately to provide us with legal opinions when necessary and I think the amount of money they are asking for is well worth it.”

Vice Chair Glaser: “Is that amount on an annual basis or is that a three-year contract?”

George Zimmerman: “The amount that is quoted in there is for a three-year contract. It is not a per year payment and it goes up slightly each year.”

Secretary Keysa: “I think they are going to be calling for a copy of the video for their next ads on TV.”

George Zimmerman: “Well actually, in a prior life, I represented injured workers so I have been on the other side of Hamberger and Weiss and I can tell you that they do have an excellent reputation, they really do.”

Vice Chair Glaser: “Is that contract the kind of contract that the new Administration has looked at in any way?”

George Zimmerman: “They are aware of it but haven’t asked for it. I have has discussion with the head of the legal transition team about the fact that these contracts are out there and have been reviewed.”

Director Kruly: “Does this contract have some kind of cancellation clause?”

George Zimmerman: “Yes, well they all do. I think it is a 60 day or 90 day, I’m not quite sure. I think the TPA one is year to year and this one has a 60 day. I know there was a question as to why three years and I assume that means why as long as three years and not as short as three years. It is not as short as three years because obviously we want to go to the market every few years but in terms of the case load, the case loads that I have outlined, the complexity of the case loads that I have outlined, we really cannot be transferring these kinds of cases each year or every few years. You need a good law firm. We always bid it with the intention that we are not going with Hamberger and Weiss again, we always have but if that was to be the case, you couldn’t give it to a firm and say we are going to take it for you and give it to another firm. They have to have the case long enough to actually have some continuity.”

Vice Chair Glaser: “Any other questions? Thank you Mr. Zimmerman.”

Executive Director Vetter: “Mr. Vice Chairman, I would suggest that we consider items 1-1 through 1-4 as a slate and would suggest that a motion to approve be made.”

Vice Chairman Glaser moved to approved, Director Johnson seconded. Without further discussion the board voted unanimously to approve the following resolution:

**Resolution No. 07-117**

**APPROVING CERTAIN CONTRACTS, SETTLEMENTS, AND OTHER OBLIGATIONS  
BINDING THE COUNTY OF ERIE AS SUBMITTED BY THE ERIE COUNTY DEPARTMENT  
OF LAW**

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 as submitted by the Erie County Department of Law and listed on the attached document.

<b>Department</b>	<b>Description</b>	<b>Amount</b>
EC Department of Law	Settlement of Legal Claim – Kazmierczak v Erie County – Court ordered settlement	\$55,000 – all local share
EC Department of Law	Settlement of Legal Claim – Kathleen Connors – Workers’ compensation settlement agreement	\$70,000 – all local share
EC Department of Law	Service Contract – First Niagara – Third party administrator for the County’s workers compensation and no-fault program	\$811,576 – all local share
EC Department of Law	Service Contract – Hamberger & Weiss – Outside counsel to represent	\$270,000 – all local share

\*EC- Erie County

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Vice Chairman, item #1-5 is regarding a purchase of emergency ballots for voting machine supplies for the general election. This is really an item related to a similar item we had at our last meeting for the primary and I think the issue with this was as with the previous item is that they were supplies that have already been purchased. I had a conversation with Mr. Ryan from the Board of Elections and he suggested that their bidding process, if I understand correctly and I believe Mr. Mohr is here, is that they virtually bid and buy simultaneously; within a very short period of time. So I have spoken with Mr. Ryan about altering the process so that an item like this could come to the board prior to purchase. Mr. Mohr would you like to speak to that?”

Ralph Mohr: “If I could, with respect to the general election bill, which we had before, it was originally under \$50,000 but there were items that were add on's to it as a result of the election that were unforeseen at the time of the bidding which caused it to go over the \$50,000 to the \$52,000 mark. One was for a court case which held up the ballots in the Town of Elma and the other one was the inability of the printer to reproduce our work for an independent nominating petition after the primary election. So therefore this normally would have been paid out. We bid each of these and even though we sent it to about 25 printers there are very few printers with the capability to print these. We received two responses about the primary and general election. The difficulty that we have with altering our procedure is that particularly in this coming year we have committee races and could have as many as 680 different ballots styles for the various races that causes the printer to produce 680 ballots. They have different layouts and set ups. If we go to bid with that maximum amount, I may be totally different than what you might have originally. With the normal ballots, it could be as few as thirty in ballot styles. Even the presidential primary, with the change in the party rule, we are not certain as of today (the election is February 5<sup>th</sup>) whether we are going to have 9 different ballots styles or whether we are going to have 2 ballots coming out.”

“Just to give you a bit of a timetable with respect to the primary election that is going to be coming up. We don't expect the presidential primary to be \$50,000. Hopefully the general election will be under that amount to but we do foresee that we are going to have the difficulty with the primary ballot. We have committee races this year there could be as many as 4,000 committee races. As I said, we have had over 680 ballot styles. The price on that is going to be determined on how many ballots styles we have. The petition process comes in the beginning of July when petitions are filed and we have some indication. We have a number of challenges and in committee fights particularly in a Democratic city, we eliminate lot of candidates and fights by the challenge process that goes on. There are court proceedings that follow that and you are talking generally when the courts get finished with their decisions, which is around August. We have to send out the ballots between four and five weeks prior to the elections. The absentee ballots, the military ballots allowed to the people overseas and those who requested them. In many instances we have a turn-around time of

about a week and a half to two weeks to get these ballots printed. If we have to wait for an intervening board meeting we are just not going to be able to get the ballots done. We could certainly notify you at the time that we sent out the bids but usually there is a 2-3 day turn around on these bids and the printers are aware of this so they get right to it and get back to us. As soon as they get us the bid, we usually award it that day and they start printing the following day.”

Vice Chair Glaser: “But it does go through the rigors of a bidding process?”

Ralph Mohr: “It does. There was a time a few decades ago where these weren’t bid and the prices were 3-4 times higher than they are now. We want to cooperate and we want to keep you informed but it is very hard for us to change our procedure.”

Director Goodell: “May I suggest that we go ahead and approve this but that you sit down with Mr. Vetter and work out a way the perhaps that you could estimate perhaps very closely what the costs might be and we could work somehow along those lines. Perhaps you could talk to him in the next several months.”

Ralph Mohr: “We can provide historical trends.”

Director Goodell: “Yes and we can approve as we approve many of these contracts based on sort of estimated costs.”

Ralph Mohr: “But a lot of time we don’t know how many styles we are doing and that is what happened in this case and that is just what we are doing. We don’t ask for variation bids because there is such a wide discrepancy between printers depending on how many ballots there really are.”

Vice Chair Glaser: “Thank you, I understand.”

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

Director Goodell moved to approved, Director Kruly seconded. Without further discussion the board voted unanimously to approve the following resolution:

**Resolution No. 07-118**

**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 contract submitted by the Erie County Board of Elections for the purchase of general election materials as listed on the attached document.

Department	Description	Amount
EC Board of Elections	Purchase Contract – Fort Orange Press – Emergency Ballots & voting machine supplies	\$52,145 – re-spread to municipalities

\*EC- Erie County

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Vice Chairman, on page two, items 2-1 through 2-6 relate to Environment and Planning and the sewage districts. I believe that item 2-1, the purchase of property on South Park Avenue, this is related to the Frank Lloyd Wright boat house for which there are a couple of questions. I believe former County Attorney Laurence Rubin is here to speak to this, because it really is a property swap related to the Frank Lloyd Wright Boat House and I think someone had a brief question on appraisal and would like to find reasonable assurance that the property has that value.”

Laurence Rubin: “Good afternoon.”

Vice Chair Glaser: “Maybe if you could give us an idea. I understand from Mr. Vetter that there was a swap that you needed to have some land.”

Laurence Rubin: “Well it is a complicated issue. In order for the Frank Lloyd Boat House to be built, Buffalo State College had to give up some property. They were willing to give up that property if they could move across the street down at Cotters Point to a property that is occupied also owned by the State of New York, occupied by the Division of Military and Naval Affairs, National Guard, Army Truck depot is

there. The Division of Military and Naval Services were willing to leave that property so the Buffalo State College could move in there if they relocated somewhere else. The parties that be came together and asked the County to step in and try to make it all work. The County agree to do a relocation of the Division of Military and Naval Affairs to site to be determined in a building to be built by the County on land to be supplied by the County; that was some four years ago. The Frank Lloyd Wright Boat House has opened up and Buffalo State College is anxious to take over the Division of Military and Naval Affairs property down at Cotters Point. The County finally found a property that was to the liking and suitability of the Division of Military and Naval affairs based on a lot of equipment that they use in the case of snow emergencies so that they want to be close to a thruway or an expressway. We finally found a piece of property that was to their liking; right location and what we felt was a reasonable price and that was in good enough shape so that a building could be built on it eventually. We approached the property owner, they gave us a price said it was non-negotiable and said that it had to be concluded very quickly. We were also under a lot of pressure from Buffalo State College to try and keep this program going and the fact that they have been waiting four years. I at that point was the County Attorney, I had one of my assistants contact several appraisers in town to obtain prices from them on doing formal appraisals of it. It was \$50,000 asking price. From the estimates we got, just for appraisals were \$1,500 to \$2,000 each and on top of that and they were they said they could not get to them for six weeks because mortgages and stuff like that came first. We were not a regular customer of theirs, so they tend to put our request on the back burner. So what I did, based on that, and even if we could have gotten it we may have lost the bid price by waiting for the appraisals. If we would have gotten more than one appraisal, it would have gotten close to the 10%-15% of the asking price. I went to Joe Maciejewski, the Director of Real Property Tax for the County, who deals with appraisals and assessment and that like on a day-to-day basis and I asked him to do an appraisal in-house based on comparable sales. He did such an appraisal and told me the property would appraise out, based on comparable sales, between \$50,000 and \$60,000. We were being asked for a price of \$50,000 and that is how we decided to accept the sellers asking price, on top pf which I would say mention that we did do an extensive internal phase I environmental assessment to save money so we didn't think that we were going to be looking at any serious problems. Plus the fact is that we really didn't have to dig down too far into the property for the type of building that was going to be put up. Basically it is a Butler building, a prefab steel building. So that is how we came up with \$50,000 and decided that it was a reasonable price to pay."

Vice Chair Glaser: "That was one of the questions that I was going to ask you. I would be more concerned about environmental than the price of the property."

Laurence Rubin: "The property had originally been housing back into the 50's and I think at some point Republic Steel took down the housing and put up a parking lot. Frankly, that is what we want to turn it back into is a big parking lot with a Butler building. We did an extensive internal phase one review."

Director Goodell: "Well then, at a later date the County will come to us and ask us to approve the cost of a building on that site, is that correct?"

Laurence Rubin: “That is correct. We have an obligation and it wasn’t me who negotiated this deal, I think it was Bruce Fisher. We had negotiated an upset price on that of \$800,000 if the price, all in: acquisition, remediation if there was any clearance, site preparation and actually putting in the building would cost more than \$800,000. This was all approved by the County Legislature back 6 or more years ago. We could simply get out of the deal by writing a check to Buffalo State College for \$800,000. We have actually recently taken our bids but obviously for other reasons that you are all too familiar with, could not accept those bids at this point. We bid out the whole project. The Commissioner of Public Works did that and the prices for all the construction work were some \$700,000 so that plus \$50,000 keeps us well within the budget even with the contingency factor but yes the County will have to come back to you at a later point for the development.”

Vice Chair Glaser: “Has the \$800,000 been put into the capital plan?”

Laurence Rubin: “Yes, it is in the 2008 capital budget.”

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

Executive Director Vetter: “Mr. Vice Chair I would suggest given that, that items #2-1 through 2-6 be considered as a slate and would recommend a motion to approve.”

Director Goodell moved to approved, Director Kruly seconded. Without further discussion the board voted unanimously to approve the following resolution:

#### **Resolution No. 07-119**

#### **APPROVING CERTAIN CONTRACTS SUBMITTED BY THE ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING**

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 submitted by the Erie County Department of Environment and Planning as listed on the attached document.

Department	Description	Amount
EC Environment & Planning	Real Property Purchase – Column Development – Purchase of property at 929 South Park to construct a motor vehicle storage facility	\$50,000 - Capital budget
EC Environment & Planning	Purchase Contract – Erie Canal Harbor Development Corporation – Memorial Auditorium Asbestos removal for Inner Harbor development project	\$7 million – Capital Budget
EC Environment & Planning	Federal Grant Sub-recipient agreement - Village of Angola – Village of Angola sidewalk enhancements	\$91,663 – no local share
EC Environment & Planning	Receipt of Grant Funds – NYS Dept. of Environmental Conservation – NYSDEC funding for recycling and outreach program	\$154,500 - \$40,500 local share
EC Environment & Planning	Purchase Contract – Clean Harbors Environmental Services – Household Hazardous Waste Removal	\$181,397 - \$25,000 local share
EC Environment & Planning (Sewerage District)	First Niagara – Property insurance for sewer district facilities	\$127,505 – all local share

\*EC- Erie County

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Vice Chairman on page three, items 3-1 through 3-4, which are a series of grant funds from the NYS Department of Health to the Erie County Department of Health, I would suggest as a slate. I don’t believe staff has any questions on that. I believe in the distribution to the board members that there were no questions on these particular items.”

Director Johnson moved to approved, Director Kruly seconded. Without further discussion the board voted unanimously to approve the following resolution:

**Resolution No. 07-120**

**APPROVING CERTAIN CONTRACTS SUBMITTED BY THE 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, 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 submitted by the Erie County Department of Health as listed on the attached document.

Department	Description	Amount
EC Health Department	Receipt of Grant Funds - NYSDOH – Receipt of grant from NYSDOH to operate WIC program	\$3,058,271 – no local share
EC Health Department	Receipt of Grant Funds - NYSDOH – Grant monies from NYS to operate WIC vendor management grant within 17 county region as per NYS contract	\$256,290 – no local share
EC Health Department	Receipt of Grant Funds – NYSDOH – Operate Early Intervention Program per NYS contract	\$653,384 – no local share
EC Health Department	Receipt of Grant Funds – NYSDOH – Operate Children with Special Care Needs program per NYS contract	\$69,062 – no local share

\*EC- Erie County

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Vice Chairman, the last contracts on that page, Items 3-5 and 3-6, come from the Erie County Information and Support services for copiers and for computers. I believe Mr. Joseph Gervase is here to speak to those items. There are questions regarding the need and bidding process.”

Joseph Gervase: “Good Afternoon.”

Vice Chair Glaser: “Maybe you could start by giving us a little background on those two items?”

Joseph Gervase: “The first item which is asking for an increase to an existing purchase order convenience copier contract is for the various convenience copiers that we have placed around the County. They are networked machines that we use as copy

devices and scanning devices and printing devices. We actually can send our computer output to the devices. This is a contract that was adopted. There were a number of bidders and the contract is about one year old now. I believe the reason for the shortage in the purchase order was due to the fact that this comes from a budget line and is combined with the high volume copiers in our print shop. At the time they just allocated the money between the high speed copiers and the convenience copiers and I believe they were just short the way they allocated the budget line at that point. For approximately \$126,000 short on the current purchase order and this will encompass invoices that we have from approximately October until the end of the year.”

Vice Chair Glaser: “These are not new copiers; this is just additional pricing because of volume increase?”

Joseph Gervase: “There are issues. We have probably had a couple of copiers that were added, there were volume increases also that would be part of this whole increase.”

Director Goodell: “Now let me get this straight. We approved the contract for a certain amount of copiers, is that correct?”

Joseph Gervase: “That is correct.”

Director Goodell: “...and somebody somehow left out \$126,000 and we were told at the time that this was the needs in that department and now we are coming back and saying “*oops*.” I am not accusing you but this smells like a way of getting around our process and I don’t like it.”

Joseph Gervase: “There is really not an “*oops*” here. What happens with respect to this issue is that one of the things that we do with these copiers is we try to encourage department to send their output from the printer machines to the copiers because the price per copy using the copy machines is approximately \$0.02 as opposed to a printer which can be upwards of \$0.28 – 0.30 per copy depending on what type of printer; ink jet or laser. So as the volume increases and we start swapping out these printers in directing the printing output to the copy machines you are actually...the expenditure for the County goes down considerably. So when I see this going up, I see what is happening on the back end and we are actually saving money.”

Director Kruly: “The purchase order that you are seeking to increase here was that originally bid or is it of the State Contractor?”

Joseph Gervase: “No it was originally bid. I believe there were about 7 or 8 responses.”

Director Kruly: “How long ago was that?”

Joseph Gervase: “One year. We are in the second year of the agreement.”

Vice Chair Glaser: “Since the original contract have you had so much usage, have you had more usage and this is another charge?”

Joseph Gervase: "It is a per impression cost. The original purchase order is based on the number of estimated impressions."

Vice Chair Glaser: "But it wasn't capped?"

Joseph Gervase: "No, No."

Director Kruly: "I am not totally comfortable with this or that next item and I would suggest we table them and let the new administration take a look at them."

Director Johnson: "Seconds."

Vice Chair Glaser: "Are you comfortable with that?"

Joseph Gervase: "Well there is a possibility that the company could cut us off but we are only talking about a couple of weeks so I guess we can do that."

Vice Chair Glaser: "That might be true at this point in time because there might be the purchase of more computers and there ought to have the ability to weigh in on those things."

Director Goodell: "You are also talking about tabling the min towers, is that correct? Good idea."

Vice Chair Glaser: "Is most of that stuff in inventory; if they want it they could get it fairly quickly?"

Joseph Gervase: "I would think so."

Vice Chair Glaser: "Okay, thank you very much. Is everyone in favor of tabling those?"

Mr. Kruly moved to table, Mr. Director Johnson seconded, and the board voted unanimously to table.

Executive Director Vetter: "Moving things along, item 4-1 is an extension of the contract with the suburban library systems. I think Mr. Kenneth Stone and/or Mr. Michael Mahaney are here to speak to those. Do you just want to explain the extent of the contract?"

Michael Mahaney: "First, I didn't want to say anything to this board; however since I am here I would like to say that we have had a wonderful working relationship. I am very grateful for that and one of the reasons that I think we have a great relationship is when we bring things forward to you we give you all the information we have and we are prepared to answer any questions that you might have which is what Mr. Stone is about to do."

Kenneth Stone: "Basically, this is extending our contracts with the suburban contract libraries. The way our relationship works with the suburban libraries is that Erie County levies property tax and this year they actually provided interfund subsidy revenue to support the library systems budget and the library system then contracts with the suburban libraries to fund them through that property tax. We directly operate the libraries within the City of Buffalo; the Buffalo branch library and the central library that you are enjoying the hospitality of today. We are essentially tenants of every building that we are in; they are owned by the municipalities.

The Buffalo branches are owned by the City of Buffalo, the Central Library is owned by Erie County; most of the suburban libraries are owned by towns and village and three of them are free associations where the members own the books and the individual buildings. So them County funding provides the operating expense, labor, salaries, benefits; we purchase the books centrally so that every book that is purchased under this budget is purchased and made available to everybody in Erie County, so that we are not duplicating purchase of materials. All those materials are available; it does not matter where they are housed; they can be to any other library within a mater of two to three days normally for a request. However at this moment five of the suburban libraries are still under the old style contract where we have to send them a quarterly check and they actually do their own payroll and benefits payments. We send them a quarterly check in advance so that they can meet their payroll in January. So that is why we are recommending the contracts be extended. The other of the 22 libraries are already participating in our centralized HR program which we have briefed the Authority on and was a recommendation by PFM that we further that program. The rest of them are already on board, a few are joining in and we expected that the remaining libraries will join in 2008. So what this contract does is allow us to have something in place so that we can cut a check first thing in January to cover the payroll. It runs through no later than June 30 at which time we would implement a final contract which would incorporate the revised budget numbers and the revised NY State aid because we probably won't have a final number on that. Director Kruly can probably chime in on that one. This year I suspect April I will not be...well I would be thrilled if they met April 1 but I am not counting on it and we may not know our aid amount in until later in the Spring which is why we have that date until June 30. The contract provides for an adjustment to the amount based on any budgetary adjustments approved by the Assistant Board of Trustees for example the recent supplement that was approved by the Erie County Legislature will be allocated to those libraries based upon what the Legislature approved and we gave them a schedule library by library showing how those funds will be allocated and I have those charts if you are interested."

Secretary Keysa: "Mr. Vice Chairman, What are the five libraries that are not currently on your on your HR Program?"

Kenneth Stone: "They are Amherst, Angola, Boston, Concord and Lackawanna. In Amherst we are already working on and will probably be brought on in early spring; I believe March/April time frame. The Lackawanna Board has voted to join. Boston has contracted us about joining and we are working with Angola and Concord, however the Director of the Concord library was recently hospitalized. So we hope to get that done early this year. In fact the final contract that will also come before this board, I would guess some time after the State budget is approved will have a requirement that they join by the end of 2008 and they are aware of that."

Director Kruly: "Which were the five that haven't signed up?"

Kenneth Stone: "They are Amherst, Angola, Boston, Concord and Lackawanna."

Director Kruly: "Do they state a reason for not signing up. Are there different reasons among them?"

Kenneth Stone: “There were some that are more from Missouri than others and we have gotten to the point that they have seen that it can work. It saves them principally time and it saves them having to do tasks that may only occur once in a blue moon for a contract library like hiring a director. For example some thing that we deal with on an ongoing basis so you are less likely to make mistakes in terms of personnel management or hiring employment liability that we can help them avoid and because we are doing these things on a routine basis we can do them a whole lot more quickly.”

Vice Chair Glaser: ‘Let me ask the question a different way. If we didn’t approve this contract, would that encourage faster participation?’

Kenneth Stone: “No, at this point it would incur panic because they wouldn’t be able to meet their payroll. Actually all of them have indicated their intent to try, so I am actually not worried about that. Amherst, which is by the largest, is actually targeting dates. They want to get their part-time folks on first and then their full-time because the process is essentially the same as hiring an employee because they are a different employer, they do payroll, vend it out and we would be bringing them on the County SAP payroll. It will make it a lot easier to handle budgets because in requesting it each year the question is “How come we have zeroes under the contract line for some libraries and money under the contract line for some libraries but I do not see it in the personnel budget. That is why, if they are not in CHR they are not in the personnel budget lines of the County budget they are in a contract line and voce versa. So it will eliminate a lot of confusion.”

Secretary Keysa: “You mentioned that you still have some of the local libraries are owned by free association, which ones are those?”

Kenneth Stone: “It’s Marilla, Boston and Alden. That is a type of library there are several different types and there still are but most of them were converted to public libraries a number of years ago. All are treated pretty much the same in NYS. The only difference is the free association libraries are treated differently in terms of disability insurance and they have less restrictive purchasing requirements than we do as a public library because they are essentially a private group of individuals operating a library. They tend to be the smallest ones and I think all three budgets are under \$100,000 a year in total.”

Vice Chair Glaser: “Thank you very much; are there any other questions?”

“Mr. Vetter would you like to continue?”

Executive Director Vetter: “Yes, let me suggest for the library contracts a motion to approve.”

Director Johnson moved to approved, Director Kruly seconded. Without further discussion the board voted unanimously to approve the following resolution:

**Resolution No. 07-121**

**APPROVING CERTAIN CONTRACT SUBMITTED BY THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY**

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 contract submitted by the Buffalo & Erie County Public Library for suburban library services as listed on the attached document.

Department	Description	Amount
EC Libraries	Suburban Library Systems Contracts – 22 Libraries – Extension of 2007 service contracts until the 2008 contracts are in place	\$11,197,271 – \$10,228,016 county share – property tax

\*EC- Erie County

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Vice Chairman, moving along, the Mental Health contracts item 4 - 2 through 4-8; there were no questions from the staff or the board regarding these contracts. Therefore I would suggest a motion to approve.”

Director Goodell moved to approved, Secretary Keysa seconded. Without further discussion the board voted unanimously to approve the following resolution:

**Resolution No. 07-122**

**APPROVING CERTAIN CONTRACTS SUBMITTED BY THE ERIE COUNTY DEPARTMENT OF MENTAL 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, 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 submitted by the Erie County Department of Mental Health as listed on the attached document.

Department	Description	Amount
EC Mental Health	Service Contract – Various approved vendors, Adult Rehab & Recovery programs – BFNC, JFS, RSI, WNY ILP – Provide a variety of mental health based support services, focused on rehab and recovery	\$5,811,410 – \$40,000 local share
EC Mental Health	Service Contract – Various Approved Vendors – Organizations that provide a full complement of evidence-based strategies for preventing behavioral health dysfunction in youth and adults	\$3,912,759 – no local share
EC Mental Health	Service Contract – Various approved vendors – Organizations that provide a range of community based housing and supportive services ranging from supervised group home settings to non-licensed supported housing programs	\$12,141,082 - \$358,411 local share
EC Mental Health	Service Contract – Various approved vendors – Organizations provide an array of community based services to individuals with significant lifetime disabilities of mental retardation and/or	\$2,352,116 - \$589,691 local share

	other developmental disabilities	
EC Mental Health	Service Contract – Various approved vendors – Organizations provide a variety of mental health based support services for those affected by serious mental illness and/or chemical dependency	\$12,141,846 - \$197,867 local share
EC Mental Health	Service Contract – Various approved vendors – Organizations provide a variety of mental health based specialty services for those affected by chronic and serious mental illness and/or chemical dependency. Focus on high-risk populations – AIDS/HIV, crisis intervention and inpatient care	\$5,573,492 - \$773,728 local share

\*EC- Erie County

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Vice Chairman, items 5-1 through 5-5 are from the Public Works Department. There was only one question, on item 5-3, for which there were questions regarding a service contract. Commissioner Loffredo or Mr. Sentz is here to speak to that item.”

Gerard Sentz: “The service contract for one year, that is up?”

Executive Director Vetter: “Yes, I think that is the question. It is an extension of a one-year contract related to a previous service and the narrative that came in indicated that it is related to the October 2006 storm.”

Gerard Sentz: “That is correct. FEMA has given us two extensions. The original 6 months to clean up the October storm. They have also given us several different additional tasks to do which is the reason why we got those extensions. We originally hired James Lee Witt. Their main job is to make sure that all of our paper work is in line so that we get full reimbursement from the State and the Feds. To date, we have received over \$45 million in related to the storm clean-up. With these additional clean-up items, one of them being stumps which you may have seen or heard about just recently. We want to make sure that we continue to service with James Lee Witt to make sure that we get all of our ducks in a row to make sure that we get the maximum reimbursement from the State and the Fed that we can.”

Secretary Keysa: “On the firm here, is this a national firm?”

Gerard Sentz: “Yes it is.”

Secretary Keysa: “I believe Mr. Witt was head of FEMA at one time wasn’t he?”

Gerard Sentz: “Yes he was.”

Executive Director Vetter: “Mr. Vice chairman if there are no other questions I would suggest a motion to approve items 5-1 through 5- 5.”

Secretary Keysa moved to approved, Vice Chair Glaser seconded. Without further discussion the board voted unanimously to approve the following resolution:

**Resolution No. 07-123**

**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

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 submitted by the Erie County Department of Public Works as listed on the attached document.

<b>Department</b>	<b>Description</b>	<b>Amount</b>
EC Public Works	Right of Way Contract Sale & Release – Town of Amherst – Purchase of parcel for reconstruction of Wehrle Dr. from the Town of Amherst.	\$75,430 - \$3,970 local share
EC Public Works	Service Contract – Stantec Consulting Services – Change order for reconstruction of Wehrle Dr.	\$186,778.55 - \$9,830.45 local share
EC Public Works	Service Contract – James Lee Witt & Associates – Extension of up to 1 year with disaster management consultants (related to 10/06 storm)	\$21,875 - \$3,125 local share
EC Public Works	Engineering Services Change Order – Hatch Mott MacDonald – Change order for repair of flood damage to Vermont St. Site#9 in the Town of Aurora – FEMA funds	\$75,645 - \$9,455 local share
EC Public Works	Service Contract (Change Order)- TransSystem – Change order for design of the integration of additional surveillance cameras and supporting monitoring systems	\$36,000 – all local share

\*EC- Erie County

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Vice Chairman, to continue, items 6-1 through 6-8 regard Senior Services grants. There are no questions among the staff or any of the board members. I would suggest that those items be considered as a slate and would suggest a motion to approve.”

Director Johnson moved to approved, Director Goodell seconded. Without further discussion the board voted unanimously to approve the following resolution:

**Resolution No. 07-124**

**APPROVING CERTAIN CONTRACTS SUBMITTED BY THE ERIE COUNTY DEPARTMENT OF SENIOR 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 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 submitted by the Erie County Department of Senior Services as listed on the attached document.

Department	Description	Amount
EC Senior Services	Service Contract - Meals on Wheels – Meals on Wheels enables high-risk elderly persons to maintain their independence in an in-home environment	\$1,215,918 - \$121,592 local share

EC Senior Services	Supportive Services Corporation – To provide programs to ensure that older persons achieve paid employment and community service opportunities	\$98,108 – all local share
EC Senior Services	Service Contract - Legal Services for Elderly – Through the Elder Caregiver Support Program grant, necessary legal services are provided to qualified senior citizens	\$86,000 - \$8,600 local share
EC Senior Services	Service contract - Legal Services for Elderly – Provide legal counsel for qualified senior citizens	\$256,519 - \$25,652 local share
EC Senior Services	Service Contract -Catholic Charities – Services to ensure that older persons are assisted with housing-related problems including relocation assistance, housing and tenant-landlord dispute resolution	\$195,917 - \$23,510 local share
EC Senior Services	Service contract–Supportive Services – One-month extension of a 2006 National SCEP grant	\$72,000 – no local share
EC Senior Services	Service Contract – Legal Services – Addition to current ECFSA approved contract	\$25,000 – no local share
EC Senior Services	Congregate Dining – Dining contracts with municipalities and Agencies throughout Erie County	\$235,293-\$23,529 local share

\*EC- Erie County.

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Vice Chairman, items 7-1 through 7-6 from the Sheriff’s office. There were some questions on two of the items regarding vehicle purchases. I believe Mr. Koch is here to speak to those two items.”

Secretary Keysa: “Mr. Vice Chair, while he is approaching the microphone, could I request that we set up our tables in a U shape because I have difficulty hearing who is making the motions and so forth.”

Robert Koch: “Good Afternoon, I am Bob, Robert Koch with the Sheriff’s Office. I guess you have a couple of questions on the automobile purchases?”

Executive Director Vetter: “The questions were with regard to whether these were replacement vehicles, new vehicles being put in service to increase the size of the fleet currently in place and what is being done with the old vehicles that are being replaced.”

Robert Koch: “They would be replacement vehicles. The 6 unmarked patrol vehicles would be place in our family Court warrant squad. The vehicles that are currently being used there would be moved to the detective division for the detectives use. The vehicles that the detectives are currently using are very high mileage, high maintenance vehicles. They are costly in upkeep, very expensive to run. We would then strip them for parts and keep anything that we can use and then send them to auction. The marked patrol vehicles would be replacements. There are currently 5 recent marked patrol vehicles sitting at a garage, taken out of service because of a blown engine, blown transmission; something that is to costly to spend on a vehicle because of the current condition of the vehicle. In addition to that we recently had an auction in October, where I am not sure what the number of vehicles that were auctioned of but in other word our fleet has been shrinking and these vehicles will replace the shrinking fleet.”

Vice Chair Glaser: “Just out of curiosity, how many miles are put on average car that you use?”

Robert Koch: “Well the last couple of years, our vehicle budget has been almost none. The result of that has been that have many vehicles that have upwards of 200,000

miles. About a week ago a one of our detectives was in a vehicle on the 33. There was smoke from the engine compartment. He pulled over and it was on fire. That car is over it is out of service. Some months back we had an officer response to a domestic. He pulled the car into the driveway, went into the residence, came out of the residence and the car wouldn't start. It had to be towed from the driveway. The cars are really in rough shape; 200,000 miles is a lot of miles."

Director Goodell: "Do you have a policy on how long a car stays with the officers and then moves to the other groups. Is there some rule of thumb you have?"

Robert Koch: "At one time we were trying to work on replacing a third of the fleet every year. Because of the budget we have been unable to do that. Although the majority of the newer vehicles we have in our fleet have been obtained from grants and other funding rather than the budget."

Director Goodell: "I think that what we would look for, at least I would, is some sort of a policy that says that when it reaches so many thousands miles than you move it or down grade at so many thousand miles. There are a lot of companies that have gone through sophisticated analysis to minimize those actual costs and I think we would rather see something like that rather than just "hey they're old" and I agree that 200,000 is a lot of miles..."

Robert Koch: "We do, and as they accumulate higher mileages and maintenance, we reassign them to less emergency services like family court warrant and these will be reimbursed through State crisis services. However, those cars that get moved and the mileage will just get higher and higher they don't become emergency responding vehicles in other word they will be serving warrants and the like."

Vice Chair Glaser: "I don't think we want to see our officers driving around in cars that explode or start on fire down the 33."

Robert Koch: "It is embarrassing."

Vice Chair Glaser: "Thank you."

Executive Director Vetter: "I would suggest that we approve 7-1 through 7-4 as a slate. I would suggest a motion to approve."

Director Johnson moved to approved, Director Kruly seconded. Without further discussion the board voted unanimously to approve the following resolution

#### **Resolution No. 07-125**

#### **APPROVING CERTAIN CONTRACTS SUBMITTED BY THE ERIE COUNTY SHERIFF'S OFFICE**

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 submitted by the Erie County Sheriff’s Office as listed on the attached document.

Department	Description	Amount
EC Sheriff’s Office	Purchase Contract – Basil – Purchase of 6 Unmarked Patrol Cars	\$113,976 - \$28,494 local share
EC Sheriff’s Office	Purchase Contract – DeLacy – Purchase of 4 Marked Patrol Cars	\$103,956 – all local share
EC Sheriff’s Office	Purchase Contract – UpState Farms – Milk Purchase for EC Holding Center and corrections Facility	\$61,000 – all local share
EC Sheriff’s Office	Purchase Contract – Sysco Foods – Food Purchase for Erie County Holding Center and Corrections Facility	\$850,000 – all local share
EC Sheriff’s Office	Purchase Contract – George Weston Bakeries – Bread Purchase for Erie County Holding Center and Corrections Facility	\$256,500 – all local share
EC Sheriff’s Office	Service Contract – Crisis Services – This project works on preventing domestic violence throughout Erie County	\$55,785 - \$13,946.25 local share

\*EC- Erie County

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Vice Chair, I would suggest item 7-7, a Stop DWI program of which there were no question on, I would suggest a motion for approval at this point.’

Director Goodell moved to approved, Secretary Keysa seconded. Without further discussion the board voted unanimously to approve the following resolution:

**Resolution No. 07-126**

**APPROVING CERTAIN CONTRACTS SUBMITTED BY THE ERIE COUNTY  
STOP DWI/TRAFFIC SAFETY OFFICE**

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 contract for alcohol traffic safety law enforcement submitted by the Erie County Stop DWI/Traffic Safety Office as listed on the attached document.

<b>Department</b>	<b>Description</b>	<b>Amount</b>
EC Stop DWI – Service Contract	Various EC Municipalities – Alcohol Traffic Safety Law Enforcement	\$60,956.77 – all local share (from DWI fine)

		revenue)
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\*EC- Erie County

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Vice Chairman, we are almost at the end. These are all the Social Service contracts that have been approved by the staff and by Board members. They are items 8-1 through 8-22 there appear to be no questions and if there are there are representatives here that can speak to those questions. If not I would recommend that these items be considered as a slate.”

Director Goodell moved to approved, Director Kruly seconded. Without further discussion the board voted unanimously to approve the following resolution:

**Resolution No. 07-127**

**APPROVING CERTAIN CONTRACTS SUBMITTED BY THE  
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, 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 submitted by the Erie County Department of Social Services as listed on the attached document.

Department	Description	Amount
EC Social Services	Personal Care Contracts – Various Approved Homecare Agencies – Payments to Medicaid enrolled, State licensed Homecare agencies that provide personal care aide service to approx. 2,000 elderly and disabled EC Medicaid Clients	\$2.1 million - all local share MMIS cost
EC Social Services	Service Contract – Erie County Medical Center Corporation – Renewal of ECMCC Division of Chemical Dependency contract providing for vocational rehab programs and case management to train TANF and safety net clients for employment	\$528,267 – no local share
EC Social Services	Service Contract – Various approved agencies – Community Optional Preventative Services – programming for children and families at risk of placement into foster care	\$2,321,024 - \$432,830
EC Social Services	Service Contract – Various Approved Daycare providers – Payment to licensed daycare providers at rates not to exceed NYS approved. Renewals of ongoing contracts for 2008	\$29,894,950 - \$2,150,230 local share
EC Social Services	Service Contract – Cornell University Cooperative Extension – Nutritional education and outreach services for applicants and recipients of the Food Stamp Program	\$258,000 – no local share
EC Social Services	Service Contract – Various Approved Independent Living providers – Agencies provide youth transition to adulthood (e.g. fostercare) by providing case assistance with educational planning, recreation and personal health management	\$400,000 - \$15,493 local share
EC Social Services	– Service Contract – Various Approved Fostercare Voluntary Institutions – Court-ordered fostercare placements	\$35 million - \$10,370,500 local share
EC Social Services	– Service Contract – Various Approved Youth Employment Services providers – Youth Engagement Services (YES) programs that provide a full range of services to at-risk in-school youth from the Buffalo School District who are TANF eligible	\$400,000 – no local share
EC Social Services	Service Contract – Various Approved Transportation Vendors – Medicaid transportation for medical related procedures and appointments	\$3,475,000 - all local share
EC Social Services	Service Contract – Various Approved Non-Residential Domestic Violence Service Providers – Community agencies that provide non-residential services to victims of domestic violence	\$615,538 - \$169,042 local share
EC Social Services	Service Contract – Various Approved In-home Nursing Care Providers – State Licensed Homecare agencies that provide In-home nursing care to approximately 2,000 elderly and disabled Medicaid clients	\$1,975,550 -all local share
EC Social Services	Service Contract – Service Contract – Various Approved Preventive Service Providers – Community organizations that provide required services to prevent the entry of a child at imminent risk of out-of-home foster care placement, primarily as a result of abuse or neglect	\$9,753,435 - \$2,796,595 local share
EC Social Services	Service Contract – ECMCC – (CASC) – Contract renewal for Certified Alcohol and Substance Abuse Counselor staff to screen public assistance applicants and recipients in accordance with applicable regulations and laws for alcohol and substance abuse	\$313,916 - \$130,403 local share
EC Social Services	Service Contract – Various Approved Employment Services Contractors – Work participation contracts designed to achieve a level of self-sufficiency to enable clients to exit, or reduce dependency on, the welfare system	\$4,013,180 - \$64,750 local share
EC Social Services	Service contract – Be-a-Friend – Organization provides Erie county Youth with counseling, tutoring, mentoring and recreation programs	\$50,000 – no local share
EC Social Services	Service Contract – Compass House & Franciscan Center – Runaway Advance Program contracts	\$106,170 - \$42,468 local share
EC Social Services	Service Contract – Compass House & Franciscan Center – Runaway Reimbursement Program contracts	\$108,791 – no local share
EC Social Services	Service Contract – Franciscan Center – Homeless Reimbursement Program contract	\$113,096 – no local share
EC Social Services	Service Contract – Compass House – Homeless Reimbursement program contract	\$135,433 – no local share
EC Social Services	Service contract - Salvation Army – Emergency Services contract provides food and prescription vouchers as well as furniture and clothing for applicants and clients	\$384,150 - \$144,450 local share
EC Social Services	Service contract - Jewish Family Services – Contract for the provision of	\$1,295,877 – no local

	Nursing Assessment Services, under CASA	share
EC Social Services	Service contract - Legal Services for the Elderly – Maximize 3rd party payment of medical bills (primarily Medicare) for Medicaid recipients	\$50,000 – no local share

\*EC- Erie County

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Vice Chairman, item 9-1, this is a service contract that came before the board previously but came into the department at a very early time before there was a budget in place. It was tabled and staff suggests that motion be made to take this off the table and then a motion to approve.”

Vice Chair Glaser: “Has this not been approved?”

Executive Director Vetter: “This has been approved by the Legislature. Mr. Ruffino is here, would you like to speak to this?”

Secretary Keysa moved to take it off the table, Director Goodell seconded. Without further discussion the board voted unanimously to remove the item from the table.

Vice Chair Glaser: “Okay this is off the table should we put it back on now. Do we have a motion to approve?”

Director Goodell moved to approved, Director Kruly seconded. Discussions followed.

Executive Director Vetter: “Mr. Ruffino, I just wanted to make sure that this item which is for over \$50 million, that this item through an act by the Legislature has been approved and then there is authorization to enter into these agreements.”

Mr. Ruffino: “Yes it has been approved.”

Vice Chair Glaser: “There are various agreements about the budget line.”

Executive Director Vetter: “Yes, this is the budget line we do have the contract signed and when we sent out he original documentation we listed the agencies and potential amounts for those particular agencies.”

Vice Chair Glaser: “Are there any other questions?”

Director Goodell: “Mr. Vice Chairman I am reminded of a truism that I developed in the course of my business career and that is the amount of scrutiny applied a funds request is inversely proportional to the money involved.”

Secretary Keysa: “Are you saying we should have a thousand times more scrutiny with this?”

Director Goodell: “Well I’m not saying that, but I am saying we can dig around \$25,000 items but this is a large amount.”

Executive Director Vetter: “Like the Social Services contracts, these are really master contracts because the County is mandated to provide these services and these are those

contracts. For example the information we received from each of these items, the listed agencies and the amounts included on the list.”

Vice Chair Glaser: “The amounts are set by the State or by the County?”

Executive Director Vetter: “Actually the rates are set by the County.”

Vice Chair Glaser: “That is what I though. Is there any further discussion on this item?”

Without further discussion the board voted unanimously to approve the following resolution:

**Resolution No. 07-128**

**APPROVING CERTAIN CONTRACT SUBMITTED BY THE 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, 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 contract submitted by the Erie County Department of Health for rehab services for disabled children up to the age of five as listed on the attached document.

Department	Description	Amount
EC Health Department	Early Intervention and Pre-school Contract – Various agencies – Rehab services for disabled children through five	Approximately \$50,989,318 - 65% reimbursed

\*EC- Erie County

This resolution shall take effect immediately.

Executive Director Vetter: “Mr. Vice Chairman, although it is not on your list, there are two items that were dropped off by Mr. Gregory Skibitsky regarding potential loss of funding if these are not approved immediately. There is a letter from County Executive Giambra for both of these items indicating that there is a potential loss of grant funding if these things are not considered on this date. Could Mr. Skibitsky speak to these items because we have not had a chance to review them. They were dropped off just prior to the meeting.”

Gregory Skibitsky: “Good afternoon and thank you for the opportunity to speak on this. I also have with me today Chief Scott Patrano from Erie County Sheriff’s Department and also Captain Thomas Flaherty from the Sheriff’s Department as well. We are in the process of spending down our Homeland Security funds which have to be spent by March 1<sup>st</sup>. We have a work plan that has been on file and has already been approved by the Department of Homeland Security from New York State to purchase these two items. One is portable Sheriff’s radios; the other is mobile data computers that go into the patrol cars in police departments in Erie County. Two important things to note here; one, these are vendors that we have previously dealt with. The pricing is NYS contract bid pricing, also this is 100% grant funding through the Department of Homeland Security Funds so we certainly ask for your consideration and if you would approve this that would be great.”

Director Goodell: “When did you become aware of the fact that these were contracts that need to be approved?”

Gregory Skibitsky: “I first became aware of it from the former Central Police Services Commissioner who just retired from the position. I have been serving dual roll of Commissioner of Police Service and Emergency Services. These funds are in what is called a work plan and they are from 2005 funds that are being spent down and have to be spent by March 1<sup>st</sup>. We have to have on file with the Department of Homeland Security work plans that outline how we are going to use their money. We revised our plan to accommodate this. We received the approval from NYS, the Department of Homeland Security and we are ready to move forward not. The key is if we don’t spend this money and order equipment before March 1<sup>st</sup> we have to give back the Homeland Security funding to New York State.”

Director Goodell: “When was the Sheriff’s Department aware of these two contracts, the needs and amount of money involved? When was the Sheriff’s Department aware of it?”

Gregory Skibitsky: “The Sheriffs have had a need to replace their radios for a long time; they are dealing with antiquated equipment, some of which is 30 years old, as far as communications is concerned. We have been working very closely with the

State-wide wireless network and we are talking about at this point getting into that. This was a revisal to our work plan on how we are going to spend these dollars. The key that you must understand is the fact that we had to get approval back from the State on our work plan change and once we did get that we could move forward with the purchase of the equipment.”

Director Goodell: “When was it sent to the State?”

Gregory Skibitsky: “We continually work with the State. I would say within the last month it was forwarded onto the State about how we were going to spend our money and there are on going discussions with the State particularly State wide wireless and how we proposed a gateway into that system.”

Director Goodell: “So this was sent to the State, quite recently knowing that there was a March 1st date. When was the need determined so that it could go to the State?”

Gregory Skibitsky: “There is what is called a state-wide wireless program and we have been working very closely with the State of New York. It is an interoperable communications system that the State has proposed to completely cover NYS. Erie County, like other counties, is one of the first ones to come up on line for the testing of this. The proposal is that we would gateway into that system. The funds appeared not to be there to do that so we had to modify our work plan, the State approved it and the State gave us authorization to go ahead and purchase the necessary equipment.”

Director Goodell: “This is an emergency because it has to be spent by March 1<sup>st</sup>?”

Gregory Skibitsky: “Correct. If we don’t spend the money by March 1<sup>st</sup> we will lose the money.”

Director Goodell: “Why couldn’t this have been sent to us prior to our next meeting?”

Gregory Skibitsky: “Sir, I personally would have preferred to do that but it has been inherited when I was put into this position. When I became aware of the funding that was made available and I purposely made sure that this got sent to the control board as quickly as possible.”

Director Goodell: “So it is not extremely urgent, it could be dealt with the first week in January.”

Gregory Skibitsky: “No, not really, because if we do it in the first week of January, we will not have the time to take advantage of the special pricing that is given to us by the vendor which NYS bid contract pricing is through the end of December 2007. Two we have to order the equipment, invoice the equipment and payout the equipment before March 1<sup>st</sup>. If we push this out until January we will not be able to accomplish those goals. Again this is 100% funded by the Department of Homeland Security; it meets all of their requirements and again I apologize that you did not have this sooner. However, I inherited this and as soon as I found out that this money had to be spent, I worked closely with the Sheriff’s Department and I put together the package in a very short period of time and personally made arrangements for it to be dropped off today. Honestly, I certainly would consider your efforts to try and consider approval of this.”

- Vice Chair Glaser: “May I suggest, Mr. Goodell, that we approve this subject to our staff taking a look at this contract because we have not had the opportunity to take a little more detailed look and give you a call tomorrow.”
- “I think what Mr. Goodell is saying is that many times the frustration level is high because we get these last minute surprises and it makes it hard to do our job of taking a look at it.”
- Director Goodell: “The Sheriff’s Department and other Department in the County tend to makes our work difficult because they don’t give us time to really understand what is going on.”
- Gregory Skibitsky: “We are buying equipment that matched current existing equipment that we are already using. We are using vendors that we are already using. This is 100% grant funding, it meets the requirement of the State Department of Homeland Security and there work plan and again it is all NYS Contract bid prices.”
- Director Goodell: “Can these radios be used, for example can you communicate with the Sherriff in Monroe County with these radios or other neighboring counties.”
- Gregory Skibitsky: “There is the capability of interoperable communications with a radio system that Sheriffs not only in this County but other counties can be using.”
- Secretary Keysa: “What frequency are these going to be on?”
- Gregory Skibitsky: “400 frequency; the current frequency that the Sheriffs are using.”

Secretary Keysa moved to approved, Director Kruly seconded. Without further discussion the board voted unanimously to approve the following resolution:

**Resolution No. 07-129**

**APPROVING CERTAIN CONTRACT SUBMITTED BY THE  
ERIE COUNTY SHERIFF’S OFFICE**

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 contract submitted by the Erie County Sheriff’s Office for the purchase of portable radios for CPS and the Sheriff’s Department and Fujitsu computers for cars as listed on the attached document.

Department	Description	Amount
EC Sheriff’s Office	CPS and Sherriff’s Dept. portable radios to replace antiquated equipment	\$281,978.50 – no local share; Homeland Security Funding
EC Sheriff’s Office	Fujitsu Computers for Cars	\$76,000 – no local share; Homeland Security Funding

\*EC- Erie County

This resolution shall take effect immediately.

Vice Chair Glaser: “Thank you very much.”

Executive Director Vetter: “Mr. Vice Chairman, I guess the last item, which I will go through quickly because I know we spent a lot of time on contracts is the 2008 budget and plan for the Authority. This was originally presented to this board on September 28, 2007 and because of the guidelines we are under, this had to be distributed to the public and was in the libraries. You have had an opportunity to review the document. There is a copy in front of you of the budget. The budget itself has not changed. There is some back up information that is become more detailed because we have more information and actual. That is what has changed in the proposal that is there. The spending has not changed. The elements within the spending have not changed. Just to reiterate quickly, because this does have to be approved at this meeting to stay in compliance with State regulations. This budget is 51% lower than the 2007 budget. There is a decrease of three positions from the 2007 budget. There is a 40% reduction in staffing dollars because of the decrease. Professional fees are down by 63% over the 2007 budget. Again the budget has been available in the public and through the board and would ask for a motion to approve if there is no further discussion.”

Secretary Keysa: “We there any comments received from the public at all?”

Executive Director Vetter: "No."

Director Goodell: "Is it true that the \$764,000 was cut by the Legislature; was there \$50,000 taken out of it?"

Executive Director Vetter: "Actually the Legislature cut out budget down to \$700,000."

Secretary Keysa: "Do they understand that they do not have the authority to do that?"

Executive Director Vetter: "They have the authority to put in the County budget whatever they deem appropriate in their amendments. So the amount budgeted for the Authority in the 2008 budget passed by the Legislature is \$700,000."

Secretary Keysa: "I would like you to clarify to them that this is a State Agency and by law this agency sets its budget. What is left over goes to the County and it reminds me of fire district within the towns. The fire district determines what its budget is and hands that budget to the town government and the town then adds that to the tax roll but the town board has absolutely no authority to change that whatsoever. That should be pointed out to them that whatever the figure that we present them is the figure that they need to put in their budget."

Vice Chair Glaser: "I would agree with that and echo that but add, and I just want to make this clear, Mr. Vetter you said that last year our budget was...well we have already reduced that balance substantially and maybe you could tell us what we reduced it by."

Executive Director Vetter: "Let me go through and it is on your paper in the board books. Last year's budget was \$1.556 million; this years is \$764,000 and that was a reduction of \$792,000 or about 51%."

Vice Chair Glaser: "That is my point and that is very good."

Director Goodell: "Is the Legislature's logic such that they can say our budget was \$100,000."

Vice Chair Glaser: "They would prefer we just go away."

Director Goodell: "Is there somebody here from the Legislature that could explain the \$50,000 reduction? It is unfortunate. Perhaps we could ask a representative of the Legislature attend the next meeting?"

Secretary Keysa: "I think that they continue to misunderstand that we are not an agency of County government. We are a State agency supervising the County."

Vice Chair Glaser: "Maybe next year it would be a good idea to have someone representing the Legislature here so that we could have some discussions. That would be very helpful. With that said with our budget, could I get a motion to approve?"

Executive Director Vetter: "Mr. Vice Chairman if I could from a technical standpoint, I believe the draft that was presented on September 28 was officially tabled by this board so that comments could be made and consideration could be made. From a technical stand point we will need a motion to remove it from the table."

Vice Chair Glaser: “Okay, could I have a motion to remove it from the table?”

Director Kruly moved to remove the item from the table, Director Goodell seconded. Without further discussion the board voted unanimously to remove the item from the table.

Vice Chair Glaser: “May I have a motion for approval?”

Director Goodell moved to approved, Director Johnson seconded. Without further discussion the board voted unanimously to approve the following resolution:

**Resolution No. 07-130**

**APPROVING 2008-2011 ECFSA BUDGET AND FINANCIAL PLAN**

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, Title 2, Part 203 of the New York Codes, Rules, and Regulations (NYCRR) requires public authorities to prepare an annual budget and financial plan in accordance with several provisions set forth within; and

WHEREAS, Title 2, Section 203.10 of the NYCRR identifies the ECFSA as a public authority for purposed of Part 203; and

WHEREAS, ECFSA staff prepared a proposed annual budget for the 2008 fiscal year and a financial plan for the 2009 through 2011 fiscal years, which was submitted to the ECFSA Board on October 15, 2007; and

WHEREAS, Title 2, Part 203 of the NYCRR also requires that the annual budget and financial plan, and all amendments or modifications thereto, be approved by the Board of each public authority; and

WHEREAS, the Executive Director of the ECFSA has certified that, to the best of his knowledge and belief, the attached 2008-2011 budget and financial plan is, after reasonable inquiry, based on reasonable assumptions and methods of estimation with the applicable regulations being satisfied; and

WHEREAS, the approved budget and financial plan must be made available for public inspection, whenever practicable, not less than seven days before the commencement of the next fiscal year and must be submitted to the State Comptroller within seven days of approval by the Board in an electronic format prescribed by the State Comptroller; and

NOW, THEREFORE, BE IT RESOLVED that the attached 2008-11 ECFSA budget and financial plan is hereby approved; and

BE IT FURTHER RESOLVED that this Board directs ECFSA staff to make the adopted 2008-11 budget and financial plan available for public inspection and to submit the document to the State Comptroller as directed in Title 2, Part 203 of the NYCRR.

This resolution shall take effect immediately.

Vice Chair Glaser: “With that thank you for attending the meeting. Could I get a motion to adjourn?”

Secretary Keysa moved to adjourn, Director Kruly seconded. Without further discussion the board voted unanimously to adjourn.

Respectfully submitted:

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Stanley J. Keysa  
Secretary

Date: January 4, 2008