

**Erie County Fiscal Stability Authority
March 25, 2009**

Present: Chairman Robert Glaser, Vice Chairman Joseph Goodell, Secretary Stanley J. Keysa, Director Kenneth Kruly, Director John Johnson, Executive Director Kenneth Vetter

Chairman Glaser: “Welcome to a meeting of the Erie County Fiscal Stability Authority. We’ve got a number of items on today’s agenda including a report from both our audit and finance committees, so we will get right into it. I welcome my fellow board members and those in attendance. With that we will move it on to Mr. Keysa.”

Secretary Keysa: “We have noticed a typographical error in the minutes, and have sent the staff back to confirm the figure, so I would like to defer approval of the minutes until later in the meeting when we have confirmed that number.”

Director Johnson: “The audit committee met today March 25th prior to this meeting with the board to receive a presentation from our outside auditors Toski and Schaffer. Again this year the Authority has maintained an unqualified opinion from our outside auditors. In addition the spending on operations for 2008 was approximately \$47,000 less than what our expenditures were in 2007. I really believe that credit is due to my colleagues on the audit committee, my colleagues on the board as well as the staff for such a fine job in keeping our spending low. In addition to that, I would just like to add, Mr. Chair, that it is the recommendation of the audit committee that the board approve the audit report from Toski & Schaffer.”

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

Resolution No. 09-14

APPROVING THE 2008 ANNUAL FINANCIAL AUDIT

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 is a public authority of the State of New York and, as such, section 3971(1) of the New York Public Authorities Law (“Public Authorities Law”) requires the ECFSA to select an independent certified accountant to perform its annual financial audit; and

WHEREAS, in adopting Resolution 08-70 on July 15, 2008, the ECFSA selected Toski, Schaefer & Co., P.C., which the New York State Office of General Services has approved as a statewide vendor of auditing and accounting services, to perform its annual financial audit for fiscal years 2008 through 2010; and

WHEREAS, Toski, Schaefer & Co., P.C., has completed the ECFSA 2008 annual financial audit (the “2006 Audit”), and presented it to the Audit Committee during an open meeting on March 25, 2009; and

WHEREAS, section 2800(3) of the Public Authorities Law further requires the ECFSA to approve a financial audit for fiscal year 2008; and

WHEREAS, the Audit Committee has recommended approval of the 2008 Audit;

NOW, THEREFORE, BE IT RESOLVED that the ECFSA hereby approves the 2008 Audit, a copy of which is attached to this resolution; and

BE IT FURTHER RESOLVED that the 2008 Audit be submitted to the Erie County Executive, the Presiding Officer of the Erie County Legislature, the Erie County Comptroller, the Governor, the State Comptroller, the Chair and Ranking Minority Member of the State Senate Finance Committee, and the Chair and Ranking Minority Member of the State Assembly Ways and Means Committee, as required by section 3971(1) of Public Authorities Law.

This resolution shall take effect immediately.

Vice Chair Goodell: “I think we should thank the County Executive for not suing us for anything, thus keeping our budget under control.”

Chairman Glaser: “With that you can add this resolution to your finance committee.”

Vice Chair Goodell: “The finance committee met just before this meeting to review an efficiency grant request. The efficiency grant is for scanning of civil service roster cards. The County keeps track of all the employees in the County, even in remote areas. The data entry is a monumental effort and the idea here is to computerize it so that you only have to enter it once. It runs quickly and the system is

very easy to operate. We felt that it was an ideal use of efficiency grant money and perhaps this efficiency grant will receive the highest pay back so the finance committee recommends to the board approval of this request for efficiency grant.”

Secretary Keysa moved to approve, Vice Chair Goodell seconded and the Directors voted unanimously to approve the following resolution:

Resolution No. 09-15

APPROVING AN EFFICIENCY GRANT FOR ERIE COUNTY SCANNING OF CIVIL SERVICE ROSTER CARDS

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, Section 3957-a of the New York State Public Authorities Law provides that, subject to appropriations during State fiscal years 2006-07 through 2010-11, the ECFSA shall provide grants to the County of Erie (the “County”) to support activities that achieve savings through innovations and reengineering; and

WHEREAS, the County Executive submitted an efficiency grant to use technology to make processing of civil service roster cards more efficient; and

WHEREAS, the ECFSA Finance Committee met on March 25, 2009, to discuss the County’s efficiency grant application; and

WHEREAS, on March 25, 2009, the ECFSA Finance Committee voted to recommend to the ECFSA Board of Directors that efficiency grant funding be made available to the County to be used to fund up-front costs related to this roster card initiative;

NOW, THEREFORE, BE IT RESOLVED that, based on the recommendation of the ECFSA Finance Committee, the ECFSA hereby grants to the County up to \$60,000 in efficiency grant funding to be used for the purpose of restructuring civil service roster card technology; and

BE IT FURTHER RESOLVED that the ECFSA Executive Director send, via first-class mail, certified copies of this resolution to the New York State Director of the Budget, the Chair of the New York State Senate Finance Committee, and the Chair of the New York State Assembly Ways and Means Committee.

This resolution shall take effect immediately.

Chairman Glaser: “Is that that only one that was discussed?”

Vice Chair Goodell: “That’s all.”

Chairman Glaser: “Are there other items in the process that will be coming to us in the next month or two that the County is working on?”

Vice Chair Goodell: “I believe there are two items that the staff is dealing with different members of the County one is a big project that is being pushed by Legislator Reynolds and it looks like there is a place where we can play a role and help move that along. Mr. Vetter are there any other issues?”

Exec. Director Vetter: “Yes Mr. Vice Chairman, the other issue is related to a refuse disposal system that could save the County money. An application had been placed for it but the County felt that to strengthen the application they had asked for a little more time to get some backup data so I think those are in process at this point.”

Chairman Glaser: “I think we should get back to the County and let them know that we really do want to spend this money and to get the ideas over to us. In particular, we are not sure where the Six Sigma project has been coming along but we are hopeful that that approach has developed some opportunities.”

“Maybe, Mr. Vetter, if you get back to us on those things that would be great.”

“We have a few technical resolutions that we need to pass relative to some clean up items.”

Exec. Director Vetter: “Yes, Mr. Chairman, these are resolutions that the board passes each year and they are required via certain reporting to the State of New York. There are certain policies and certain issues that need to be reaffirmed by the board on an annual basis. There are a number of them here and they are, except for a change in dates, the same as last year. Let me go through them quickly. One is the approval of a prompt payment policy. This just indicates that we are in compliance with State approval policies for prompt payment in under 30 days. There is a section of State law that says that after 30 days it would require us to pay interest and to make efforts to settle a bill if we can’t settle it in 30 days, so staff would recommend approval of this item.”

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

Resolution No. 09-16

APPROVAL OF PROMPT PAYMENT POLICY

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 is a public authority of the State of New York and, as such, is governed by certain state laws that require the adoption of a prompt payment policy; and

WHEREAS, in order to comply with state law, it is necessary for the ECFSA to adopt a prompt payment policy, as required by section 2880 of the New York Public Authorities Law (“Public Authorities Law”);

WHEREAS, the ECFSA adopted by resolution 07-07 its prompt payment policy on March 7, 2007; and

WHEREAS, upon review of its current prompt payment policy finds that amendments are not needed at this time,

NOW, THEREFORE, BE IT RESOLVED, that the ECFSA hereby adopts the Prompt Payment Policy attached to this resolution; and

This resolution shall take effect immediately.

Exec. Director Vetter: “The second is the flip side of this and that is approving property disposal guidelines. These are the same guidelines we had before and are in compliance with New York State regulations, in essence indicating, per section 2896 of Public Authorities Law, that at some point, if we do dispose of property, that we dispose of it at a price and at a venue that would be at market value at this point, that we wouldn’t be giving it away or destroying it.”

Secretary Keysa: “We really don’t have much property to dispose of, do we? A couple chairs, a couple desks and computers?”

Exec. Director Vetter: “The furniture really is State property, so we really don’t have much. The lease cost of our copier has very little value. The total cost of our 4 computers is probably \$4,000 - \$5,000 if you add everything together.”

Chairman Glaser: “I don’t think there is a *de minimus* rule.”

Secretary Keysa: “I think this is more for groups like the Thruway Authority, the MTA and so forth.”

Exec. Director Vetter: “I think that, fortunately or unfortunately, we are tiny compared to the other agencies; we still have to fit these requirements, so that is why we have to do this process.”

Chairman Glaser: “Just as an aside relative to the Thruway Authority, or the Power Authority that you just mentioned, I’d like to make it a point in case anyone wonders it, that we do not have a \$300 million Thruway reserve nor do we give out bonuses.”

Secretary Keysa: “I would note that the staff is working with no pay increase.”

Chairman Glaser: “No, not for the last few years.”

Secretary Keysa: “We appreciate the efforts they have made.”

Chairman Glaser: “Going back to what Mr. Johnson said on spending and the fact that we have not spent all of our money, it’s a testament to the people working for us not pushing for those things, so I think it is good. Any further comments on that item?”

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

Resolution No. 09- 17

APPROVING PROPERTY DISPOSAL GUIDELINES

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, Section 2896 of the Public Authorities Law requires public authorities to adopt comprehensive guidelines which detail the authority's operative policy on the disposal of personal property valued in excess of five thousand dollars; real property, and any inchoate or other interest in such property, to the extent that such interest may be conveyed to another person for any purpose, excluding an interest securing a loan or other financial obligation of another party; and

WHEREAS, the ECFSA has developed and implemented property disposal guidelines to comply with this requirement; and

NOW THEREFORE BE IT RESOLVED, that the Erie County Fiscal Stability Authority does hereby affirm the attached property disposal guidelines as required by Section 2896 of the Public Authorities Law; and

BE IT FURTHER RESOLVED, that the Office Manager be designated as the "contracting officer" who shall be responsible for the disposition of property is hereby affirmed.

This Resolution shall take effect immediately.

Exec. Director Vetter: "Mr. Chairman, the next guideline is our investment guideline. These are in compliance with section 2925 and 3954 of State Public Authorities Law. They are the same as last year and any investment that we have; we do have such as a checking account as well as a money market account. We are mandated to have those backed, full faith and credit, where no money can be lost. This really codifies this.

Secretary Keysa moved to approve, Director Johnson seconded and the Directors voted unanimously to approve the following resolution:

Resolution No. 09 - 18

APPROVING INVESTMENT GUIDELINES

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 is a public authority of the State of New York and, as such, is governed by certain state laws that require the adoption of investment guidelines; and

WHEREAS, in order to comply with state law, it was necessary for the ECFSA to adopt investment guidelines, as required by sections 2925 and 3954 of the New York Public Authorities Law; and

WHEREAS, the ECFSA adopted such investment guidelines in Resolution 07-16 on March 2, 2007; and

WHEREAS, in order further to comply with state law, it is necessary for the ECFSA to review and approve its investment guidelines at least annually; and

WHEREAS, the Board of Directors of the ECFSA has reviewed the investment guidelines currently in effect; and

WHEREAS, upon review of those guidelines and the report on compliance, the ECFSA finds that the investment guidelines be amended consistent with a number of procedural changes;

NOW, THEREFORE, BE IT RESOLVED that the ECFSA hereby approves for use the investment guidelines attached to this resolution.

This resolution shall take effect immediately.

Exec. Director Vetter: “On to the next resolution, procurement guidelines. This states that we will be in compliance with section 2879 and section 3960 of the Public Authorities Law. These are the bidding procedures that we have gone through in the past and the RFP process for professional and other services. This really codifies this guideline to that effect and the board has indicated that the staff follow these to that effect.”

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

Resolution No. 09-19

APPROVING PROCUREMENT GUIDELINES FOR CERTAIN CONTRACTS

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 requires professional assistance in performing its mission; and

WHEREAS, the ECFSA is a public authority of the State of New York and, as such, is governed by certain state laws that specify the method for the procurement of certain services; and

WHEREAS, in order to comply with state law, it was necessary for the ECFSA to adopt Guidelines for the Use, Awarding, Monitoring and Reporting of Procurement Contracts (the “Procurement Guidelines”), as required by sections 2879 and 3960 of the New York Public Authorities Law; and

WHEREAS, the ECFSA adopted its Procurement Guidelines in Resolution 05-10 on August 18, 2005; and

WHEREAS, in order further to comply with state law, it is necessary for the ECFSA to review and approve the Procurement Guidelines at least annually; and

WHEREAS, the Board of Directors of the Authority has reviewed the Procurement Guidelines currently in effect and has determined that such Procurement Guidelines do not need to be amended at this time; and

NOW, THEREFORE, BE IT RESOLVED that the ECFSA hereby approves for use the Procurement Guidelines attached to this resolution.

This resolution shall take effect immediately.

Exec. Director Vetter: “The next one is with regard to designating our internal control officer. We are mandated under Section 2931 to have an internal control officer. Our financial analyst, Mr. Belliotti was designated last year. Each year we have to designate someone and Mr. Belliotti is retaining that role. This re-designates Mr. Belliotti for 2009 as the internal control officer.”

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

Resolution No. 09-20

DESIGNATING AN INTERNAL CONTROL OFFICER

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 has established and maintained guidelines for a system of internal controls to comply with Public Authorities Law and internal control standards;

WHEREAS, section 2931 of the New York Public Authorities Law (“Public Authorities Law”), requires the governing board of the ECFSA to designate an internal control officer, who shall report to the head of the Authority, to implement, maintain, communicate and review the internal control responsibilities established and maintained for the Authority; and

WHEREAS, through adoption of employee guidelines in Resolution 08-33 on March 7, 2008 the ECFSA Board had previously designated the Financial Advisor as the Authority’s Internal Control Officer; and

WHEREAS, the ECFSA Board finds it necessary to designate in name at this time the Authority’s Internal Control Officer; and

WHEREAS, section 2932 of Public Authorities Law, requires the governing board of the ECFSA or its designee to determine, and periodically review the determination of, whether an internal audit function within the Authority is required; and

NOW, THEREFORE, BE IT RESOLVED that Financial Analyst is hereby designated the Internal Control Officer responsible for implementation and review of the Authority’s internal control responsibilities until such time as his resignation, removal or death; and

BE IT FURTHER RESOLVED that the Authority’s designated Internal Control Officer is designated to determine, and periodically review the determination of, whether an internal audit function within the Authority is required and to report to this Board should the need arise.

This resolution shall take effect immediately.

Exec. Director Vetter “This is the last of the technical resolutions, approving a 2008 annual report. There is a copy of the format that is in you book here and in essence by approving the other resolutions those are the items that go into the annual report. So the audit and all of the technical resolutions have been approved by this board already comprise the annual report that gets entered into the format that is represented in the documents here. So this resolution is approving the report for which each of those items was recently approved.”

Director Johnson moved to approve, Secretary Keysa seconded and the Directors voted unanimously to approve the following resolution:

Resolution No. 09-21

APPROVING THE 2008 ANNUAL REPORT

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 is a public authority of the State of New York and, as such, is governed by certain state laws that require preparation, certification, and approval of a complete and detailed annual report for fiscal years beginning on or after January 1, 2006; and

WHEREAS, section 2800 of the New York Public Authorities Law (“Public Authorities Law”) requires the ECFSA to prepare, certify, and approve a complete and detailed annual report; and

WHEREAS, Public Authorities Law sections 2879(7) and 2925(6), respectively, also require the ECFSA to prepare and approve an annual report on procurement contracts and an annual investment report; and

WHEREAS, the ECFSA may include an annual report on procurement contracts and an annual investment report as part of its annual report for 2008;

NOW, THEREFORE, BE IT RESOLVED that the ECFSA hereby approves its 2008 Annual Report, a copy of which is attached to this resolution, and the annual report on procurement contracts and the annual investment report contained therein; and

BE IT FURTHER RESOLVED that, on or before March 31, 2009, the ECFSA 2008 Annual Report be submitted to the governor; the state comptroller; the state senate finance committee; the chair and ranking minority member of the state senate finance committee; the state assembly ways and means committee; the chair and ranking minority member of the state assembly ways and means committee; the state division of the budget; and the department of economic development, pursuant to sections 2800(1)(a), 2879(8)(a), and 2925(7)(a) of Public Authorities Law; and

This resolution shall take effect immediately.

Chairman Glaser: "I have a couple of questions. Once we do this, does it get posted to our website?"

Exec. Director Vetter: "Yes, it will be posted to our website and we are mandated to have this entered into the State PARIS system no later than March 31, 2009."

Chairman Glaser: "So we will get this done right away now?"

Exec. Director Vetter: "Now that the board has approved the technical resolutions, it will get done right away."

Secretary Keysa: "The question I had is, are we experiencing, and perhaps Ms. Martin can clarify for me, are we experiencing a delay in the time from which we submit items and the time in which the State brings these up on the website? About how long does it take?"

Tysha Martin: "It takes about two days to get it updated on PARIS."

Exec. Director Vetter: "That is it for the technical resolutions. Would you like me to take you into contracts?"

Chairman Glaser: "Yes, could you take us into contracts?"

Exec. Director Vetter: "There are a number of different items that we can be posed as a slate. Staff have had a number of questions and have been going back and forth with Dan Pholl who is the contract administrative person at the County. He has been very good at responding to our questions. The staff would recommend that items 1-1 through 7-2 be considered as a slate. As a note though, there is item 2-2 here that has to do with a settlement that lists legal counsel's suggestion. Legal counsel has recommended approval of this item so that contracts 1-1 through 7-2 be recommend or approval as a slate."

Vice Chair Goodell: "I would like to separate out item 4-4. I have to abstain on that."

Secretary Keysa: "Could we have for the record why you are abstaining on that?"

Vice Chair Goodell: "I'm on the finance committee of the Buffalo Philharmonic Orchestra."

Chairman Glaser: "I think we can still vote but note he has abstained from that vote."

Secretary Keysa: “I would also like to note, Mr. Chairman, that I have asked the Executive Director to isolate those items regarding Social Services, partly because I now have a client who is a Medicaid recipient and while I may not be directly involved in negotiations or questions in that, I don’t want anything that is questionable on propriety so I will abstain from those votes regarding Social Services.”

Secretary Keysa moved and Director Kruly seconded, and the board voted to duly approve the following resolution, with Vice Chairman Goodell abstaining from voting on the contract related to Buffalo Philharmonic:

Resolution No. 09-22

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

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

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

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

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

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

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

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

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

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

Department	Description	Amount
Buffalo & Erie County Library-Service Contract-Environmental Service Group	Fuel tank replacement at the Central library	\$388,450 - \$124,225 Library Funds
Buffalo & Erie County Library-service contract-P & J Construction	Sidewalk & mezzanine repairs at the Central library	\$243,600 - \$121,800 Library Funds
Buffalo & Erie County Library-Construction Grant-NYS Education Department	Several Riverside Branch Library improvements	\$78,204-\$37,044 Library funds
Buffalo & Erie County Library-Service Contract-WebFeat Inc.	Search tool for public access catalogs, encyclopedias, government sources and websites	\$62,640-Library funds
Building & Grounds-service contract-Niagara Window Cleaner	Window cleaning for county owned buildings	\$65,000-all local share
Central Police Services-Purchase Contract-SIRIUS computer solutions	IBM Bladecenter	\$150,000-E-911 Fund
Central Police Services-service contract-Comnetix	RICI annual maintenance	\$60,000-all local share
County Attorney-service contract-Legal Aid Bureau of Buffalo	Public Defender program legal aid bureau of Buffalo	\$3,054,390-2,200,934- local share
Data Processing-service contract-Verizon	Moves, adds, changes and maintenance for the Erie County voice network	\$340,000-all local share
Data Processing-service contract-XEROX	XEROX High speed & high volume copier	\$388,475-all local share
EC Environment & Planning – Federal grant-Home Investment Partnership	Town of Hamburg and the Town’s First homebuyer program	\$134,703-no local share
EC Environment & Planning-purchase contract-Allied waste	Sewer sludge disposal	\$190,000 – all sewer funds
EC Environment & Planning-purchase contract-Riverside Chemical	Ferric chloride to be used by Erie County	\$180,587 – all sewer funds
EC Environment & Planning-purchase contract-Graymont Inc	High Calcium Hydrated lime/Quicklime	\$70,000 – all sewer funds
EC Environment & Planning-Federal Grant- People Community Housing Development Corporation	Construction to a 30 unit senior housing project for low income households in the Village of Angola	\$260,000-no local share
EC Environment & Planning-Federal Grant-Community Development Block Grant	CDBG - City of Tonawanda	\$95,000-no local share
EC Environment & Planning-federal grant-Community Development Block Grant	Village of Depew-relining of sanitary sewer pipe on Neoga Street	\$100,000-no local share
EC Environment & Planning-federal grant-Community Development Block Grant	Village of Alden-replacing/installation of sidewalks	\$100,000-no local share

EC Environment & Planning-federal grant-Community Development Block Grant	Town of Concord-elevator replacement at Town Hall	\$51,000-no local share
EC Environment & Planning-federal grant-Community Development Block Grant	Town of Collins-ADA Improvements to Town Hall	\$100,000-no local share
EC Environment & Planning-2009 Cultural Contracts – various listed agencies	African-American Cultural Center, Albright-Knox Art Gallery, Buffalo & Erie County Historical Society, BPO, Buffalo Society of Natural Sciences, Burchfield-Penney Art Center, Irish Classical Theatre, Martin House Restoration, Shakespeare in Delaware Park, Zoological Society of Buffalo, Cornell Cooperative Extension and Erie County Soil and Water Conservation	\$5,023,067 – all local share
EC Environment & Planning-grant funds-NYS Canal Corporation	NYS Canal Corporation is granting the County money for improvements to the Black Rock Park/Ontario Boat Launch Facility	\$200,000-no local share
ECC- Grant Program - Verizon	ECC-Verizon program is an educational partnership between ECC and Verizon	\$200,000 in revenue for ECC
ECC-purchase contract- C2C Archive One	C2C Archive One for exchange software	\$64,000 – all college funds
ECC – Receipt of Grant Funds – State Education Dept.	Coordinate development of career and technical education programs in the 5 counties in WNY	\$2,572,500 – No college funds
ECC-service contract-Perfect Solutions	Removal of existing water meter and installation of a certified backflow preventer	\$60,090 – All College Funds
Health Department-Grant funds-NACCHO	Western New York public health alliance	\$76,132-no local share
Health Department-Grant funds-NYS Department of Health	Healthy Heart Worksite Wellness	\$108,133-no local share
Health Department-Service Contract-UB Family Medicine	UB Family Medicine shall designate one of its employee physicians to act as the County Chief Medical Officer	\$195,000-all local share
Health Department-Grant Funds-NYSDOH	Lead Primary Prevention Pilot Program Grant	\$481,897-no local share
Information & Support Services-service contract-Verizon wireless	Wireless voice and data services	\$400,000 – all local share
Information & Support Services-service contract-Oracle USA Inc.	Oracle database software support and maintenance	\$176,383.50 - \$136,616 Local share
Information & Support Services-service contract-Level 3 Communications	Inbound and outbound local and long distance calling circuits	\$180,000 – all local share
Senior Services-Service Contract-Town of Amherst	Congregate dining program provides hot noon meals in the Town of Amherst center	\$111,518-11,151.80 local share
Senior Services-purchase contract-Sodexo Inc	Food service for the Stay Fit Dining Program	\$1,251,181-118,922.71 local share
Senior Services-service contract- variety of federal and state agencies, meals on wheels, related agencies	Meals on Wheels	\$3,439,058-\$45,120 local share
Senior Services-service contract- Salvation Army Buffalo Golden Age Center	Congregate dining program provides hot noon meals at senior centers	\$53,725-\$5,372.50 local share
Sheriff – Receipt of Grant Funds – Department of Justice	Funds WNY task force on human trafficking	\$160,000 – no local share

This resolution shall take effect immediately.

Secretary Keysa: “I will note that Mr. Goodell is abstaining on 4-4.”

Exec. Director Vetter: “To balance out what Mr. Keysa has just indicated, items 7-3 – 8-2 which are Social Services contracts are being put forward as a slate.”

Chairman Glaser moved, Director Johnson seconded and the Directors duly voted to approve the following resolution, with Secretary Keysa abstaining from all contracts:

Resolution No. 09-23

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

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

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

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

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

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

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

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

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

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

Department	Description	Amount
Social Services-Service Contract-Hyland Software	Renewal of annual maintenance for On Base document imaging software	\$97,857-\$32,293 local share
Social Services-Service Contract-Hillside Children’s Center	Comprehensive adoption services program	\$60,000-\$21,000 local share
Social Services-Service Contract-CH Mack Inc	Q Software for the DSS to maintain records related to the administration of the CASA program	\$50,400-no local share
Social Services-service contract-Medical Answering System	Personal emergency response system	\$90,000- all local share MA
Social Services-service contract-Catholic Charities	Parent training program to educate and guard parents and caretakers of children	\$79,998-\$27,999 local share
Social Services-service contract-Joan A. Male respite services	In-home and Out-of-home services for birth parents and foster parents	\$162,248-\$56,787 local share
Social Services-service contract-Hopevale Inc.	Out-of-home foster care and the therapeutic/regular foster care	\$100,000-\$35,000 local share
Social Services – Service Contract – New Directions Youth & Family Services	Will respond to and service families that have been reported to NY State’s Central Registry who have low or moderate risk factors	\$250,000 - \$87,500 local share

This resolution shall take effect immediately.

Exec. Director Vetter: “Mr. Chairman, the remaining contracts except for one are 8-3 through 10-6; staff would recommend for approval as a slate.”

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

Resolution No. 09-24

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

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

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

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

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

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

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

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

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

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

Department	Description	Amount
Stop DWI-service contract-Town of Hamburg	Alcohol traffic safety law enforcement and court services as per STOP DWI program	\$196,100 – paid through local fines
Stop DWI-service contract-Village of Depew	Alcohol traffic safety law enforcement and court services as per STOP DWI program	\$106,500 – paid through local fines
Stop DWI-grant funds-NYS Governor’s Traffic safety committee	High School traffic and passenger safety education	\$56,007-no local share
Stop DWI-service contract-City of Tonawanda	Alcohol traffic safety law enforcement and court services as per STOP DWI program	\$111,000-paid through local fines

Stop DWI-service contract-City of Buffalo	Alcohol traffic safety law enforcement and court services as per STOP DWI program	\$211,000-paid through local fines
Stop DWI-service contract-Town of Amherst	Alcohol traffic safety law enforcement and court services as per STOP DWI program	\$443,300-paid through local fines
Stop DWI-service contract-Town of West Seneca	Alcohol traffic safety law enforcement and court services as per STOP DWI program	\$165,750-paid through local fines
Stop DWI-service contract-Town of Evans	Alcohol traffic safety law enforcement and court services as per STOP DWI program	\$86,500-paid through local fines
Stop DWI-service contract-Town of Cheektowaga	Alcohol traffic safety law enforcement and court services as per STOP DWI program	\$491,000-paid through local fines
Public Works-change order-Ed Bauer Construction	Change order for construction of the Live Burning building on the Fire Academy campus	\$4,830.57-all local share
Public Works-change order-Grove Roofing Service	Change order for roof construction on Old County Hall	\$640.19-all local share
Public Works-change order-Ed Bauer construction	Change order for construction of the Live burning building on the Fire Academy campus	\$40,609.75-all local share
Public Works-change order-Cloverbank Construction	Change order for construction at BB Building on the campus of ECMC	\$4,852-all local share
Public Works-change order-Cloverbank Construction	Change order for construction for the new storage building located at the Erie County Highway Hamburg Maintenance Division	\$2,363.80-all local share
Public Works-Purchase Contract-Diamond Detective Agency	Security service at 608 William & 1500 Broadway	\$141,000 – all local share
Public Works-Construction Change Order-Visone Construction Inc	Construction for Tow Path park	\$18,731.86 – \$6,743.47 local share
Public Works-Construction Change Order-O’Connell Electric	Electrical work at Tow Path Park	\$14,190.80 –all local share
Public Works-Construction Change Order-John W. Danforth Company	Emergency repairs to the field house	\$4,395-all local share
Public Works-Intermunicipal Agreement - Town of Amherst	Maple Road reconstruction program	\$1,360,000-no local share
Public Works-Award-American Recovery Stimulus Act of 2009-NYS DOT	Construction contract of the Maple Road Federal Aid rehabilitation project	\$12,500,000-\$500,000 local share
EC Environment & Planning-grant funds-	Erie County clean school bus initiative Phase 3	\$523,395 – no local share

This resolution shall take effect immediately

Exec. Director Vetter: “Mr. Chairman, item 10-7 is the Clean School Bus Initiative; it has been approved by the appropriate Legislature committee but has not been approved by the full Legislature. Staff would recommend that this contract be approved contingent on final Legislative approval.”

Director Johnson: “Mr. Chairman, I have a question for staff on item 10-7. Could you provide further clarification on clean school buses; are they environmental issues as they may relate to fumes, gas emissions?”

Exec. Director Vetter: “Yes and this is phase three. This contract has come before the board in the past and has been approved at each phase.

Secretary Keysa moved to approve, Director Kruly seconded and the Directors voted unanimously to approve the following resolution:

Resolution No. 09-25

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the ECFSA approves the contracts, settlements, and other obligations listed on the attached document contingent on Legislative approval:

Department	Description	Amount
EC Environment & Planning-grant funds-	Erie County clean school bus initiative Phase 3	\$523,395 – no local share

This resolution shall take effect immediately

Exec. Director Vetter: “Mr. Chairman, remaining are the exemption requests, they are a number of grants for which the county has gotten an indication that they have been approved by the relevant state agency but they have not yet received the contract and in lieu of laying people off and not spending grant funds, this is requesting that they be exempt from the approval process. Staff has reviewed them and would recommend that items 1-1 though 1-6 on the exemption request form be approved.”

Vice Chair Goodell moved and Director Kruly seconded, and the Directors duly voted to approve the following resolution, with Secretary Keysa abstaining from voting on items 1-4 through 1-6:

Resolution No. 09-26

APPROVING THE ECFSA EXEMPTION OF CERTAIN GRANTS BINDING THE COUNTY OF ERIE

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

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

WHEREAS, incident to and in furtherance of the imposition of the control period, the ECFSA adopted Resolution 06-51, which authorized a process for approving contracts,

settlements, or other obligations binding or purporting to bind the County (“contract approval process”), on November 3, 2006; and

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the ECFSA exempts itself from certain grants listed on the attached document.

Department	Description	Amount
District Attorney- Receipt of Grant Funds - NYSDCJS	Aid to Prosecution Grant 4/1/09-3/31/10 – funding for increased effectiveness in prosecuting serious, violent crimes	\$1,501,668 – \$884,718 local share
District Attorney- Receipt of Grant Funds-NYS Office of Children and Family Services	Federal Family Violence Preventions Services Act Grant 3/31/09-3/30/10	\$37,155-\$13,287 local share
District Attorney- Receipt of Grant Funds-NYSDCJS	Motor Vehicle Theft and Insurance Fraud Prevention Grant 4/1/09-3/31/10	\$122,232-no local share
Social Services-Receipt of Grant Funds-Goodwill Industries & Buffalo Urban League NYS Office of Temp. Disability Assistance	Intensive Case Services for Non-compliant Families Grant -6/1/09-5/31/10- Enhanced case management services up to 300 TANF clients	\$300,000-no local share
Social Services-Receipt of Grant Funds -ECC & EOC & NYS Office of Temp. Disability Assistance	Strengthening Families Grant 4/1/09-3/31/10 -grant funds for payment of court ordered child support	\$250,000-no local share
Social Services- Receipt of Grant Funds - NYS Office of Temp. Disability Assistance	NYS Office of Temp. Disability Assistance	\$317,193-no local share

This resolution shall take effect immediately.

Chairman Glaser: “I do have a comment on this. We have been doing this quite a bit and I understand the reasoning for it but is there a control over all of these items that we are deferring on and is there someone to make sure that we get them on a timey basis to make sure that we

don't have anything fall through the cracks, that we don't miss a grant."

Exec. Director Vetter: "I think the control that would provide reasonable assurance that we won't miss a grant, if there is not an approval or an exemption from the authority, the County Comptroller will not allow the grant to be set up in the system. Bills will not be paid from that grant, people will not be paid from that grant. What we have is a process at the back end of this as well so that when the contract is received, we review that in light of the original parameters that were sent to us."

Chairman Glaser: "Do we have a dollar amount to approve the minutes?"

Secretary Keysa: "We have information back now on the minutes. The question here arose because the dollar amount was included in the resolution. It looks like the local share and the other share and what we really approves was the local share, that specific amount was \$371,782 which should be put into resolution number 09-04. With that amendment I would ask that the minutes be approved."

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

Resolution No. 09-13

**APPROVING MINUTES AND RESOLUTIONS FROM
THE FEBRUARY 4, 2009 MEETING**

BE IT RESOLVED that the Erie County Fiscal Stability Authority approves the minutes of its February 4, 2009 meeting and ratifies and affirms seven resolutions numbered 09-01, 09-02, 09-03, 09-04, 09-05, 09-6, 09-07, 09-08, 09-09 and 09-10 that were approved on February 4, 2009.

This resolution shall take effect immediately.

Chairman Glaser: "This will move us into the last portion of our meeting and that is the borrowing. I would like to say a couple of words before we get to the resolution to expand on the borrowing. Just to being everyone up to date, there continues to be discussion with the County Executives office on the borrowing. They have moved forward and they have included drafting up language in which both legal counsels have been involved and it is moving forward.

There is anticipation that eventually a resolution will be met. We have concluded that it may well be in the best interest of the County to roll the 2009 borrowing into the 2007 and 2008 borrowings that we have approved. Via resolution what we would like to do is move forward a resolution that will cover all three years and expand the total borrowing to an amount not to exceed \$139 million. If I am not mistaken, Mr. Vetter, I don't believe all the projects for 2009 have been identified yet but they are in the process of trying to do that between the County Executive and the Legislature. If they haven't already I do believe they will be doing it soon. We wanted to anticipate the request and have our bonding resolution on the table."

Secretary Keysa: "I am assuming when we have the specifics available we will have an opportunity to take a look at those?"

Chairman Glaser: "Yes."

Secretary Keysa: "You are saying that, in general, we have talked about a \$50 million cap per year and that is the dollar amount we are approving in addition to the bonds in the past?"

Chairman Glaser: "...that we have already approved. The whole idea, Mr. Keysa, is that because of the nature of the timing for this now, we might as well roll it into, the savings if you will, not having to do two bond issuances versus one bond issuance. So in anticipation of that, I am trying to move the process along so that we would have money available for the construction season. I think that is where we are at. Mr. Vetter, just one question before we go into the bonding resolution. The projects for 2009 have not been specifically identified?"

Exec. Director Vetter: "No, they have not been identified. There is a capital budget for 2009, but the Legislature has to go through the projects that would be bonded for 2009. The figure that we have assumed for this fiscal year is equal to the amount that is in the current financial plan."

Chairman Glaser: "Let's put the resolution on the table."

Secretary Keysa moved to approve, Director Johnson seconded and the Directors voted unanimously to approve the following resolution:

Resolution No. 09-27

AUTHORIZING THE ISSUANCE OF BONDS AND/OR BOND ANTICIPATION NOTES TO FUND ERIE COUNTY’S 2007, 2008 AND 2009 CAPITAL PROJECTS

WHEREAS, Chapter 182 of the New York Laws of 2005 (the “ECFSA Act”), as amended, 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, New York Public Authorities Law (“Public Authorities Law”) section 3961 provides circumstances under which the ECFSA may finance Erie County’s costs, including the costs of capital projects; and

WHEREAS, pursuant to Public Authorities Law section 3961(1), the ECFSA may commence such financing only upon a request “made by and through the county executive after approval by the [county] legislature;” and

WHEREAS, Public Authorities Law section 3959(2)(i) requires Erie County (the “County”) not to pursue capital borrowing on its own, “unless first reviewed, commented upon and approved by the [ECFSA];” and

WHEREAS, the County cannot borrow for capital projects without the approval of the ECFSA, while the ECFSA cannot issue bonds to fund the County’s capital projects absent a request from the County Executive after approval by the County Legislature; and

NOW, THEREFORE, BE IT RESOLVED that the ECFSA is hereby authorized to sell and issue up to \$139,000,000 in bonds, and/or notes in anticipation thereof, to fund the County’s 2007, 2008 and 2009 Capital Programs, which bonds and/or bond anticipation notes may be secured by the County’s sales tax revenues; and

BE IT FURTHER RESOLVED that this resolution supersedes resolution 09-11, approving up to \$89 million in ECFSA borrowing at its February 4, 2009 meeting;

This resolution shall take effect immediately.

Vice Chair Goodell: “I have a question. If the Legislature comes up with a list that is \$2 million beyond what we have assumed here, does that mean we need another resolution?”

Chairman Glaser: “I think we can only borrow up to the \$139 million in total. I think the hope is that when the final list is put together we will be within the budget constraints.”

Vice Chair Goodell: “If indeed it is larger, we then have to come back to reapprove this?”

Chairman Glaser: “I believe that is correct.”

Exec. Director Vetter: “Mr. Chairman, at our last meeting we had approved \$89 million, which was larger than a previous approval. The way this resolution is written is that it supersedes the \$89 million resolution approved by this body on February 4th.”

Chairman Glaser: “We still need to be asked by the Legislature and the County Executive office for that. They are anticipating some progress on resolving those issues. Any other questions on those?”

Secretary Keysa: “Mr. Chair, I might add, as I was just informed by the Executive Director that when he looked at that resolution that I had spoken about before, resolution 09-04, that in fact the larger dollar amount that was in the typed amount also included a portion that was not County share but was ECMC share that was subject to our approval, therefore the original figure would be correct. So at this point I would like a motion to strike the amendment to the minutes.”

Director Johnson moved to approve, Vice Chair Goodell seconded and the Directors voted unanimously to approve resolution 09-04 without amendment.

Chairman Glaser: If there is no other business I would entertain a motion to adjourn.

Director Kruly moved to adjourn, Vice Chair Goodell seconded and the Directors voted unanimously to adjourn.

Respectfully submitted:

Stanley J. Keysa, Secretary
May 5, 2009