

MINUTES
Buffalo Fiscal Stability Authority
August 31, 2005

The regular meeting of the Buffalo Fiscal Stability Authority (BFSA) was called to order at 1:10 PM on August 31, 2005, at the Buffalo Niagara Convention Center by Mr. Brian Lipke, Chairman of the Board. The meeting was convened by a Notice of Meeting sent to the Directors by Chairman Lipke and announced to the public and press.

Directors Present: Faso (entered at 1:30 PM), Giambra, Lipke, Masiello, Stenhouse, Tobe, Townsend and Wilmers

Directors Absent: McCall (excused)

Staff Present: Johnson, McPherson, Miller, Mitchell, Mulawka, Stefko and Tocker

Opening Remarks:

Chairman Brian Lipke welcomed all attendees. In his opening remarks, Mr. Lipke explained that the BFSA staff has been working as interim support staff for the newly created Erie County Fiscal Stability Authority (ECFSA). BFSA will be fully reimbursed by ECFSA for the staff's time. It is expected that BFSA's role will diminish as time goes on. He expects that a spirit of cooperation will persist between the two entities.

In relation to the agenda, the BFSA Board will be briefed on the recent dismissal of the federal court case regarding the wage freeze, and the PERB decision, which recently ruled in favor of the School District allowing it to go forward with the single health insurance carrier. BFSA staff has also prepared a presentation to address the District's implementation of the single health insurance carrier.

Following his opening remarks, Chairman Lipke requested a roll call of the Directors. Secretary Richard Tobe confirmed that there was a quorum present, and the BFSA Board started the meeting.

Approve Minutes

The Directors voted to approve Resolution 05-70 to ratify the June 8, 2005 Board Meeting Minutes and to ratify resolutions numbered 05-44 through 05-55. Motion by Masiello, second by Townsend. Vote 8-0, to take effect immediately.

RESOLUTION NO. 05 - 70

APPROVING MINUTES AND RESOLUTIONS FROM JUNE 8, 2005

BE IT RESOLVED that the Buffalo Fiscal Stability Authority approves the minutes of its meeting of June 8, 2005 and ratifies and affirms eleven resolutions numbered 05-44 through 05-56 that were approved on June 8, 2005.

The Directors voted to approve Resolution 05-71 to ratify the July 20, 2005 Board Meeting Minutes and to ratify resolutions numbered 05-44 through 05-56. Motion by Masiello, second by Townsend. Vote 8-0, to take effect immediately. Motion by Giambra, second by Masiello, Vote 8-0 to take effect immediately.

RESOLUTION NO. 05 - 71

APPROVING MINUTES AND RESOLUTIONS FROM JULY 20, 2005

BE IT RESOLVED that the Buffalo Fiscal Stability Authority approves the minutes of its meeting of July 20, 2005 and ratifies and affirms thirteen resolutions numbered 05-57 through 05-69 that were approved on July 20, 2005.

Discussion of School District Issues:

Proposed Budget Modification

Executive Director Dorothy Johnson briefed the Board regarding the recently proposed budget modification for the District. The modification was requested at the prior Board meeting in response to a court injunction which threatened to stop implementation of the District's single health insurance carrier initiative. Since the prior BFSA meeting, however, the injunction has been lifted for most unions and PERB ruled that the District could move forward with implementation of the single insurance carrier initiative. The budget modification submitted for approval by the District still includes savings from the insurance initiative, however it reduces those savings to a 10-month period since union legal challenges tied up implementation during the fiscal year's first two months. Still, there are potential threats to those savings. In order to protect against any potential loss of savings pending an arbitration ruling, the District has modified its budget by eliminating positions and laying off staff in the amount of the insurance savings. A total of 148 positions (114 layoffs) are implemented in the modified budget.

Motion by Stenhouse, second by Townsend, Vote 8-0 to take effect immediately.

RESOLUTION 05 - 72

MODIFICATION TO THE 2005-2006 BUDGET TO ADDRESS LOSS OF SAVINGS FROM SINGLE HEALTH INSURANCE CARRIER

WHEREAS, the School District has submitted a request to the Buffalo Fiscal Stability Authority (BFSA) for approval of a budget modification to the 2005-2006 budget upon the direction of BFSA, and

WHEREAS, the 2005-2006 budget originally contained savings from transferring to a single health insurance provider, and

WHEREAS, those savings are in jeopardy with an arbitration pending that may overturn the legal ability of the School District to make this change without the consent of the collective bargaining units representing District employees, and

WHEREAS, the budget modification retains the savings (for 10 months rather than 12), but recognizes the risk from the arbitration by including a “single carrier contingency” of \$7 million to hedge against a potential loss of savings, and

WHEREAS, to balance the contingency, 148 positions have been cut from the budget (114 of them are filled positions), and

WHEREAS, if there is agreement to move to a single health insurance provider and the risk of litigation or arbitration goes away, the contingency can be tapped to restore positions, and

WHEREAS, the modification also modifies active employee and retiree health care costs by \$2.2 million to further account for the loss of savings,

NOW THEREFORE BE IT RESOLVED THAT, the Buffalo Fiscal Stability Authority approves the modification of the 2005-2006 budget to create a single health insurance carrier contingency by eliminating 148 positions and adjusting the amount of savings generated by the move to a single health insurance provider; and

BE IT FURTHER RESOLVED THAT, if an agreement can be reached to solidify the single health insurance provider, the School District shall submit a budget modification reflecting the intention to restore positions in the 2005-2006 budget.

Effect of Single Health Insurer on School District

Utilizing a slide presentation, Ms. Johnson focused on the District’s need to move forward with the single health insurance carrier to curb health insurance costs. The presentation demonstrated:

- The single carrier is essential to the District’s long term fiscal stability and the reinstatement of teachers in the classroom.
- The current budget will reflect ten months of savings, having lost \$2 million due to union legal challenges that created an inability to implement the single carrier until the third month of the fiscal year.

Ms. Johnson offered the following timeline demonstrating the length of this process:

July 2004	District began compiling information about the benefit of having a single health insurance carrier, and discussing issue with unions,
Jan. 2005	RFP’s received from competing health insurance providers,
Feb. 2005	Buffalo Teachers Federation (BTF) refused to review proposals,
April 2005	All insurance carriers made presentations to the Unions regarding the benefits of their services,
Aug. 2005	Blue Cross/ Blue Shield offers affidavit guaranteeing the same level of service will be provided to new enrollees.

She also acknowledged that 70% of all District employees/retirees are already enrolled in Blue Cross/Blue Shield, leading to the selection of Blue Cross/Blue Shield as the sole provider.

Director Tobe noted that over a year has passed, wherein there were plenty of opportunities to address questions and concerns. This delay has cost the School District millions of dollars and

takes away resources for instruction. Director Richard Stenhouse observed that if the District maintained the present workforce, the cost of salaries would be outpaced by benefit costs in three years.

Ms. Johnson stated that the City's move in June 2004 is a positive example of how the implementation of a single insurer can help. The Buffalo Common Council and City unions worked collectively to achieve the switch, with projected annual savings of \$6 million, and actual savings of \$10 million. The City also benefited in 2005-06 from limiting its growth rate for health insurance costs to 8.1%, one of the lowest year-to-year growth rates in recent memory and lower than even the health plan provided to State employees (11%).

Vice-Chair Alair Townsend questioned what accounted for the additional savings for the City and why the growth rate of costs was lower than expected. Commissioner of Human Resources Leonard Matarese explained that the low rate of growth could be attributed to the move to a single carrier, which allowed the City to go from a community rating to an experience rating. The projected savings and growth rate were "worst-case scenarios".

Mayor Anthony Masiello offered that in 1994 the City's healthcare bill was \$21 million and has since grown to \$48 million. Director John Faso inquired about the cost of covering an active employee versus the cost of a retiree.

School District Chief Financial Officer Gary Crosby replied that the cost for healthcare coverage is \$8,000 per year for an active employee while it is \$11,000 per year for a retiree, even with Medicare. Mr. Matarese further explained to Vice-Chair Townsend that requiring retirees to apply for Medicare had more to do with the insurance plan they belonged to at the time of retirement, not to which union they belonged.

Director Faso raised various questions on Medicare costs and retirees (Are all retirees now required to apply for Medicare? How many retirees currently use Medicare as a primary insurance versus that supplied by the District? What is the quantified cost to the District due to those retirees who use their insurance as a primary? What are the costs to the District for those who retired pre-1994 versus those who retired post-1994?). Ms. Johnson directed staff to research the issue.

School District Superintendent Dr. James Williams then updated the Board on the status of union negotiations. He expressed dismay that many District employees and the community are being misled and not getting all of the available information about how the single health insurance provider will replicate coverage. He reasserted the District's position that the wage freeze cannot be lifted until it can handle its fiscal responsibilities.

Director Faso asked Dr. Williams about the status of early retirements under the current incentive system. Exact numbers were not available at the moment, but the information would be provided to the BFSAs staff.

Director Stenhouse thanked Dr. Williams for trying to reverse the "greed versus need" syndrome that has taken over the District, where the "wants" of the few outweigh the "needs" of the many.

County Executive Joel Giambra wanted to send a clear message that the BFSA is not anti-labor, but changes are needed to the Taylor Law because governments cannot sustain the status quo any longer. The unions are stuck in the old “dollar for dollar” paradigm. The City and County cannot negotiate better contracts because of the restrictions in the Taylor Law.

Director Tobe found it unfortunate that the District’s focus has to be on the insurance issue, when they should be enjoying the excitement of a new school year. He inquired about the availability of school nurses throughout the District, the number of new hires to replace vacant teaching positions, and the number of new hires that are certified. Dr. Williams replied that he met with 100 new hires the previous day and that most are enthusiastic about their new positions. The Superintendent’s Executive Assistant James Kane stated that the District is working with BOCES and Albany to remedy the nursing issue and will have a number of Kaleida clinics available to provide services to the schools. He will forward to BFSA staff the exact number of new hires and whether and to what extent they are certified.

Director Robert Wilmers questioned whether the Buffalo Common Council ever voted on the issue of the single health carrier. Ms. Johnson believed that they had and had threatened to withhold a portion of funds in the following year’s allocation to the School District if the District and unions could not reach an agreement. Mayor Masiello also recalled the Council advancing a resolution in support of the single insurance provider.

Litigation Update:

Chief Counsel Darryl McPherson updated the Board on recent developments in the lawsuits facing BFSA. Key highlights included the dismissal of the federal lawsuit brought by eight unions representing School District personnel. The Judge found the wage freeze to be constitutional and necessary for the City’s fiscal viability. Mr. McPherson noted that depositions in the other federal lawsuits were ongoing, but motions for summary judgment were forthcoming. The appeal of the police union case was scheduled to be heard in the following week.

Director Giambra asked about the total cost of the litigation for BFSA to date. The figure was not immediately available, but would be provided to him. He restated that Albany needs to understand that local governments will continue to have to pay for unneeded services until changes are made to the Taylor Law.

BMHA Issues:

Update on the Search for Executive Director

Ms. Johnson provided an update on the BMHA’s search for a new Executive Director. BFSA staff continues to be involved with the process. Though names have surfaced, no contract has been submitted for approval. Stressing the need for the entire BFSA to be involved, Director Tobe suggested that in the event a contract is submitted for a new executive director before the next BFSA meeting, no action be taken until the Board can deliberate as a body. Mayor Masiello supported that thought and reiterated his view that the new Mayor needs to have an active role in the selection process.

Chairman Lipke recognized the will of the Board and affirmed that no interim action would be taken to approve a new BMHA executive director independent of the full Board.

BMHA State Portfolio Review

Ms. Johnson briefed the Board on Kensington Heights and Marine Drive. Kensington Heights is a vacant property under an option for redevelopment. Maintenance costs are covered by authorized reserves, but redevelopment has been slow. Marine Drive previously was operated under a long-term lease, but was taken back by the BMHA in January 2004. It is currently managed by HKMDA, LLC under a management contract which expired June 30 and is now on a month-to-month basis. That contract was never brought before the BFSa Board for approval and therefore constitutes a violation of the BFSa Act. The new management has been deficient, particularly in vacancy management and financial reporting areas. If greater improvements are not realized immediately, BMHA needs to reconsider all of its options relative to the management contract and eventually as to the property as a whole.

Director Tobe stated that the failure to bring the contract to BFSa for approval was a violation of the law and that serious penalties could be imposed on BMHA officials. He warned that another violation would not be tolerated and that he would recommend the imposition of penalties as allowed by the BFSa Act. He requested that the contract with the current managers of Marine Drive Apartments be brought to the BFSa for review immediately.

Contract Approvals:

Ms. Johnson asked the Board to strike three contracts from the draft resolution provided to the Directors for twenty-nine School District contracts (#2 A.B. Dick Contract for McKinley High, #7 Newton Learning Supplemental Education Services, and #28 Athletic Trainers for School District), because the staff did not receive sufficient information prior to the meeting.

Director Faso questioned why a number of the School District Contracts were for the same amount of \$1,001,785. Deputy Director Dr. Joseph Stefko explained that those contracts are a part of the No Child Left Behind funding given to the District for supplemental educational services. The total amount listed for each of the supplemental vendors represents the maximum total that can be expended on all such contracts collectively. There is not an exact cost per vendor because that amount will be based on the student enrollment and services provided by each vendor.

Motion by Giambra second by Wilmers to strike the three suggested contacts from the School District resolution and to approve six resolutions to authorize and/or affirm certain contracts as listed below:

- Resolution 05-73 to Authorize the City to enter into Nine Contracts
- Resolution 05-74 to Affirm the Authorization for the City to enter into Eight Contracts
- Resolution 05-75 to Authorize the School District to enter into Twenty-six contracts
- Resolution 05-76 to Affirm the Authorization for the School District to enter into Two Contracts

- Resolution 05-77 to Authorize the Buffalo Urban Renewal Agency to enter into Two Contracts
- Resolution 95-78 to Authorize the Buffalo Municipal Housing Authority to Enter into Six Contracts.

Vote 8-0 to take effect immediately.

RESOLUTION NO. 05 - 73

AUTHORIZE CITY OF BUFFALO TO ENTER INTO NINE CONTRACTS

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits the Buffalo Fiscal Stability Authority (“BFSA”) to review and approve or disapprove contracts or other obligations binding or purporting to bind the City or any covered organization; and

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits the BFSA to review and approve or disapprove the terms of any proposed settlement of claims against the City or any covered organization in excess of \$50,000.00; and

WHEREAS, in order to carry out the mission of the BFSA, the BFSA will review contracts or other obligations in excess of \$50,000, though the BFSA Act provides no limit on contracts or obligations; and

WHEREAS, the BFSA will review contracts or other obligations in excess of \$50,000, but will require approval by the full BFSA Board when the contract or other obligation is valued at \$200,000 or more; and

WHEREAS, the Mayor and other City officials have submitted the contract and other obligations for approval at the August 31, 2005 BFSA meeting, and have signed the BFSA Remittance Approval Request Form (“RARF”) in which they indicate that there are sufficient funds available for such items; and

WHEREAS, BFSA Staff have reviewed such items and the RARF and recommend approval of such contracts; and

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority approve and authorize the City of Buffalo to enter into nine contracts and obligations as listed below:

1. Crane Hogan Structural - construction services	\$495,440.00
2. Crane Hogan Structural - construction services	\$1,287,070.00
3. URS – consulting services	\$263,500.00
4. Business Methods Inc. – purchase contract	\$210,116.60
5. NOCO Energy Corp – energy purchase	\$631,559.00
6. TF Kurk Inc. – purchase contract	\$803,000.00
7. DiDonato Associates – consulting services	\$80,000.00

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|--|--------------|
| 8. Donald Braasch Construction – construction services | \$125,000.00 |
| 9. Delacy – purchase contract | \$81,447.000 |

RESOLUTION NO. 05 - 74

AFFIRM AUTHORIZATION OF THE CITY OF BUFFALO TO ENTER INTO EIGHT CONTRACTS

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits the Buffalo Fiscal Stability Authority (“BFSA”) to review and approve or disapprove contracts or other obligations binding or purporting to bind the City or any covered organization; and

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits the BFSA to review and approve or disapprove the terms of any proposed settlement of claims against the City or any covered organization in excess of \$50,000.00; and

WHEREAS, in order to carry out the mission of the BFSA, the BFSA will review contracts or other obligations in excess of \$50,000, though the BFSA Act provides no limitation for contracts or obligations; and

WHEREAS, the BFSA will review contracts or other obligations in excess of \$50,000, but will require approval by the BFSA Board when the contract or other obligation is valued at \$200,000 or more; and

WHEREAS, on occasion, there may be times when the approval of a contract may be necessary prior to the next scheduled meeting of the BFSA; and

WHEREAS, Resolution No. 04-89 provides a process for the emergency approval of contracts by BFSA Staff, such contracts must be submitted to the BFSA for affirmation by the Board; and

WHEREAS, City officials have submitted items for emergency approval prior to the August 31, 2005 BFSA meeting, and have signed the BFSA Remittance Approval Request Form (“RARF”) in which they indicate that there are sufficient funds available for the items;

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority does hereby affirm the emergency approval authorizing the City of Buffalo to enter into 8 contracts as listed below:

- | | |
|--|-------------|
| 1. Purchase Contract for Police Vehicles | \$225,988 |
| 2. Roof Replacement for 105 West Market Street | \$252,705 |
| 3. Cazenovia Creek Bank Stabilization Project | \$2,400,000 |
| 4. Michigan Avenue Streetscape Repairs | \$785,746 |
| 5. Water Plant Security Upgrades | \$400,092 |
| 6. Increased Encumbrance for Scajaquada Pathway Project | \$275,000 |
| 7. Increased Encumbrance for Genesee Street Reconstruction | \$525,506 |

8. Purchase of Asphalt for Road Repairs

\$213,750

RESOLUTION NO. 05 - 75

AUTHORIZE THE BUFFALO SCHOOL DISTRICT TO ENTER INTO TWENTY-SIX CONTRACTS

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits the Buffalo Fiscal Stability Authority (“BFSA”) to review and approve or disapprove contracts or other obligations binding or purporting to bind the City or any covered organization; and

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits the BFSA to review and approve or disapprove the terms of any proposed settlement of claims against the City or any covered organization including the School District in excess of \$50,000.00; and

WHEREAS, in order to carry out the mission of the BFSA, the BFSA will review contracts or other obligations in excess of \$50,000, though the BFSA Act provides no limitation for such items; and

WHEREAS, the BFSA will review contracts or other obligations in excess of \$50,000, but will require approval by the full BFSA Board when the contract or obligation is valued at \$200,000 or more; and

WHEREAS, School District officials submitted correspondence to BFSA in which they seek the approval of contracts, together with signed BFSA Remittance Approval Request Forms (“RARF”) in which they indicate that there are sufficient funds available for such contracts; and

WHEREAS, certain contracts issued in connection with “No Child Left Behind” legislation must be awarded at an amount “to be determined” (TBD) because enrollment figures are not known at this time; and

WHEREAS, BFSA Staff have reviewed all contracts and the RARF and recommend approval of twenty-six contracts; and

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority approve and authorize the Buffalo School District to enter into twenty-six contracts as listed below:

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|---|---------------------------|
| 1. Emerson Food Services Division purchase contract | \$300,000.00 |
| 2. A.B. Dick instructional equipment maintenance for McKinley Hugh | \$79,051.63 |
| 3. NYS Student Information System contract | \$2,900,000.00 |
| 4. Alternative Information Systems – technology equipment | \$607,966.00 |
| 5. Apple Computer – technology equipment and software | \$2,103,351.53 |
| 6. Universal Pre-K CBO Collaboration | \$829,800.00 |
| 7. Newton Learning supplemental educational service | \$1,745,536.00 |

8. No Child Left Behind (NCLB) – Supplemental Educational Services	\$1,001,785.00
9. University at Buffalo, EOC - supplemental educational services	\$TBD
10. Truway Community Center - supplemental educational services	\$TBD
11. St. Phillips Community Center Inc. - supplemental educational services	\$TBD
12. Literacy Volunteers - supplemental educational services	\$TBD
13. Huntington Learning Centers - supplemental educational services	\$TBD
14. Friends of the Elderly, Youth & Family Services - supplemental educational services	\$TBD
15. Concerned Ecumenical Ministries - supplemental educational services	\$TBD
16. Comprehensive Tutoring/The Homework Club - supplemental educational services	\$TBD
17. Buffalo Urban League - supplemental educational services	\$TBD
18. Buffalo Speech and Hearing - supplemental educational services	\$TBD
19. Brooks Learning Center - supplemental educational services	\$TBD
20. Boys and Girls Clubs of Buffalo Inc. - supplemental educational services	\$TBD
21. Bob Lanier Center - supplemental educational services	\$TBD
22. Bethesda World Harvest International Church - supplemental educational services	\$TBD
23. African American Cultural Center - supplemental educational services	\$TBD
24. Medicaid and STAC reimbursement consulting services	\$220,000.00
25. MAGI math program improvement assessment	\$50,000.00
26. Buffalo State College – math course development fee	\$124,372.00
27. Buffalo State College – math course tuition fees	\$184,000.00
28. Athletic trainers for School District	\$88,000.00
29. Joy C. Trotter, Esq. – Executive Director for Human Resources	\$95,500.00

RESOLUTION NO. 05 - 76

AFFIRM AUTHORIZATION OF THE BUFFALO SCHOOL DISTRICT TO ENTER INTO TWO CONTRACTS

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits the Buffalo Fiscal Stability Authority (“BFSA”) to review and approve or disapprove contracts or other obligations binding or purporting to bind the City or any covered organization; and

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits the BFSA to review and approve or disapprove the terms of any proposed settlement of claims against the City or any covered organization in excess of \$50,000.00; and

WHEREAS, in order to carry out the mission of the BFSA, the BFSA will review contracts in excess of \$50,000, though the BFSA Act provides no limitation for contracts or obligations; and

WHEREAS, the BFSA will review contracts or other obligations in excess of \$50,000, but will require approval by the full BFSA Board when the contract or other obligation is valued at \$200,000 or more; and

WHEREAS, on occasion, there may be times when the approval of a contract may be necessary prior to the next scheduled meeting of the BFSA; and

WHEREAS, Resolution No. 04-89 provides a process for the emergency approval of contracts by BFSA Staff, such contracts must be submitted to the BFSA for affirmation by the Board; and

WHEREAS, School District officials have submitted two contracts for emergency approval prior to the August 31, 2005 BFSA meeting, and have signed the BFSA Remittance Approval Request Form ("RARF") in which they indicate that there are sufficient funds available for the contracts;

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority does hereby affirm the emergency approval authorizing the Buffalo School District to enter into two (2) contracts as listed below:

- | | |
|---|-----------|
| 1. Library Construction Work | \$793,500 |
| 2. Purchase of E-Rate Products/Services | \$793,792 |

RESOLUTION NO. 05 – 77

AFFIRM AUTHORIZATION OF THE BUFFALO URBAN RENEWAL AGENCY TO ENTER INTO TWO CONTRACTS

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits the Buffalo Fiscal Stability Authority ("BFSA") to review and approve or disapprove contracts or other obligations binding or purporting to bind the City or any covered organization; and

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits the BFSA to review and approve or disapprove the terms of any proposed settlement of claims against the City or any covered organization in excess of \$50,000.00; and

WHEREAS, in order to carry out the mission of the BFSA, the BFSA will review contracts or other obligations in excess of \$50,000, though the BFSA Act provides no limitation for contracts or obligations; and

WHEREAS, the BFSA will review contracts or other obligations in excess of \$50,000, but will require approval by the BFSA Board when the contract or other obligation is valued at \$200,000 or more; and

WHEREAS, on occasion, there may be times when the approval of a contract may be necessary prior to the next scheduled meeting of the BFSA; and

WHEREAS, Resolution No. 04-89 provides a process for the emergency approval of contracts by BFSA Staff, such contracts must be submitted to the BFSA for affirmation by the Board; and

WHEREAS, BURA officials have submitted items for emergency approval prior to the August 31, 2005 BFSA meeting, and have signed the BFSA Remittance Approval Request Form (“RARF”) in which they indicate that there are sufficient funds available for the items;

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority does hereby affirm the emergency approval authorizing the Buffalo Urban Renewal Agency to enter into two (2) contracts as listed below:

1. Goodwill Industries – for the renovation of the 1119 William St. facility
\$210,000.00
2. Oak Street School – development of new residential and commercial space
\$550,000.00

RESOLUTION NO. 05 - 78

AFFIRM AUTHORIZATION OF THE BUFFALO MUNICIPAL HOUSING AUTHORITY TO ENTER INTO SIX CONTRACTS

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits the Buffalo Fiscal Stability Authority (“BFSA”) to review and approve or disapprove contracts or other obligations binding or purporting to bind the City or any covered organization; and

WHEREAS, Chapter 122 of the Laws of 2003 as amended by Chapter 86 of the Laws of 2004 permits the BFSA to review and approve or disapprove the terms of any proposed settlement of claims against the City or any covered organization in excess of \$50,000.00; and

WHEREAS, in order to carry out the mission of the BFSA, the BFSA will review contracts or other obligations in excess of \$50,000, though the BFSA Act provides no limitation for contracts or obligations; and

WHEREAS, the BFSA will review contracts or other obligations in excess of \$50,000, but will require approval by the BFSA Board when the contract or other obligation is valued at \$200,000 or more; and

WHEREAS, on occasion, there may be times when the approval of a contract may be necessary prior to the next scheduled meeting of the BFSA; and

WHEREAS, Resolution No. 04-89 provides a process for the emergency approval of contracts by BFSA Staff, such contracts must be submitted to the BFSA for affirmation by the Board; and

WHEREAS, BMHA officials have submitted items for emergency approval prior to the August 31, 2005 BFSA meeting, and have signed the BFSA Remittance Approval Request Form (“RARF”) in which they indicate that there are sufficient funds available for the items;

NOW THEREFORE BE IT RESOLVED, that the Buffalo Fiscal Stability Authority does hereby affirm the emergency approval authorizing the Buffalo Municipal Housing Authority to enter into six (6) contracts as listed below:

1. All State Development – general contracting	\$1,387,000
2. John W. Danforth – mechanical work	\$2,335,000
3. W.C. Roberson Plumbing – plumbing work	\$379,000
4. Frey Electric Construction – electrical work	\$178,000
5. National Fuel Gas – gas lines and meters	\$150,000
6. MCS Remedial Services – lead-based paint control	\$400,000

Closing Remarks

Chairman Lipke thanked all who attended the meeting. Having no further business, Chairman Lipke made a motion to adjourn, which was duly seconded unanimously. The meeting adjourned at 3:05 PM.