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# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

March 4, 2013

Erie County Legislature  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, New York 14202

**Re: Closure of Inactive Capital Projects**

Dear Honorable Members:

Please find attached a resolution from the Division of Budget and Management requesting authorization from your Honorable Body to wholly or partially close fifty six (56) capital projects and transfer the balance or excess balance, as the case may be, in those projects to Fund 310 Debt Service. We are conducting this process in compliance with Section 165 of the New York State Local Finance Law and in conjunction with the Office of Comptroller. This package is being provided in its entirety at the request of the Comptroller's Office.

If your Honorable Body has any questions, please contact Budget Director Robert W. Keating. Thank you in advance for your assistance.

Sincerely yours,

  
Mark C. Poloncarz, Esq.  
Erie County Executive

MCP/tcc

Enclosure

cc: Erie County Comptroller Stefan Mychajliw  
Commissioner John Loffredo, Department of Public Works

## **MEMORANDUM**

TO: Erie County Legislature  
FROM: Robert W. Keating, Director of Budget and Management  
RE: Closure of Inactive Capital Projects  
DATE: February 25, 2013

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### **SUMMARY**

The attached resolution authorizes the closure in whole or in part of 56 capital projects and the transfer of excess funding to Fund 310 Debt Service.

### **FISCAL IMPLICATIONS**

The resolution requires no appropriations and has no additional costs in the 2013 Budget. Based on the action, the County will realize savings during County fiscal years 2014-2022.

### **BACKGROUND INFORMATION**

Numerous capital projects have been inactive for many years and retain available balances. After consulting with the Department of Public Works and the Erie County Comptroller's Office, the Division of Budget and Management seeks to close these projects and use proceeds to pay debt service on the related bonds, with savings to be realized between County fiscal years 2014-2022.

This 2013 action relates to a prior 2012 action approved by your Honorable Body on October 11, 2012 and 2013 Budget Resolution number 85.

### **CONSEQUENCES OF A NEGATIVE ACTION**

If authorization is not granted, the capital projects will remain inactive with available balances.

### **STEPS FOLLOWING APPROVAL**

The Division of Budget and Management will work with the Office of Comptroller to close or reduce spending authority for the inactive capital projects.

**A RESOLUTION TO BE SUBMITTED BY  
DIVISION OF BUDGET AND MANAGEMENT**

WHEREAS, the Department of Public Works and Division of Budget and Management have been reviewing capital projects and have identified a number of projects where work has been completed and are ready to wholly or partially close; and

WHEREAS, Section 165 of the State of New York Local Finance Law requires that in the event any portion of the proceeds of bonds is not expended for the object or purpose for which such obligations were issued, such portion shall be applied only to the payment of principal of and interest on such obligations; and

WHEREAS, on October 11, 2012, the Legislature approved Comm. 16E-5, a request from the administration to close 54 dormant capital accounts and to transfer available balances to close underfunded projects and the Adopted 2013 Budget includes budget resolution number 85 which closes a large number of inactive capital accounts and memorializes the County's intention to close other dormant accounts in 2014-2016; and

WHEREAS, based on a review by the Division of Budget and Management, the Department of Public Works and the County Comptroller's Office, a balance totaling \$5,910,693 is available for closing with the savings to be available in the County's 2014-2022 fiscal years.

NOW, THEREFORE, BE IT

RESOLVED, that authorization is hereby provided to wholly or partially close the following 56 capital projects in Funds 420, 410, and 480 and to transfer available funds to Fund 310 Debt Service, to be utilized to pay principal of and interest on obligations issued to finance the cost of such capital projects in 2014-2022 and to transfer \$5,910,693 of the balance to enable their closure as shown in the below schedule;

<b>Fund</b>	<b>WBS Element</b>	<b>Project Name</b>	<b>Total transfer</b>
410	A.00020	00 ECSD #5 SP Lake	\$113.69
410	A.00084	03 Hazmat Building	\$3,844.61
410	A.00085	03 Masterplan for Jail Management	\$136,426.04
410	A.00096	Emery Park Water Lines - Phase III	\$6,906.88
410	A.00333	08 Roof Replacement Holding Center	\$286,639.45
410	D.09103	03 Cap Lab & Tech Equip- Countywide	\$1,225,746.22
420	B.00018	01 COMO PARK BLVD.(CR523)DES	\$1,254.61
420	B.00022	01 N.FRENCH RD.(CR299) DESIG	\$2,090.23
420	B.00045	02 BULLIS RD BRIDGE RECONST	\$5,260.43
420	B.00046	02 HALL RD BRG RECONSTRUCTIO	\$9,134.59
420	B.00048	02 UNANTIC RD & BR COSTS-DES	\$534.45

420	B.00152	06 KENMORE AVE DESIGN	\$25,579.84
420	B.00161	2006 Rapids Road/Beeman Cree	\$3,689.38
420	B.00162	2006 Mill Street/Catt Creek	\$2,508.81
420	B.00167	'07 Road Reconstruction Proj	\$5,745.56
420	B.00176	07 Harris Hill @Wehrle&Pleas	\$93,585.25
420	B.00177	07 Seneca St Br Reconstructi	\$129,138.74
420	B.00178	07 Cemetery Rd Br Reconstruc	\$116,628.44
420	B.00208	2008 Pavement Rd Br Design -	\$6,860.49
420	B.00209	2008 Cedar St Br Design - 57	\$24,213.52
420	B.00212	2008 Rapids Rd Br Design - 5	\$12,106.75
420	B.00213	2008 Lake Avenue Br Design -	\$8,071.17
420	B.00214	2008 Abbott Rd Br Design - 5	\$6,456.94
420	B.00215	2008 Freeman Rd Br ROW - 575	\$766.75
420	B.11010	2011 Abbott Rd Br Design-Fed	\$57,561.86
420	B.11011	2011 Pavement Rd Br Design-F	\$25,383.18
420	B.11014	2011 Harris Hill Intersectio	\$11,992.05
420	B.11015	2011 Colvin Signals Design-F	\$11,992.05
420	B.11016	2011 Seneca St Br ROW-Fed Ai	\$799.47
420	B.11018	2011 Mill St Br ROW-Fed Aid	\$3,997.36
420	B.11019	2011 Harris Hill Intersectio	\$7,994.71
420	B.11020	2011 Maple Rd Intersections	\$2,478.37
420	B.11021	2011 Colvin Signals ROW-Fed	\$7,994.71
420	B.20903	2009 Parkview Rd. Bridge-Con	\$273,681.79
420	B.20904	2009 Cemetery Road Bridge -	\$249,883.47
420	B.20906	2009 Freeman Road Bridge - R	\$4,035.59
420	B.20908	2009 Pavement Road Bridge-RO	\$120,542.97
420	B.20912	2009 Freeman Road Bridge-Des	\$52,462.63
420	B.20914	2009 Mill St Bridge - Design	\$64,569.39
420	B.20915	2009 Pavement Rd Bridge - De	\$17,353.02
420	B.20925	09 Greiner/ Shimmerville Intersection	\$192,679.57
420	B.20927	2009 Youngs/Aero Intersectio	\$200,615.11
420	B.20928	2009 North Forest Rd-Constru	\$702,961.88
420	B.20929	2009 Pavement Road Bridge-Co	\$120,814.00
420	B.20931	2009 Seneca St Bridge-Constr	\$69,568.16
420	B.20933	2009 Clarence Center Rd Brid	\$83,481.77
420	B.20934	2009 Elmwood Avenue 5757.87-	\$105,444.27
420	B.20936	2009 Rapids Road Bridge-Desi	\$71,186.00
420	B.21003	2010 Como Park Blvd Construc	\$48,535.91
420	B.21006	2010 Maple Rd Intersection C	\$493,958.12
420	B.21009	2010 Seneca St Bridge Constr	\$448,957.24
420	B.21010	2010 Pavement Rd Bridge Cons	\$264,520.74

420	B.21012	2010 Elmwood Avenue Signals	\$12,942.91
420	B.21014	2010 Cedar St Bridge Design	\$45,300.19
420	B.21015	2010 Pavement Rd Bridge Desi	\$14,763.01
480	E.00041	98 ECC North Spring Student Center	\$8,939.62
		<b>Total</b>	<b>\$5,910,693.96</b>

and be it further

**RESOLVED**, that authorization is hereby provided to the Division of Budget and Management and the Comptroller's Office to make any and all budgetary and financial entries required to implement these transfers and funds utilization; and be it further

**RESOLVED**, that certified copies of this resolution be transmitted to the County Executive, County Comptroller, Director of Budget and Management, County Attorney, Erie County bond counsel M. Cornelia Cahill at the law firm Hiscock & Barclay, LLP and Commissioner of Public Works.