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# COUNTY OF ERIE

MARK C. POLONCARZ  
COUNTY EXECUTIVE

June 4, 2013

Erie County Legislature  
92 Franklin Street – 4th Floor  
Buffalo, New York 14202

**RE: Real Estate Transfer Tax Surplus Appropriation**

Dear Honorable Members:

Please find attached a resolution requesting authorization to appropriate \$1,000,000 of available Road Repair Reserve Fund Transfer Tax in the Road Fund to facilitate 2013 road projects.

Should your Honorable Body require further information, please contact Budget Director Robert Keating or Public Works Commissioner John C. Loffredo. Thank you for your consideration on this matter.

Sincerely,

Mark C. Poloncarz, Esq.  
Erie County Executive

By: Richard M. Tobe  
Deputy County Executive

Enclosure

cc: Robert Keating  
John Loffredo

## MEMORANDUM

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Public Works, Division of Highways and the Division of Budget and Management  
**Re:** Real Estate Transfer Tax Surplus Appropriation  
**Date:** May 31, 2013

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### **SUMMARY**

The attached resolution requests authorization to budget an additional \$1,000,000 in revenue from available Road Repair Reserve Fund Transfer Tax in the Road Fund to facilitate 2013 road projects.

### **FISCAL IMPLICATIONS**

Funding at year end 2011 and 2012 in the Road Fund generated from Transfer Tax revenue is available for this request.

### **REASONS FOR RECOMMENDATION**

Approval of this resolution will allow for important road work to occur in 2013.

### **BACKGROUND INFORMATION**

Higher than expected 2011 and 2012 Transfer Tax collections will provide funding for this action.

### **CONSEQUENCES OF NEGATIVE ACTION**

Failure to approve this resolution will result in several road projects not being done in 2013 and a significant decrease in road repairs.

### **STEPS FOLLOWING APPROVAL**

The Division of Budget and the Highway Division will implement this resolution.

**RESOLUTION SUBMITTED BY:  
DEPARTMENT OF PUBLIC WORKS, DIVISION OF HIGHWAYS  
AND DIVISION OF BUDGET AND MANAGEMENT**

**RE: Real Estate Transfer Tax Surplus Appropriation**

WHEREAS, the Erie County Road Repair Reserve Fund has been established pursuant to Tax Law Section 1432 and General Municipal Law, Section 6-d; and

WHEREAS, the 2013 Adopted County Budget contains available funds from the collection of Real Estate Transfer Tax for repair of roads, bridges and equipment for which a Public Hearing was previously held on February 15, 2013; and

WHEREAS, use of Road Repair Reserve funds is restricted to repair of roads and bridges in the County; and

WHEREAS, the Division of Budget and Management recommends the utilization of \$1,000,000 from 2011/2012 available balance in the Road Repair Reserve Fund to conduct important road work in 2013; and

WHEREAS, appropriations from the Road Repair Reserve Fund may be made only following a public hearing; and

WHEREAS, a public hearing was held on June 19, 2013.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby approve the following 2013 budget amendments:

<b>Fund 210 – Road Repair Reserve Fund Center 12330</b>				
<b>Revenue</b>	<b>Current Budget</b>	<b>Adjustment</b>	<b>Adjusted Budget</b>	
402190 Appropriated Fund Balance		1,000,000	1,000,000	
402600 Transfer Tax	<u>8,300,000</u>		<u>8,300,000</u>	
<b>Total Revenue</b>	8,300,000	1,000,000	9,300,000	
<b>Expense</b>				
912300 ID Highway Services	<u>8,300,000</u>	<u>1,000,000</u>	<u>9,300,000</u>	
<b>Total Expense</b>	8,300,000	1,000,000	9,300,000	
<b>Net Change Road Repair Reserve</b>		0		

**Fund 210 - Highways Fund Center 123**

<b>Expense</b>	<b>Current Budget</b>	<b>Adjustment</b>	<b>Adjusted Budget</b>
570000 Interfund Trans-Subs	6,900,000	1,000,000	7,900,000
912300 ID Highway Services	<u>(8,372,550)</u>	<u>(1,000,000)</u>	<u>(9,372,550)</u>
<b>Total Expense</b>	(1,472,550)	0	(1,472,550)
<b>Net Change Fund 210</b>			

**Fund 420 - Capital Project B.13016**

<b>Revenue</b>	<b>Current Budget</b>	<b>Adjustment</b>	<b>Adjusted Budget</b>
486000 Interfund Revenue	6,900,000	1,000,000	7,900,000
<b>Expense</b>			
<b>Capital Projects</b>	6,900,000	1,000,000	7,900,000
<b>Net Change Fund 420</b>		0	

and be it further

RESOLVED, that the Clerk of the Legislature did publish a Notice of Public Hearing once in each of the official newspapers of the County, at least five days prior to the date of the Public Hearing and said hearing took place on June 19, 2013, and be it further

RESOLVED, that authorization is provided to appropriate \$1,000,000 of available prior year Transfer Tax to conduct 2013 road projects; and be it further

RESOLVED, that the Clerk of the Legislature be instructed to forward three (3) certified copies of this resolution to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget and Management, the County Attorney, and the Office of the Comptroller.