

## REGULAR MEETING

### DELAWARE COUNTY BOARD OF SUPERVISORS

MAY 27, 2009

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, May 27, 2009 at 1:00 p.m. in the Supervisors' Room of the Senator Charles D. Cook County Office Building, 111 Main Street, Delhi, New York, Chairman James E. Eisel, Sr. presiding.

The Clerk called the roll and all Supervisors were present except Mr. DuMond.

Mr. Marshfield offered the invocation.

Mr. Smith led the Board in the Pledge of Allegiance to the Flag.

Chairman Eisel welcomed Catskill Center for Conservation and Development Regional Planner Peter Manning and the Participation in Government Class from Margaretville Central School.

Mr. Manning said that the Participation in Government Class is a New York State requirement for high school students. Through funding from the Catskill Watershed Corporation, the Catskill Center for Conservation and Development has been able to integrate a *Sense of Place* curriculum introducing Catskill based issues into the Participation in Government Class. Further integration of the students into the community is planned through a work program that will earn the students school credits. The hope is to create opportunities for the younger generation to become involved in government because they are the future of our area. The students have been reviewing issues discussed during the previous months of Board of Supervisors meetings and today they are observing the proceedings of the Board.

Mr. Manning introduced Margaretville Center School Participation in Government Teacher William Lonecke.

Mr. Lonecke commented that the subject matter in the Participation in Government Class can sometimes be very dry. Observing the meeting today is a great break for the students to see what happens in a public meeting and to understand there really is something to government. He thanked the Board for the opportunity to attend the meeting.

Chairman Eisel thanked the group for attending.

The minutes of the previous meeting were accepted as presented.

The Clerk reported all communications received have been referred to their respective

committees for review.

Chairman Eisel granted privilege of the floor to Commissioner of Watershed Affairs Dean Frazier who presented Catherine Armstrong as Employee of the Month.

Mrs. Armstrong was hired in January 2003 as an Administrative Aide for the Department of Watershed Affairs. In January 2008, she was promoted to Administrative Assistant. Her duties include payroll, information and account management, database development and maintenance, monitoring and recording land acquisitions by the Department of Environmental Protection, and various public relations activities including correspondence, responding to inquiries, scheduling and coordinating meetings.

Commissioner Frazier stated that Mrs. Armstrong possesses all the positive attributes a department head hopes for. She is a highly motivated self-starter and a team player who is responsible, dependable, and productive. She has a positive attitude and a wonderful sense of humor. She enjoys the camaraderie of her co-workers and is always willing to be of help. Mrs. Armstrong was nominated for this honor because her great performance deserves recognition and it is an absolute pleasure to work with her.

Commissioner Frazier presented Mrs. Armstrong with a \$100.00 savings bond and several boxes of chocolate covered cherries as a token of appreciation and request for more of her superb pies. Chairman Eisel presented her with the Certificate of Employee of the Month and thanked her for her dedicated service.

Chairman Eisel granted privilege of the floor to Mr. Hynes. Mr. Hynes introduced Commissioner of the Board of Elections William Campbell to discuss Resolution No. 92 entitled: *Requesting New York State to Permit the Continued Use of Lever Voting Machines* to be introduced later in the meeting.

Commissioner Campbell referenced the Help America Vote Act (HAVA) and the decision made by New York State to purchase with federal funding new handicapped accessible voting machines. The new voting machines have been purchased and delivered to the counties, but have not been certified by the state because the tabulator, which counts the vote, does not work. The state has been working for the past five years to correct this problem.

The County is faced with an interesting dilemma, the old lever voting machines work but, there are not enough of them due to the fact that several voting machines were lost in the recent floods. This never presented a problem before as the County was able to rent the lever voting machines. However, as a result of the state's decision to purchase the new voting machines the company has gone out of business.

Commissioner Campbell contacted the state to ask what the County should do and was told that the new voting machines must be used for the fall election.

Ten counties have signed on to a protest asking the state to allow the counties to go back to using the old lever voting machines. Commissioner Campbell said that he did not feel that the protest would do much good as the state has already purchased and delivered the new voting machines to the counties.

In answer to Mr. Hynes, Commissioner Campbell explained that the original grant to purchase the voting machines was 95 percent federal money and 5 percent local share. The Commissioners realized that there was insufficient grant funding to support each of the existing forty polling sites. Some counties simply decided one town, one polling site. Board of Elections decided not to do that because the County is geographically so large and separated by reservoirs making travel to the polling sites difficult. The decision was made to reduce the number of polling sites to match the amount of federal dollars received.

In reply to Mr. Valente, Commissioner Campbell said that only the tabulator on the new machine does not work and in his opinion, it is doubtful if this will be corrected by the fall election. The state and federal government has said if the tabulator is not working by fall the votes will have to be counted by hand.

Mr. Valente remarked if that is the case, then it does not make sense to reduce the number of polling sites to accommodate the number of new machines because they do not work. Commissioner Campbell replied that there are not enough of the old lever voting machines to support the forty polling sites, therefore, there would be polling sites that would not be able to serve the handicapped.

Chairman Eisel said that if the state does not certify these new machines the election print outs will come to Delhi and have to be counted. The Board is presenting this resolution to let the state know that we are not happy with this situation.

Commissioner Campbell said that it is hopeful the state will certify these machines by the fall election however the machines cannot be certified unless the tabulator problem is corrected.

Mr. Maddalone asked why the Board of Elections does not make arrangements with those that are handicapped for them to vote by absentee ballot. Commissioner Campbell said that provision has always been in place. Several years ago a survey of the 268 permanently disabled voters in the County was conducted and found that the people contacted preferred to have a paper ballot sent to their home. The Department of Justice was not interested in this information. The new law says that all polling sites must be handicapped accessible. He pointed out that the County has been handicapped accessible and has provided handicapped accessible voting machines which have only been used twice.

In answer to Mr. Hynes, Commissioner Campbell noted that the state of New York has set aside money to teach the public how to use the new voting machines. At this time, it is not known when the money will be awarded or when the training will take place.

Chairman Eisel granted privilege of the floor to Personnel Officer Teddie Storey. Mrs. Storey referenced the exam announcements and job postings placed on each of the Supervisor's desk. She asked that when this information is received it be placed in the town hall and other conspicuous places within the community to let people know what jobs are available at the County.

For standing committee reports Countryside Care Center Advisory Committee Member Wayne Marshfield provided a synopsis of the May 20<sup>th</sup> kick off committee luncheon meeting at the Countryside Care Center. The purpose of the Countryside Care Center Advisory Committee is to identify, coordinate and support ways that Countryside may be developed to meet the growing and changing needs of the community.

The meeting was chaired by Countryside Care Center Administrator Kurt Apthorpe. Those in attendance were Wayne Marshfield, Thomas Hynes, Commissioner of Social Services William Moon, Christa Schafer, Director of Community Outreach Donna Dixon, a resident of the facility and a resident's family member. Also in attendance was Leatherstocking Healthcare LLC. President Ernst Ortz and Vice President Ralph Reed.

Mr. Marshfield reported that the facility now has 148 residents and 205 employees. There is an active residents council that meets and discusses issues. The staff is very caring and professional. Resident family members and residents seem to be upbeat about the facility. He noted that Delaware County residents remain an admission priority and the in-house rehabilitation facility remains available to those coming out of the hospital. In addition, the facility is clean and well kept.

He pointed out some of the changes to the facility since the new owners took over. There will no longer be any mandatory over-time for the nurses. All but one of the nursing stations have been removed making the environment less like a hospital and more like a home. Laundry services are no longer outsourced but, are done at the facility which added six new positions. The facility has partnered with NY Connects and the Delaware County Rural Healthcare Alliance.

Mr. Marshfield advised that since their rebasing the facility is concentrating less on critical needs and more on the future of the facility. The proprietors are considering housing for assisted living situations and expanding the current enhanced care unit which takes care of residents with dementia. More immediate, upon approval from the Department of Health an adult day care medical section will be added to the facility.

The committee will meet every six months, the next meeting will be in November. Mr. Marshfield encouraged any suggestions for Countryside Care Center be brought to Mr. Hynes, Mrs. Schafer or himself before the next advisory committee meeting.

Chairman Eisel said that adult day care would be worthwhile to the community. He

thanked Mr. Marshfield for his report.

Mr. Utter offered the following resolution and moved its adoption:

**RESOLUTION NO. 86**

**TITLE: 2009 BUDGET AMENDMENT TO RESOLUTION NO. 8-09  
THE DEVELOPMENT OF HIGHWAY MANAGEMENT PLANS  
FOR THE TOWNS OF DELAWARE COUNTY - PHASE II  
WATERSHED AFFAIRS**

**WHEREAS**, Delaware County has been awarded funding under the 2005 Safe Drinking Water Act to develop Highway Management Plans for Towns Phase II, located in the NYC Watershed Basins of Delaware County; and

**WHEREAS**, contract C301945 between the New York State Department of Environmental Conservation and Delaware County is a multiple year contract adopted under Resolution No. 221 on September 11, 2002; and

**WHEREAS**, the Delaware County Planning Department and Delaware County Department of Public Works has the expertise and will partner with individual towns to develop these plans: and

**WHEREAS**, the floods of 2006 and 2007 has delayed the data collection needed to develop these plans; and

**WHEREAS**, interns will be hired again this summer of 2009 to complete the data collection; and

**WHEREAS**, the New York State Department of Environmental Conservation has agreed to the transfer of funds from the following line items as listed below

**NOW, THEREFORE, BE IT RESOLVED**, that the 2009 budget be amended as follows:

**FROM:**

10-18741-54327625/8740026/900	Travel	\$2,000.00
10-18741-52200001/8740026/900	Equipment	\$12,766.00
10-18741-54327595/8740026/900	Supplies	\$3,000.00

**TO:**

10-18741-51000000/8740026/900	Personal Services	\$17,766.00
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The resolution was seconded by Joe Maddalone and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

Mr. Utter offered the following resolution and moved its adoption:

**RESOLUTION NO. 87**

**TITLE: 2009 BUDGET AMENDMENT  
TRANSFER OF FUNDS - ROAD FUND -  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the maintenance contractual line is insufficient to fund the amount of road maintenance required to keep the roads in good condition due to the cost of materials; and

**WHEREAS**, our salt storage sheds are currently full while expenditures are approximately 73% of our estimated costs; and

**WHEREAS**, money is needed to true and level a number of the County roads prior to them being surface treated.

**NOW, THEREFORE, BE IT RESOLVED** that the following transfer be made to cover expenditures in the maintenance contractual line:

**FROM:**

24-15142-54160000	Snow Removal - Chemicals	\$450,000.00
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**TO:**

24-15110-54000000	Maintenance Contractual	\$450,000.00
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The resolution was seconded by Mr. Rowe.

Mr. Utter noted that by paying close attention throughout the winter season and cutting back on the amount of salt and chemicals used on the roads a savings was realized. The savings is being transferred to road maintenance to help offset the cost of maintaining the roads.

In answer to Mr. Meredith, Commissioner of Public Works Wayne Reynolds stated that three patrols will be the department's focus for oil and stone, Kelly Corners patrol, Delhi for County Route 18 and 16 and Fishs Eddy for Route 28 and Route 17.

The resolution was adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

Mr. Bracci offered the following resolution and moved its adoption:

**RESOLUTION NO. 88**

**TITLE: AUTHORIZATION FOR AWARDS - COUNTY AUTO BID  
DEPARTMENT OF SOCIAL SERVICES**

Notice to bidders and proposals having been filed and the bidding procedures and documents having been approved by the County Attorney:

**BE IT RESOLVED** that the Department of Social Services is authorized to award the lowest bidder meeting specifications as follows:

PROPOSAL NO. 02-09      2006 Jeep Grand Cherokee Laredo w/ 20,793 miles

Certified Auto Outlet, Inc.  
5244 St. Hwy 23 Southside  
Oneonta, New York 13820

Bid Price: \$12,000  
w/trade-in 2000 Chevrolet Blazer 4x4

\*\* The bid of Vision Ford of Rochester is rejected although it provided a price of \$100 less than the accepted bid due to the fact that the cost of picking up the vehicle would exceed the savings.

The resolution was seconded by Mr. Marshfield and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

Mr. Utter offered the following resolution and moved its adoption:

**RESOLUTION NO. 89**

**TITLE: AUTHORIZATION FOR AWARDS -  
DELAWARE COUNTY DEPARTMENT OF PUBLIC WORKS**

**LETTING OF MAY 20, 2009**

Notice to bidders and proposals received having been filed and the bidding procedures and documents having been approved by the County Attorney:

**BE IT RESOLVED**, that the County Department of Public Works is authorized to make awards to the lowest bidders meeting specifications as follows:

PROPOSAL NO. 32-09 SERVICE BODY to:      Snyder Equipment Sales Inc.

dba Telford Fifty-Five Enterprises  
PO Box 55  
Telford, PA 18969-0055

Bid Price: \$58,313.00

All original bids and a summary sheet of the bids received are on file for inspection at the office of the Clerk of the Board of Supervisors. Copies of the summary sheet of the bids received have been supplied to each Supervisor.

The resolution was seconded by Mr. Rowe.

In answer to Mr. Marshfield, Mr. Utter explained that this is not an ordinary service body. It will fit onto either a one or one and a quarter ton truck and is set up with among other things a winch and the capability for a compressor. The department refers to the truck as the roving mechanic because it can do just about anything out in the field.

The resolution was adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

Mr. Utter offered the following resolution and moved its adoption:

**RESOLUTION NO. 90**

**TITLE: APPROPRIATION OF CAPITAL FUNDS  
DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, County Bridge 151, George Road over Dry Brook in the Town of Middletown was damaged in the event of April 2, 2005; and

**WHEREAS**, the County has been diligently working to acquire the property necessary for the reconstruction of the structure; and

**WHEREAS**, the Department would like to appropriate the necessary funding directly for this project.

**NOW, THEREFORE, BE IT RESOLVED**, that \$650,000.00 be appropriated from account 34-15112-54000000 to cover the cost of reconstruction.

The resolution was seconded by Mrs. Capouya.

In answer to Mr. Marshfield, Mr. Utter explained that the bridge project has been hindered by the difficulty in obtaining a right-of-way. The bridge was bid out in the past but the



project has not moved forward due to the difficulties in getting a right-of-way. With the passing of this resolution the department can take action without having to wait for the next Board of Supervisors meeting for approval.

Mr. Utter replied in answer to Mr. Marshfield, that the majority of the \$650,000 would be reimbursed.

Chairman Eisel stated that this project is time sensitive and with only one meeting in the summer months it is best to consider this resolution at this time.

The resolution was adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

Mr. Utter offered the following resolution and moved its adoption:

**RESOLUTION NO. 91**

**TITLE: RECOGNITION OF THE NEW YORK CITY WATERSHED  
ECONOMIC IMPACT ASSESSMENT REPORT  
WATERSHED AFFAIRS**

**WHEREAS**, New York City's Land Acquisition Program is a serious concern to the communities, businesses and residents of Delaware County; and

**WHEREAS**, Delaware County commissioned an analysis of the Land Acquisition Program to determine what potential negative and positive impacts may result from the program in Delaware County; and

**WHEREAS**, the New York City Watershed Economic Impact Assessment Report conducted by Downeast Development Consulting Group concluded that the New York City Land Acquisition Program poses substantial impacts on communities, businesses and residents of Delaware County.

**NOW, THEREFORE BE IT RESOLVED**, the Delaware County Board of Supervisors recognizes the New York City Watershed Economic Impact Assessment Report as the County's guiding instrument to seek changes in the Land Acquisition Program for the purpose of mitigating impacts through the SEQRA process associated with the renewal of New York City's Water Supply Permit and/ or the ongoing negotiations between the Coalition of Watershed Towns and New York City.

**BE IT FURTHER RESOLVED**, that Delaware County use the Report to develop the priorities to coalesce the objectives and priorities of the County for the future direction of the County as it pertains to economic development and watershed issues of concern with New York

City.

The resolution was seconded by Ms. Molé.

Mr. Marshfield suggested the word “negative” be inserted after the word substantial in the third WHEREAS paragraph of the resolution.

Mr. Meredith remarked that it is understood in the Town of Walton that any purchase by the Department of Environmental Protection is considered negative.

Mr. Valente disagreed with adding the word “negative” to the resolution because he did not think the County should go into the discussion predisposed to an outcome.

In response to Mr. Valente, Chairman Eisel replied that the Board would not be prejudging as the impact study had pointed out that the City’s Land Acquisition Program would have negative impacts.

In answer to Chairman Eisel, Mr. Valente stated that minimal as they are, the study did point out some positive impacts.

Mr. Utter said his personal feelings are the impacts are negative but, it boils down to how someone interprets the study.

In answer to Mr. Marshfield, Commissioner Frazier commented that although the overall study may indicate a negative net effect, there were positive statements made. The idea was to imply that there were impacts and that is the first argument to get it on the table.

The resolution was unanimously adopted.

Mr. Hynes offered the following resolution and moved its adoption:

**RESOLUTION NO. 92**

**TITLE: REQUESTING NEW YORK STATE TO PERMIT THE CONTINUED USE OF LEVER VOTING MACHINES**

**WHEREAS**, for many decades Delaware County has successfully used mechanical lever style voting machines, with very few problems, and is desirous of continuing to do so; and

**WHEREAS**, New York State enacted the Election Reform and Modernization Act of 2005 (ERMA) and other laws that require all lever machines to be replaced and prohibit the use of any lever machines in any future elections in New York State; and

**WHEREAS**, the New York State Board of Elections will not certify the accuracy of new tabulator machines which will create an undo burden on local Board of Election staff and the public; and

**WHEREAS**, the refusal of the State Board of Elections to certify these machines is detrimental to the voting public in that each ballot will need to be counted by hand at Board of Election; and

**WHEREAS**, the Delaware County Board of Supervisors believes that the use of lever style voting machines is in the best interest of the public and should be permitted; and

**WHEREAS**, the State's statutorily required elimination of lever style voting machines and not finding a satisfactory substitute results in greater cost to Delaware County taxpayers, delays in tabulating election results and the possibility of inaccuracies in vote tabulation; and

**NOW, THEREFORE, BE IT RESOLVED** that the Delaware County Board of Supervisors hereby requests the New York State Legislature and the New York State Board of Elections to enact laws, rules, and regulations that specifically authorize the continued use of lever style voting machines; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to Governor David A. Paterson, U.S. Senators Kirsten Gillibrand and Charles Schumer, Congressmen Maurice Hinchey and Scott Murphy, Senator John Bonacic, Assemblymen Clifford Crouch and Peter Lopez, Co-Executive Directors of the New York State Board of Elections Todd Valentine and Stanley Zalen and New York State Board of Elections Commissioners James Walsh, Douglas Kellner, Evelyn Aquila and Gregory Peterson.

The resolution was seconded by Mr. Meredith and adopted by the following vote: Ayes 4461, Noes 204 (Homovich), Absent 141 (DuMond).

Chairman Eisel waived Board Rule 10 to permit the introduction without objection of the following not-prefiled resolutions.

Mr. Donnelly offered the following resolution and moved its adoption:

### **RESOLUTION NO. 93**

#### **TITLE: SALE OF TAX ACQUIRED PROPERTY**

**RESOLVED** that the following described parcels of tax acquired property be sold to the parties indicated for the price herein stated and the County Treasurer is authorized to execute and deliver deed, therefor, and to cancel all Delaware County tax liens thereon, upon receipt of cash consideration hereinafter set forth.

DAV07TX.043

**ASSESSED TO:**

**ELLIS P WHITE AND VICTORIA A WHITE**

TOWN OF:	122600:DAVENPORT
TAX MAP NO:	9.-2-19
SCHOOL DISTRICT:	122601:CHARLOTTE VALLEY
ACREAGE:	3.50A ACRES
CONVEYED TO:	ELLIS P WHITE AND VICTORIA A WHITE C/O VICTORIA WHITE 7447 CHARLOTTE CREEK RD DAVENPORT NY 13750
CASH CONSIDERATION:	\$3,021.28
TAX DEFICIT:	\$2,459.74

DEL07TX.004

**ASSESSED TO:**

**MARTHA FERNANDEZ**

TOWN OF:	122889:DELHI
TAX MAP NO:	127.-1-33.32
SCHOOL DISTRICT:	122801:DELAWARE ACADEMY
ACREAGE:	4.73A ACRES
CONVEYED TO:	MARTHA FERNANDEZ 135-02 61 <sup>ST</sup> ROAD FLUSHING NY 11367
CASH CONSIDERATION:	\$1,645.76
TAX DEFICIT:	\$1,256.96

HAR07TX.013A

**ASSESSED TO:**

**JOSEPH J HOCHBRUECKNER AND MELODY A  
HOCHBRUECKNER**

TOWN OF:	123889:HARPERSFIELD
TAX MAP NO:	28.-1-27
SCHOOL DISTRICT:	125001:STAMFORD
ACREAGE:	1.00A ACRES
CONVEYED TO:	JOSEPH J & HOCHBRUECKNER AND MELODY A HOCHBRUECKNER PO Box 194 HARPERSFIELD NY 13786
CASH CONSIDERATION:	\$2,887.88
TAX DEFICIT:	\$1,788.08

MAS07TX.013A

**ASSESSED TO:**

**GLORIA RONQUILLO**

TOWN OF:	124200:MASONVILLE
TAX MAP NO:	186.-2-10.4
SCHOOL DISTRICT:	125001:SIDNEY
ACREAGE:	5.80A ACRES
CONVEYED TO:	AMPHENOL CORPORATION C/O WHITEMAN OSTERMAN & HANNA LLP ONE COMMERCE PLAZA ALBANY NY 12260
CASH CONSIDERATION:	\$5,000.00
TAX DEFICIT:	\$640.97

MER07TX.020

**ASSESSED TO:**

**UNION ASSETS APO ESTATE PLAN**

TOWN OF:	124400:MEREDITH
TAX MAP NO:	81.2-1-39
SCHOOL DISTRICT:	122801:DELAWARE ACADEMY
ACREAGE:	2.40A ACRES
CONVEYED TO:	UNION ASSETS APO ESTATE PLAN 112 HONE STREET KINGSTON NY 12401
CASH CONSIDERATION:	\$10,864.73
TAX DEFICIT:	\$9,311.45

**ASSESSED TO:**

**NIVLAS REAL ESTATE INC**

TOWN OF:	124800:ROXBURY
TAX MAP NO:	71.-3-14
SCHOOL DISTRICT:	124802:ROXBURY
ACREAGE:	16.00A ACRES
CONVEYED TO:	NIVLAS REAL ESTATE INC PO Box 277 FLEISCHMANN'S NY 12430
CASH CONSIDERATION:	\$8,213.29
TAX DEFICIT:	\$6,925.13

The resolution was seconded by Mr. Triolo and unanimously adopted.

Mr. Utter offered the following resolution and moved its adoption:

**RESOLUTION NO. 94**

**TITLE: AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT AND APPROPRIATING FUNDS THEREFOR DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, a Project for Harvard Road over East Branch Delaware River (BIN 3352730) in the Town of Hancock, Delaware County, P.I.N. 9753.05 (the Project) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% federal funds and 20% non-federal funds; and

**WHEREAS**, the County of Delaware desires to advance the Project by making a commitment of 100% of the federal and non-federal share of the Preliminary Engineering and Right-of-Way work; and

**WHEREAS**, the County of Delaware has previously executed Master Federal Aid and Marchiselli Aid Project Agreement (D024573) and Supplemental Agreement #1 and has appropriated \$152,000 and \$49,000 for the Preliminary Engineering and Right-of-Way work.

**NOW, THEREFOR**, the Delaware County Board, duly convened, does hereby

**RESOLVE**, that the Delaware County Board hereby approves the above subject project; and

**IT IS FURTHER RESOLVED**, that the Delaware County Board hereby authorizes the County of Delaware to pay in the first instance 100% of the federal and non-federal share of the Locally Administered costs and 100% of the non-federal share of the State Administered costs of the Preliminary Engineering and Right-of-Way work for the Project or portions thereof; and

**IT IS FURTHER RESOLVED**, that the sum of \$262,000 is hereby appropriated from 34-15112-54000000 and made available to cover the cost increase of participation in the above phase of the Project; and

**IT IS FURTHER RESOLVED**, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Delaware County Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and

**IT IS FURTHER RESOLVED**, that the Chairman of the Delaware County Board of Supervisors be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for federal aid and/or Marchiselli Aid on behalf of the County of Delaware with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and

**IT IS FURTHER RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project; and

**IT IS FURTHER RESOLVED**, this resolution shall take effect immediately.

The resolution was seconded by Mr. Rowe.

In answer to Mr. Marshfield, Mr. Utter said that the department is re-filing for additional funding which has become available due to changes in rules and regulations that will help offset the cost of engineering.

Mr. Utter replied in answer to Mr. Marshfield, that due to engineering concerns work on the project has not begun.

The resolution was adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

Mr. Donnelly offered the following resolution and moved its adoption:

**RESOLUTION NO. 95**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$917,078.70 are hereby presented to the Board of Supervisors' for approval of payment;

**NOW, THEREFORE, BE IT RESOLVED** that the County Treasurer be directed to pay said expenditures as listed below:

General Fund	\$430,988.36
OET	\$30,942.84

Highway Audits, as Follows:

Road	\$18,899.39
Machinery	\$54,596.25
Capital Road & Bridge	\$244,752.96
Capital Solid Waste	\$38,733.60
Solid Waste/Landfill	\$98,165.30

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4665, Noes 0, Absent 141 (DuMond).

Chairman Eisel announced that copies of the County directories have been placed on each Supervisor's desk. Additional copies can be picked up at the office of the Clerk of the Board.

Upon a motion, the meeting was adjourned at 1:55 p.m.