

## **REGULAR MEETING**

### **DELAWARE COUNTY BOARD OF SUPERVISORS**

**AUGUST 26, 2009**

The regular meeting of the Delaware County Board of Supervisors was held Wednesday, August 26, 2009 at 5:30 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. Marshfield and Mr. Maddalone.

Mr. Donnelly offered the invocation.

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

The minutes of the previous meeting were accepted as presented.

Clerk of the Board Christa Schafer noted Ted Rotella, a mechanic employed by the Department of Public Works for thirty-three years passed away last week. A sympathy card to offer condolences to the family of Mr. Rotella was circulated to everyone in attendance.

The Clerk reported all communications received have been referred to their respective committees for review.

Chairman Eisel granted privilege of the floor to Mr. Utter. Mr. Utter introduced Department of Public Works Commissioner Wayne Reynolds. Commissioner Reynolds introduced New York State Department of Transportation (NYSDOT) Regional Planning and Program Manager Pam Eshbough to provide an update on the expiring five year capital program and condition outlook and discuss the 2010 through 2015 five-year capital program and conditions outlook.

Delaware County is part of the NYSDOT Region 9 which consists of seven counties: Broome, Chenango, Delaware, Otsego, Schoharie, Sullivan and Tioga all located in the Southern Tier of New York State. The Agency's goal is to maintain the core transportation infrastructure and ensure safe travel. The capital program reflects the investment necessary to protect public safety and to maximize the useful life of the existing transportation infrastructure.

Ms. Eshbough referenced the handouts placed on each Supervisor's desk regarding the August 2009 Capital Program Fact Sheet and lists comparing the state highway pavement, bridge, culvert conditions and local highway bridge conditions.

The ranking sheets indicate that out of 62 counties in New York State, Delaware County ranks 56<sup>th</sup> in state highway pavement conditions, 37<sup>th</sup> in state highway bridge conditions, 19<sup>th</sup> in state highway large culvert conditions and 3<sup>rd</sup> in local highway bridge conditions.

In answer to Mr. Meredith, Ms. Eshbough explained the higher the number, the lower the conditions. Delaware County is ranked 56 out of 62 in the state in pavement conditions indicating as Mr. Meredith said that Delaware Street (main street) Walton is not in good condition.

The current capital project program provided Delaware County with funding from April 2005 through March 2010 and accomplished projects in Trout Creek, Route 28 bridge replacements, Andes Street Scape, Route 28 curbing flattening, Route 17 resurfacing and a three bridge project Otego Road over Oleout Creek, Corbett Road over the East Branch of the Delaware River and County Route 2 over Bagley Brook.

While funding levels remain relatively consistent, inflation has impacted the current buying power. Since 2003, asphalt prices have risen 133 percent and steel prices have risen 120 percent. New York State is facing a current-year deficit which is estimated to be \$4.6 billion in 2010-2011. The Highway Trust Fund is the principal funding source for the federal highway and transit programs. An emergency infusion of \$8 billion was made by Congress in 2008 to preserve the fund. Congress is currently working to authorize another \$7 billion to keep the fund solvent through September 30<sup>th</sup>, the end of the federal fiscal year.

NYSDOT has planned projects for the next five year program from April 2010 through March 2015 for Delaware County that include a ramp over the East Branch of the Delaware River, the Route 28 and Route 357 intersection reconstruction, Route 28 curb flattening, Route 10 over Pines Brook, Route 23 in Grand Gorge to the Greene County Line, and Route 28 over the Delaware River. Even with these projects the NYSDOT will not be able to keep up with the growing rehabilitation and maintenance needs for highway pavements, bridges and other infrastructures.

Ms. Eshbough asked the Supervisors if they were aware of any critical transportation problems they would like to see addressed in their municipalities within the next five year program.

Mr. Homovich questioned if NYSDOT had considered the impact on roads that will now be in a floodplain area as a result of the new FEMA maps. Commissioner Reynolds stated that the NYSDOT became aware of these changes at the same time as the County. Mr. Long, an engineer in the central office of NYSDOT has been very supportive to the County in its efforts to make sure the New York State Department of Environmental Conservation does not take these flood maps and go crazy. The NYSDOT has provided very good feedback to FEMA on the impacts of the changes and continues to analyze and review the maps.

In answer to Chairman Eisel, Commissioner Reynolds stated that prior to the last program, funding for local bridges was provided by the state under the State Aid to Local Bridge Program. Under this program, the county proposed a project and if the state had the money the county received it and the bridge was built. It was a much more efficient program. The federal funding program is very complicated and time consuming.

In response to Mr. Bracci, Ms. Eshbough said the priority for spending will be on bridges and road safety. Further stating that as a result, the highways will most likely suffer.

Mr. Meredith commented that he would like to see more money spent on paving. He thanked the NYSDOT for always responding to the Town of Walton's request to clean the culverts. It is not a long term solution to the problem but, it helps.

Chairman Eisel remarked that he thought the work on County Route 23 in the Town of Harpersfield was scheduled to begin in June of this year but, to date he had not seen any activity. Ms. Eshbough said that she would check into the matter for him.

In reply to Mr. Axtell, Ms. Eshbough said that inflation has really made an impact on pavement projects. The pending Route 17 to I-86 conversion will most likely be set back even further.

Mr. Utter noted that Delaware County has worked hard to maintain their bridges and is very proud of its ranking. Although our bridges are in better than average condition, our roads have not fared as well. He noted that at sometime in the future the roads will need to be addressed and he would appreciate all the funding available from the state.

Ms. Eshbough answered in response to Mr. Hynes, that the Grand Gorge on the Greene County line project is scheduled to be completed by the end of this fiscal year.

Mr. Rowe suggested that NYSDOT consider a study on shared services between the state, county, and towns. He felt the results of a study could possibly free up money that could be put into the capital program.

As for the Town of Hancock, Mr. Rowe thought funding should go to the bridges on the state infrastructure before the roads. The bluestone and timber businesses are a good source of sales tax for the county and they prefer to take direct routes instead of detours.

Chairman Eisel stated that being ranked 3<sup>rd</sup> for local bridges in the State of New York was a great accomplishment. He thanked Ms. Eshbough for the information provided.

Chairman Eisel granted privilege of the floor to Mr. Hynes. Mr. Hynes introduced County Planner Shelly Johnson-Bennett to discuss the upcoming Delaware County Community Coordination meetings.

Mrs. Johnson-Bennett noted that municipalities should have received their new maps and a letter from the Federal Emergency Management Agency (FEMA) advising of community coordination meetings scheduled by the New York State Department of Environmental Conservation (NYSDEC) and FEMA to update the flood insurance rate maps. The purpose of the meeting is to present the results of the preliminary flood insurance study and the digital flood insurance rate maps to the communities. During the meeting, the appeals and comment process will be explained and comments on the study will be taken from community officials.

Supervisors are encouraged to bring as many informed representatives from their municipality as are able to attend. Plan to attend any one of the scheduled meetings being held on Thursday, September 17<sup>th</sup> meeting scheduled for 1:30 p.m. to 4:00 p.m. and 7:00 p.m. to 9:30 p.m. at the Senator Charles D. Cook County Office Building or Friday, September 18<sup>th</sup> scheduled for 9:30 a.m. to noon at the Town of Walton Town Hall.

Mrs. Johnson-Bennett recommended that the municipality have a town planner, highway supervisor, engineer, or attorney analyze the maps to help create questions. Questions and comments should be brought to the meeting. After these meetings, the 90 day review period during which time challenges or appeals must be filed, if there are no challenges or appeals filed during the 90 day period the municipality will only have six months to adopt the maps as they are. The challenges must be documented to prove that the area is not properly mapped. County Planner Mike Jastiemi is working full time right now on this and is available to any town that needs help.

In answer to Mr. Bracci, Mrs. Johnson-Bennett explained that a detailed study was done of certain areas and based on that FEMA transposed the other sections. She was told by NYSDEC that the areas that did not change remained as they always had been. It is very important that a thorough review of the maps are done as she has seen FEMA maps showing reclassification of flood areas.

Mrs. Johnson-Bennett replied in answer to Chairman Eisel that County Planning is aware of a few problem areas because they were brought to their attention. For example, there is an issue with a proposed economic development project which is now in an area that cannot be developed. She encouraged any Supervisor that has a question to contact County Planning for help in working through it.

Mr. Homovich commented that these changes have the potential of preventing future growth and devaluing property and future assessments. He asked if it were possible for County Planning to work with the department of Real Property and Tax Services to determine the financial impact of this mapping change to the county. Mrs. Johnson-Bennett noted that the departments are already talking about the long term impacts, however, she did not feel a dollar figure could be determined before the September meetings.

In answer to Mr. Homovich, Ms. Johnson-Bennett agreed that flood insurance will be a

costly concern for people whose property has been reclassified into a floodplain. Noting that this information has not been confirmed she advised that local insurance agents have said that if it appears a property will be reclassified into a floodplain the flood insurance should be purchased prior to the reclassification in order to be grandfathered in at a savings in premium.

Chairman Eisel granted privilege of the floor to Mr. Rowe. Mr. Rowe introduced Director of Personnel Teddie Storey to discuss changes in time reporting requirements for elected and appointed officials by the New York State and Local Retirement System.

Mrs. Storey referenced the folder placed on each Supervisor's desk entitled: Time Reporting Requirements for Elected and Appointed Officials. The folder contained a sample resolution establishing the standard workday as well as information on calculating and reporting days worked and answers to frequently asked questions.

Mrs. Storey explained that a new regulation has gone into effect requiring a time study be conducted to establish a standard amount of days worked per month in order to determine the correct amount of benefits. Current elected officials must keep a one month time study which is to be completed prior to December 31<sup>st</sup> and those figures will be reported at the first legislative board meeting after the beginning of the new terms. In 2010, a three month study will be required. The standard full-time workday cannot be less than six hours or more than eight hours per day. The time worked for the town in the position of town supervisors must be recorded separately from the time worked at the county level. As tracking the time is a requirement, the only way around complying would be for the Board of Supervisors to do a weekly time sheet.

Mr. Valente commented that as a town Supervisor he is basically on call and questioned how that time would be tracked. Mr. Meredith remarked that on call time cannot be considered. However, Mrs. Storey said that if a Supervisor responds to a call, the time spent on the call needs to be tracked.

In answer to Mr. Axtell, Mrs. Storey confirmed the requirement does not apply to those that do not participate in the New York State and Local Retirement System. Anyone who participates in the New York State and Local Retirement System must have established work days and are obligated to track their time.

Chairman Eisel commented that when he first came into office he was given a number of 8.4 days a month which he has continued to use. He asked why there was a need to change. Mrs. Storey stated that there is a feeling by the New York State and Local Retirement System that they may not be accurately reporting and want to ensure that they are not shortchanging anyone.

In response to Chairman Eisel, County Treasurer Beverly Shields said that previously a representative from the New York State and Local Retirement System came to the county office to audit the payroll files. At that time, she was advised who had to do a time survey. With this new requirement, the information will be reported to the Clerk of the Board and then submitted

to the retirement system. If the county desires to set a standard work day and reporting resolution the time tracking would not have to be done for eight years.

Mrs. Storey noted that she did not know if a resolution would serve the Board well as it would lock in an eight year figure.

Mrs. Storey explained in answer to Mr. DuMond, that the time study would be reported to the Clerk of the Board who would compile the information, present a resolution to the Board and submit it to the Comptroller's Office. The same process would be done at the town level for the hours worked as a town supervisor.

In answer to Mr. Homovich, Mrs. Storey said that a three month time study may do the Supervisors a greater justice than presenting a standard work day resolution. What needs to be considered is which would provide the better service as far as what is being credit to the individual retirement accounts.

Chairman Eisel granted privilege of the floor to Mr. Utter. Mr. Utter introduced Watershed Affairs Commissioner Dean Frazier to provide a brief update on the status of negotiations between the Coalition of Watershed Towns (CWT), New York City Department of Environmental Protection (NYCDEP), state and federal agencies and environmental groups as they relate to issues of the New York City Land Acquisition Program and the phone survey examining the concern about the NYC Land Acquisition Program among county citizens.

Commissioner Frazier noted that negotiations regarding hamlet designation areas have been underway for about eighteen months. New York City (NYC) is in agreement with all Delaware County town proposals with the exception of Delhi, Kortright and Walton. A meeting of the involved parties was held on August 3<sup>rd</sup> with the goal of resolving the matter. The state has been involved in these negotiations since the beginning but announced at the meeting they were not in agreement with the proposals of Delhi, Walton, Kortright and Hamden. There continues to be concern about urban sprawl in Hamden. After over a year of negotiations the state takes the position that they did not agree with the prohibition of acquiring city conservation easements or watershed agricultural conservation easements. In addition, the state wants to resolve any questions with regard to the differences in natural features criteria prior to concluding any discussions about hamlet expansion areas. When questioned, the state replied that their silence did not mean they were in agreement.

CWT Attorney Jeff Baker, requested that the state make their position clear within two weeks with regard to the prohibition of easement acquisitions in the hamlet areas and on the natural features criteria as the CWT considered those conditions as non-starters. As of August 17<sup>th</sup>, the Commissioner was not aware of any response to that request. At the August 3<sup>rd</sup> meeting it was agreed that any comments on the towns in question must be provided to them by August 24<sup>th</sup>.

The city, state and the Natural Resources Defense Council did provide feedback and it has been forwarded to the involved town supervisors. The towns were requested to provide their feedback on the input by September 10<sup>th</sup> in preparation for a meeting on September 16<sup>th</sup>. None of the other items being negotiated have made substantial progress. The city needs to submit their long-term plan for land acquisition on September 30<sup>th</sup>. The idea of the negotiations was to try to resolve some of these issues prior to September 30<sup>th</sup>. It does not look promising that all the issues will be resolved by then.

With regard to the phone survey completed as an adjunct to the Economic Impact Assessment, Commissioner Frazier and Director of Economic Development Glenn Nealis are contemplating whether to have some of the data analyzed further. He noted that the response rate was very high and there is clearly a good level of understanding about the Land Acquisition Program in and outside of the watershed within the county. The survey indicated that issues needing local government attention, rating between important and very important, economic issues rank the highest at nearly 95 percent. Environmental issues ranked seconded at nearly 89 percent. On the question of regulating land use 83 percent of the response either disagreed or strongly disagreed that non-local organizations should control local land use decisions. He stated that a full report will be forthcoming.

Commissioner Frazier stated in answer to Mr. Bracci, that the role of the state should be to protect the water quality and at the same time help mediate some of the issues relating to the potential impact from land acquisition on communities. They seem more interested in creating open space and unabashedly asked “what the state was going to get out of the negotiations”.

Mr. Meredith noted at the last CWT meeting there was discussion about going back to the lawsuit if these other organizations keep stalling. Eighteen months has been spent on the same point. It seems only the CWT and the NYCDEP can come to agreement on anything.

Ms. Molé offered the following resolution and moved its adoption:

**RESOLUTION NO. 125**

**TITLE: DELAWARE COUNTY PUBLIC HEALTH  
HEALTHY COMMUNITIES INITIATIVE  
PUBLIC HEALTH NURSING SERVICES**

**WHEREAS**, Delaware County Public Health is eligible to receive a Healthy Communities Capacity Building Initiative grant funding to support local efforts to reduce chronic disease; and

**WHEREAS**, Delaware County Public Health works with the New York State Department of Health to minimize obesity and related chronic diseases through actions designed to increase physical activity and improve nutrition; and

**WHEREAS**, the grant funding will be used to develop a local action plan to address the physical activity and nutrition objectives in the New York State Department of Health prevention agenda; and

**WHEREAS**, no increase in health department staffing is required and no expenses will be incurred before securing grant funding;

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

**REVENUE:**

10-14012-43345001/4012002/906	State Public Health Grants	\$34,000.00
-------------------------------	----------------------------	-------------

**APPROPRIATION:**

10-14012-54327000/4012002/906	General Grant Related Expense	\$34,000.00
-------------------------------	-------------------------------	-------------

The resolution was seconded by Mr. Donnelly and adopted by the following vote: Ayes 4067, Noes 0, Absent 739 (Marshfield, Maddalone).

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

**RESOLUTION NO. 126**

**TITLE: COMMUNITY SOLUTIONS FOR TRANSPORTATION  
DEPARTMENT OF SOCIAL SERVICES**

**WHEREAS**, the Delaware County Department of Social Services is the designated local agency to administer the Community Solutions for Transportation Program. The said monies to be used for public assistance employment purposes and is 100% reimbursed.

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

**REVENUE:**

10-16010-44461000	Federal Social Services Administration	\$27,080.00
-------------------	--	-------------

**APPROPRIATION:**

10-16010-54427013	Solutions	\$27,080.00
-------------------	-----------	-------------

The resolution was seconded by Mr. Hynes and adopted by the following vote: Ayes 4067, Noes 0, Absent 739 (Marshfield, Maddalone).

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

**RESOLUTION NO. 127**

**TITLE: AMENDMENT TO RESOLUTION NO. 43-2006  
SAFE DRINKING WATER ACT 2005  
DEPARTMENT OF WATERSHED AFFAIRS**

**WHEREAS**, in Resolution No. 43-2006, Delaware County was awarded \$133,500 under the Safe Drinking Water Act for “Cross-Farm, Time-Series Assessment Database for Phosphorus Management Evaluation, Part III”; and

**WHEREAS**, all contractual obligations have been met by the Delaware County Soil and Water Conservation District and the NYS Water Resource Institute at Cornell University for this project; and

**WHEREAS**, funds designated for the contractual obligations were not entirely expended; and

**WHEREAS**, administrative costs for this project were higher than anticipated; and

**WHEREAS**, the New York State Department of Environmental Conservation has approved this amendment to the SDWA 2005 budget that provides the requisite funding for project administration.

**NOW, THEREFORE BE IT RESOLVED**, that Resolution No. 43-2006 is hereby amended and the budgetary adjustment for said project is authorized as follows:

**FROM:**

10-18741-54327200/8740016/900	Contractual	\$3,900.00
-------------------------------	-------------	------------

**TO:**

10-18741-51000000/8740016/900	Personnel Services	\$3,900.00
-------------------------------	--------------------	------------

The resolution was seconded by Mr. Rowe and adopted by the following vote: Ayes 4067, Noes 0, Absent 739 (Marshfield, Maddalone).

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

**RESOLUTION NO. 128**

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

**LETTING OF AUGUST 12, 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. 36-09 13' Hopper Spreaders to: Chemung Supply Corp.  
PO Box 527  
Elmira, NY 14902

Bid Price: \$12,260.00

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. Haynes.

Mr. Utter noted that the lowest bidder was not chosen because the bid did not meet the specifications. The purchase is for two 13' stainless steel hopper spreaders at the cost of \$12,260 each. One is a replacement spreader and the other will be installed on the new truck.

The resolution was unanimously adopted.

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

**RESOLUTION NO. 129**

**TITLE: CONVEYANCE OF COUNTY OWNED PROPERTY  
TO THE DEPARTMENT OF PUBLIC WORKS  
TREASURER'S OFFICE**

**WHEREAS**, tax map no. 187.-2-2.12 in the Town of Walton, previously assessed to William & Patricia Burns, to be used for combined highway garages; and

**WHEREAS**, tax map no. 275.-2-21.22 in the Town of Walton, previously assessed to Khim R & Lorna J Kite, adjacent to county landfill, unusable because of odors;

**THEREFORE BE IT RESOLVED** that the County of Delaware retain the parcels for the Department of Public Works and cancel taxes for 1998-2007 (Burns) in the amount of the \$8,539.38 and 1998, 2000-2007 (Kite) in the amount of \$16,467.00.

The resolution was seconded by Ms. Molé and adopted by the following vote: Ayes 4067,

Noes 0, Absent 739 (Marshfield, Maddalone).

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

**RESOLUTION NO. 130**

**TITLE: SALE OF TAX ACQUIRED PROPERTY**

**RESOLVED** that the following described parcels of tax acquired property be sold to the party 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.

DAV07TX.007

**ASSESSED TO:**

**JOSEPH DECELIS**

TOWN OF:	122600:DAVENPORT
TAX MAP NO:	9.-2-40 & 9.-2-41
SCHOOL DISTRICT:	122601:CHARLOTTE VALLEY
ACREAGE:	62.00'F X 550.00'D ACRES(9.-2-40) 1.10ACRES(9.-2-41)
CONVEYED TO:	SHARIE KIM GRAHAM 1500 LEXINGTON AVE #14B NEW YORK NY 10029
CASH CONSIDERATION:	\$2,100.00
TAX DEFICIT:	\$773.62

The resolution was seconded by Mr. Valente and adopted by the following vote: Ayes 4067, Noes 0, Absent 739 (Marshfield, Maddalone).

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

**RESOLUTION NO. 131**

**TITLE: DESIGNATION OF DELAWARE COUNTY CHAMBER OF COMMERCE AS TOURIST PROMOTION AGENCY FOR DELAWARE COUNTY**

**BE IT RESOLVED** that the Delaware County Chamber of Commerce be designated as the Tourism Promotion Agency for Delaware County, for the purpose of making applications for and receiving grants under Section 100[6] of the Economic Development Law, with the Chamber of Commerce to provide the required local matching funds for the "I Love New York" tourism promotion 2009-2010 program.

The resolution was seconded by Mr. Triolo.

Mr. Rowe commented that the Town of Hancock at Route 17 East Branch is the first rest area coming eastbound out of New York City. The site receives approximately 250,000 cars a year and has no informational brochures directing people from the rest area to the main streets. He noted that a kiosk has been purchased but the town would like support and direction from the Chamber.

Mr. Meredith remarked that the NYSDOT might be of more help to the Town in this matter.

Chairman Eisel stated that he believed the Chamber could be of help and would speak with Chamber of Commerce Executive Director Mary Beth Silano.

The resolution was unanimously adopted.

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

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

**RESOLUTION NO. 132**

**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 County Route 26 over Telford Hollow Brook (BIN 3351950) in the Town of Colchester, Delaware County, P.I.N. 9753.00 (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 Supplemental Agreement #1 and Federal Aid Highway and Marchiselli Aid Project Agreement (D022344) for the Preliminary Engineering and Right of Way work and appropriated \$304,000.00 and \$87,123.00.

**NOW, THEREFORE**, 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 costs of the Preliminary Engineering, Right-of-Way Incidentals and Right of Way Acquisition work for the Project or portions thereof; and

**IT IS FURTHER RESOLVED**, that the sum of \$65,000.00 is hereby appropriated from 34-15112-54000000 and made available to cover the cost 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 and adopted by the following vote: Ayes 4067, Noes 0, Absent 739 (Marshfield, Maddalone).

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

**RESOLUTION NO. 133**

**TITLE: PAYMENT OF AUDIT**

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's

office in the amount of \$1,288,483.25 were hereby presented to the Budget Oversight Committee for approval for payment on August 21, 2009 prior to presentation to the Board of Supervisors;

**THEREFORE**, the County Treasurer was directed to pay said expenditures as listed below and this Board now approves of said payment as follows:

General Fund	\$1,115,491.19
OET	\$95,176.02
Highway Audits, as Follows:	
Road	\$321.27
Machinery	\$44,761.42
Capital Road & Bridge	\$0.00
Capital Solid Waste	\$32,733.35
Solid Waste/Landfill	

**WHEREAS**, bills and claims submitted and duly audited by the Clerk of the Board's office in the amount of \$1,568,075.06 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	\$458,341.13
OET	\$76,688.18
Countryside	\$420.00
Highway Audits, as Follows:	
Road	\$112,486.10
Machinery	\$62,500.26
Capital Road & Bridge	\$698,655.48
Capital Solid Waste	\$7,025.75
Solid Waste/Landfill	\$151,958.16

The resolution was seconded by Mr. Triolo and adopted by the following vote: Ayes 4067, Noes 0, Absent 739 (Marshfield, Maddalone).

Chairman Eisel invited everyone in attendance to enjoy County Clerk Sharon O'Dell's home made cookies which won ribbons at the Walton Fair.

Upon a motion, the meeting was adjourned at 6:40 p.m.