**REGULAR MEETING**

March 14, 2019

# The Board of Trustees held the Regular Meeting of March 14, 2019 at

# the Village Municipal Building, 167 North Main Street, Liberty New York.

Mayor Ronald Stabak opened the meeting with the Pledge of Allegiance.

**PRESENT:** Mayor Ronald Stabak,Deputy Mayor/Trustee Robert Mir, Trustee Corinne McGuire and Trustee Sal Cracolici. Also Present: Gary Silver, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

**ABSENT:** Trustee Daniel Wright

**ALSO** Police Chief Scott Kinne, Joan Stoddard, Troy Johnstone, Dustin Pritzert **PRESENT:** Michael Lawler, Sarah Lawler and David Ohman (Village Engineer)

**APPROVAL** Motion by Trustee McGuire, seconded by Trustee Mir and unanimously

**OF** carried approving the following minutes:

**MINUTES:**

WORKSESSION MEETING - February 25, 2019

**CORRES-** Mayor Stabak said the correspondence for this meeting is available in

**PONDENCE**:the Clerk’s Office.

Incoming

* Letter from EFC Re: Project No. C#-5352-02-00
* Letter from Sullivan Renaissance Re: 2019 Community Grant Program

Outgoing

* Letter to H. Caloir/Local Initiatives Re: “Zombie 2.0”

**PUBLIC** Mayor Stabak opened the meeting to comments from the public.

**COMMENT:**

Dustin Pritzert – V.I.P. Fitness

Dustin Pritzert (V.I.P. Fitness – North Main Street) discussed his gym on Main Street. He said he has outgrown it and in addition his current location has wooden floors and they easily damaged during the course of weight training. He said he is looking at a new location on Sullivan Avenue that is big enough for him to expand into a regular gym as well as a cross fit section. He said his community development loan originated at $20,000 and he currently owes $5,000. He stated he is currently past due (due for November 2018) and is struggling with all the gym expenses. He requested the Board to consider forgiveness of the remainder of the balance of the loan.

Mayor Stabak said that the money does come from a revolving loan fund so the payments are what make it viable to continue to loan money to new businesses. He explained the Village works hard at collecting these loans so total forgiveness would probably not be an option. He did say that the Village would be willing to look at a restructure of the loan to make monthly payments less of a burden.

Mayor Stabak said the Board would discuss the matter with the Village Attorney to see if a different payment structure can be worked out.

Michael and Sarah Lawler – 299 West Lake Street

Michael and Sarah Lawler (299 West Lake Street) checked on the status of their request to fix the culvert pipe causing drainage problems on their property.

David Ohman (Village Engineer) and the Board assured them that it is being addressed. David said the issue is not easily resolved. He explained it is an old laid up stone culvert in which the sanitary sewer is installed and the drainage from the area above the rail trail flows. The flow from above backs up the rail trail and clogs up the old culvert which causes the backup on Lawler’s property. He said the main issue is that the culvert is about 25 feet below the top of the rail trail and a NYSEG transmission line runs along the rail trail. He said he will have to have NYSEG and the NYSDEC review this project to see acceptable options.

Michael Lawler also addressed the issue of speeding on West Lake Street.

**ATTORNEY** Attorney Silver said he would address everything during the Board meeting.

**COMMENTS:**

**TREAS.** Treasurer Zurawski’s written report was as follows:

**REPORT:**

* List of Current Taxes and collections thru 02/28/2019 of which there is $367,236.14 outstanding. The current taxes are 91% collected.
* List of Delinquent Taxes, which as of 02/28/19 is $483,579.00 not collected.
* Starting and Ending Central Check Numbers for February 2019
* Starting February 2019 Central Check #14548
* Financial comparison of General, Water, Sewer and Sanitation

Treasurer Zurawski said the Columbia Street B.A.N. is in the process of being renewed at 2.49% until October at which time it will be consolidated with the extra $400,000 that we borrowed to complete the project.

The B.A.N. will now be held by Greene County Commercial Bank

**TABLED UPDATE ON ENGINEERING PROJECTS - D. OHMAN/DELAWARE**

**BUSINESS: ENGINEERING:**

David Ohman of Delaware Engineering reported on the following:

1. **WWTP Upgrade**

* NYSEFC Clean Water State Revolving Fund (CWSRF) **Project #C3-5352-02-00**
  + The Village received a letter from NYSEFC letter on January 18, 2019, to inform the Village that the WIIA program grant award is being revised to $1,914,000 and Total Estimated Project Cost of $7,656,889.
  + The Village received a follow-up letter that lists all missing items to complete the project financing agreement as soon as possible, A status of each of these is below:

1. Engineering agreement
   * + For Planning – Executed – ready to submit
     + For Design (through construction) services Executed, ready to Submit
2. MWBE utilization plan for the above Design/Construction services – Updated, ready to submit with Partial Waiver Request
3. MWBE work plan and MBO – Submitted to NYSEFC MWBE Representative on January 16, 2019 via email, plan to resubmit with the rest of items.
4. Copy of sewer debt exclusion approval from OSC – Village preparing with Capital Markets and Bond Council.
5. Clarification of net interest – Previously provided via e-mail, plan to resubmit with the rest of the items

* Completed Smart Growth Assessment Form – Previously provided via email, plan to resubmit with the rest of the items.
* Prepared a response to NYSEFC for each item, if complete, providing a copy, or if not complete, provide a status update and that the item will be provided when complete.
* Ready to submit when receive Item 4 Copy of sewer debt exclusion approval from OSG from the Village.
* Professional Services Contract for Design through Construction:
* At the January 28, 2019 meeting the Village Board authorized the Mayor to endorse the Professional Services Contract with Delaware Engineering, DPC for design through construction for the Village WWTP upgrade to be financed through NYSEFC, dated January 25, 2019.
* Design Phase
* Communicating with equipment supplier and manufacturer’s representative regarding upgrade equipment
* Coordinating with MWBE Subcontractors
* Communicating with Village staff on project issues
* MWBE Subcontracts and Related Work:
* See above – items related to our contract and MWBE participation
* Executed contract for Financial Assistance with Keogh Consulting
* Prepared MWBE Utilization Plan #1 and Partial Waiver Request – see above
* Other NYSEFC Items:
* Also, Received NYSEFC’s February 27, 2019 Engineering Report review letter
* We are working on a response to their comments
* Short Term Financing
* At the January 28, 2019 meeting the Village authorized the Village Clerk to proceed to secure a one year callable BAN in the amount of $700,000 to pay for services provided until the Village is able to close on NYSEFC financing, satisfy NYSEFC reimbursement requirements and begin to receive NYSEFC funds on a regular basis.
* Capital Markets working with the Village to secure the BAN.

1. **NYSDOH Water System Inspection/Cross Connection Control Program**
   * November 14, 2018 NYSDOH letter summarizes October 19, 2018 inspection and requested that the Village develop a Cross Connection Control Program
   * NYSRWA provided CCCP template on February 1, 2019
   * We worked with the Village to develop a program plan and response letter
   * A draft of the letter was reviewed with the Village on February 11
   * The response to the November 14, 2018 NYSDOH Letter was submitted to NYSDOH Monticello Office on March 6
   * Items and schedule completed
   * Glenn Illing – NYSDOH responded via email on March 6 accepting the proposed plan.
   * ACTION ITEMS:

* Need list of previously identified water users covered by cross connection regs (Ken and Alice)
* Start to develop the CCCP document

1. **Rail Trail Area Culvert Drainage/Blockage**

* Investigating options to address the issue
* Delaware is reaching out to NYSEG to inquire if the ROW requires continuous, uninterrupted access.
  + If not, can we open-cut a hole in the rail trail and put a bridge in?
  + If not, what the options?
* Delaware will also need to review with NYSDEC Region 3 Permits and Wildlife (trout stream) to review what the possible options are (i.e. open cut w/minor stream, permit work)

1. **DPW Garage Site Remediation**

* Based on September and December 2018 sampling report, not much different
* Still seeing values near garage indicting contamination remains
* Next Sampling to be in March 2019
* NYSDEC will keep going with quarterly monitoring until all results show compliance with water quality standards for a year or more.
* In addition, we want to pump more water out of Elm Street well a more comprehensive sampling plan is needed.
  + Aztech cannot perform the additional work as NYSDEC believes it would be a conflict so some other firm will need to do it.
  + We can pursue this if desired by the Village.
* Also, right now it looks like there is more stuff to clean up out there
* Some plan forward options:
  + Continue with NYSDEC quarterly monitoring and no more cleanup – status quo
  + Continue with NYSDEC quarterly monitoring and ask NYSDEC to advise what else is being contemplated to accomplish more cleanup
  + One of the above and look at what is needed to be able to pump more water

1. **Elm Street Well and Lead and Copper Compliance**

* Have $100,000 SAM grant for well improvements
* At this time the Village is not planning to pursue a WIIA grant (60%) for this work
* The Village plans to apply the $100,000 towards electrical improvements and a possible new generator
* We will work with Ken to come up with a plan
* Village has had copper concentrations exceeding the action level I Spring 2017 and needed to come up with and submit a plan to address this to NYSDOH by December 31, 2017.
* Prepared and submitted a letter package to NYSDOH on January 3, 2018 (see attached) summarizing the Village’s recommendation for corrosion control/compliance with lead and copper action levels.
* Plan recommends continued use of blended phosphate at the current higher dose which has not affected WWTP compliance with phosphorous or any other water system issues. This is instead of undertaking improvements at the Elm Street well to add PH control and other needed improvements (July 2017 preliminary estimate of $517,000)
  + If we increase water pumping at Elm Street it is likely that the building modifications/improvements to allow for alkalinity addition will be required.
* NYSDOH has had one year to review the plan and advise of acceptance or the need for further work/study.
* No formal letter from NYSDOH yet regarding the recommended plan forward to continue to add phosphate but most recent sampling conducted in May 2018 indicated continued compliance through chemical addition.
* NYSDOH Response:
* The Village has not received any NYSDOH response to the Village’s recommendation for corrosion control/compliance with lead copper action levels: November 14, 2018 inspection letter references the continuing use of chemical to maintain lead and copper levels below the action level but no other comments specifically responding to the January 3, 2018 Village letter.

1. **NYSDEC Reconnaissance Inspection (Illicit Discharge)**

* December 12, 2018 NYSDOH letter summarizes November 18, 2018 inspection (attached)
* This inspection was conducted in response to the illicit discharge of petroleum product into the sewer system and its impact on the wastewater treatment plant (WWTP).
* Indicates Village needs to adopt a long term plan to educate residents on illicit discharge detection and elimination.
* Need to respond to NYSDEC by January 14, 2019 indicating intentions to address this matter.
* Worked with Rebecca and generated a response with the plan. The plan includes:
  + Utilizing resources from the US EPA, NYSDEC and other sources, find and/or create a simple brochure outlining prohibited discharges to the sanitary sewer system. The brochure will include, but may not be limited to:
    - What not to discharge into the sewer systems: Petroleum products (e.g. gas, oil, etc.) Fats, oils and greases (i.e. cooking products), Pharmaceuticals (OTC and Prescription), Plastics including microbeads, Hygiene products other than toilet paper, Non water-based paints and Stains & other.
    - Information regarding underground and above ground fuel storage tanks
    - Description of how to detect a prohibited discharge (e.g. color, odor, sheet, etc.)’
    - What to do when the public suspects a prohibited discharge (e.g. contact appropriate Village staff)
  + Print and distribute the brochure twice annually with other mailed material issued by the Village, such as sewer and/or water bills or tax bills.
  + Post the information on the Village website
  + Post the information in local pharmacies and retail establishments where pharmaceuticals, paints, petroleum products, etc. are sold.
  + Update, if necessary, reprint, and distribute the brochure twice annually
* Judy mailed hard copies out to Dayo and sent Delaware a scanned copy and Delaware forwarded via e-mail to Dayo at DEC on January 14, 2019so that we can forward via email to Dayo at DEC.
* Day at DEC responded by email to conform receipt on January 22, 2019 but did not approve or disapprove
* Further action pending NYSDEC review and comment. If plan is approved, Delaware will start to generate brochure. If Day at DEC provides comment, we will review with the Village, modify plan as needed, and resubmit plan for approval.
* Does the Village want us to work with Rebecca and Judy to develop the brochure?

**UPDATE ON CDBG LOANS**

Attorney Silver informed the Board that Maurice Galant is employed at the Delaware Valley Job Corp. and that the Sheriff’s Department has the Income Execution. He said hopefully the Village will be able to recover some of its loan funds.

**UPDATE ON LIBERTY CENTRAL SCHOOL DISTRICT RE: SURVEYOR**

Attorney Silver e-mailed Tony Siciliano (surveyor) during the meeting asking him to respond to the Mayor regarding this matter.

**UPDATE IN MCMANUS & ASSOCIATES – FORMER GROSSINGER**

Attorney Silver said they have not had any additional correspondence since requesting that any questions they have be in writing.

Mayor Stabak said it still seems that the project is all speculative at this point.

**UPDATE ON WOODSTOCK DOVE**

Mayor Stabak said the Dove has been picked up and is at Thalman’s to be sanded. Once the sanding is completed it will be delivered to the artists’ house for painting and then will be brought back to Thalman's to have a coating of clear lacquer put on it.

**UPDATE ON LIBERTY THEATRE WITH CATSKILL HUDSON**

Mayor Stabak said the agreement has been signed and delivered to the Bank.

**NEW** **CONSIDER SEWER ADJUSTMENT FOR #3-900/POLIFERNO**

**BUSINESS:**

Motion by Trustee Mir, seconded by Trustee Cracolici and unanimously carried approving the sewer adjustment for Account #3-900/Frank Poliferno in the amount of $1,562.59.

This adjustment is due to a broken water pipe in the crawl space.

**DISCUSSION – MEMORANDUM OF UNDERSTANDING RE: O & W TRIAL ALLIANCE**

Attorney Silver said he reviewed the Memorandum of Understanding of the Sullivan O & W Trail Alliance within the County of Sullivan. He discussed the obligations that the Village would face, including maintenance and the insurance that would be needed due to the greater risks of a trail.

Mayor Stabak said at this point it would be a luxury to maintain and with the culvert issue we have on our trail it doesn’t seem feasible at this time.

No motions were made on this matter.

**CONSIDER SURPLUS BID RE: 2002 CHEVY**

Motion by Trustee Mir, seconded by Trustee Cracolici and unanimously carried approved the bid of $250.00 from Joel Gandulla – Immaculate Concepts Inc. of Liberty New York.

No other bids were received.

**DISCUSSION – INFIRMARY SEWER**

This matter will be discussed in Executive Session to obtain legal advice.

**PUBLIC** Mayor Stabak opened the meeting to comments from the public.

**COMMENT:**

Attorney Silver commented on the loss of a Village resident, Dave Thompson. He said he was a wonderful man, a good friend and a great Rotarian. He stated he worked tirelessly raising money with the Rotary.

**TRUSTEE** Mayor Stabak opened the meeting to comments from the Board.

**COMMENTS:**

Mayor Stabak – No Comment

Trustee Mir said he had some information on seasonal speed bumps that may help with some of the areas that the residents are complaining of speeders. He said he would give it to the Board for review.

Mayor Stabak said he would like to review it and check with the insurance company on this matter.

Trustee Cracolici – No Comment

Trustee McGuire - No Comment

**APPROVAL** Motion by Trustee McGuire, seconded by Trustee Cracolici and

**OF BILLS** unanimously carried approving Voucher #24-762 to Voucher #24-833 in

**FOR PYMT:**the amount of $169,584.16

**POST AUDIT VOUCHERS**

Motion by Trustee McGuire, seconded by Trustee Cracolici and unanimously carried approving Post Audit Voucher #24-755 to Voucher #24-761 in the amount of $331,633.94.

CDBG Bill for Payment

Motion by Trustee McGuire, seconded by Trustee Cracolici and unanimously carried approving the following CDBG Bill for Payment:

Billig, Loughlin and Silver – LLP - $114.48

-Galant

**EXECUTIVE** Motion by Trustee Cracolici, seconded by Trustee McGuire and

**SESSION:** unanimously carried to go into Executive Session to receive legal advice.

Motion by Trustee Cracolici, seconded by Trustee McGuire and unanimously carried to leave Executive Session at 9:16 p.m.

**ADJOURN:** Motion by Trustee McGuire, seconded by Trustee Mir and unanimously carried to adjourn the meeting.

**THE MEETING WAS ADJOURNED AT 9:17 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI**

**CLERK-TREASURER**

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