**REGULAR MEETING**

May 8, 2017

# The Board of Trustees held the Regular Meeting of May 8, 2017 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 Sal Cracolici, and Trustee Daniel Wright. Also Present: Gary Silver, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

**ABSENT:** Trustee Corinne McGuire

**ALSO** David Ohman, William Cogswell, Myra Morse and Elizabeth Panagakos

**PRESENT:**

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

**OF** carried approving the following minutes:

**MINUTES:**

WORKSESSION MEETING – April 24, 2017

**CORRES-** Mayor Stabak said correspondence is available in the Clerk’s Office:

**PONDENCE**:

Incoming

* Letter from TOL Re: Memorial Day Parade Monday 5/29
* E-Mail: Pre-Construction Meeting – WWTP Clarifier on 5.11.17

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

**COMMENT:**

William Cogswell (State Rte. 55) discussed the Village website.

Mayor Stabak said that he would look to take it down completely until someone can be found to redesign it.

William Cogswell suggested that North Main Street from 33 North Main Street to Law Street would be a better paving project than Vista Drive. He

said that many more people use North Main Street.

Mayor Stabak said he would discuss it with the D.P.W. Working Supervisor, Peter Parks.

Mayor Stabak informed Myra Morse that that have assessed the situation by her house and they are addressing it.

**ATTORNEY**  Attorney Silver discussed Local Law #4-2017 which will regulate the

**COMMENTS:**overnight parking of commercial vehicles in the parking lots of the Village

of Liberty.

Attorney Silver said he has received some e-mails from Mobilite and he will be discussing them at the next Worksession Meeting.

Mayor Stabak said he has been reading about many health concerns of the 5G phones.

Attorney Silver stated the rest of his items are agenda related.

**TREAS. TREASURER REPORT – APRIL 30, 2017**

**REPORT:**

Treasurer Zurawski’s written report was as follows:

* List of Current Taxes and collections thru 04/31/2017 of which there is $360,129.59 outstanding. The current taxes are 91% collected.
* List of Delinquent Taxes, which as of 04/31/17 is $598,573.09
* Starting and Ending Central Check Numbers for April
* Starting May 2017 Central Check #12986
  + Financial comparison of General, Water, Sewer and Sanitation

**TABLED UPDATE ON REVONAH HILL WATER TANK PROJECT – D. OHMAN/**

**BUSINESS: DELAWARE ENGINEERING:**

David Ohman of Delaware Engineering sent the following report:

1. **CDBG GRANT 2015 – WWTP Clarifier No. 1 Rehabilitation**

* Village was successful with securing the OCR CDBG grant for $599,830 to replace internals of one clarifier.

Project Bidding:

* Project out to bid March 17, 2017
* Pre-bid meeting held on March 24, 2017
* Bid opening was held April 10, 2017
  + Village resolved to award Contract No. VL2-G-16 - General for the WWTP Clarifier No. 1 Reconstruction to Eastman Associates, for the base bad work at the low bid cost of $486,465, and accept bid alternate pricing for future consideration.
* Execution copies of the contract documents have been prepared and have been executed by all parties. One copy will be provided today to the Village Clerk for recorded purposes.
* A pre-construction meeting is scheduled for May 11, 2017 at the WWTP with WWTP Staff, Delaware, Eastman and Mark Blauer.

Bid Results/Project Cost/Budget Review:

* Project grant amount (including construction, engineering and other cost) equal to $599,830.
* Base Bids for the General Contract ranged from $486,465 to $548,416. The Engineers Estimate was $460,630 not including contingency.

Project Budget Review:

* Construction – General Contract low bid was higher than the 2017 Project Design Summary budget by $25,835.
  + The project cost estimate included construction contingency of $16,200.
  + With all of the $16,200 of construction contingency applied to Construction – General, no contingency budget will remain and an additional $9,635 will still need to pay for the project.
  + Village has included in their budget $20,000 to address the project cost overrun, which leaves a $10,635 balance of funds available if needed.
* The full bid review/award recommendation letter package will be provided.
* Project Budget Review:

|  |
| --- |
| Item Estimated cost Estimated cost 4/10/17  07/14/15 09/09/16 Following Bids |
| Construction – General $431,630 $460,630 $486,465 |
| Engineering and subs $98,000 $98,000 $98,000 |
| Other Costs $25,000 $25,000 $ 5,000 |
| Engineering and subs $ 98,000 $98,000 $98,000 |
| Contingency $45,200 $16,200 $0 |
|  |
| **Total $ 599,800 $599,830 $609,465**  OCR CDBG Funding $599,830 $599,830 $599,830  Village Funds -0- -0- $20,000  **Total Funding** $599,800 $599,830 **$619,830**  **Funds minus Costs $10,365** |

Payment:

* Eastman Associates submitted Payment Request No. 1 for Contract No. VL2-G-16-General on May 3, for a partial payment for mobilization, bonds and insurance for a current payment due of $7,974.30.
* No on-site work has started therefore certified payroll and Blauer Associates certification are not required.
* We have reviewed their submittal and agree with the level of work completed to date and the cost presented therein.
* We are preparing the payment recommendation package and will provide to the Village Clerk as soon as possible.
* We recommend that the Village move forward with the payment process prior to the next meeting.
* Therefore, we recommend that Village Board resolve to authorize the Village Clerk to proceed with the process to provide payment to Eastman Associates for work of Contract No. VL2-G-16 – General Construction for Payment Requisition No. 1- following receipt of all necessary documentation (e.g. payment recommendation package) – in the amount equal to $7,074.30 (includes deduction for 5% retainage) – for a cost to date of $7,974.30 (1.6% of the final contract price) with a balance to finish retainage equal to $478,490.70.
* Anticipated Schedule Forward:
* Design – complete
* Bidding/Award – complete
* Construction – underway
* May – November 2017 planned
* PO for long lead time equipment placed on April 20
  + - Submittal anticipated in 4 – 6 weeks (May 20 – June 1)
    - Equipment has 16-22 weeks to manufacture and deliver – October

1. **Application for Next OCR CDBG Grant – WWTP Clarifier No. 2 Rehabilitation**

* 2016 CFA Awards were announced 12/8/16. This project was not selected for award.
* At the January 9, 2017 meeting, Board agreed to resubmit this in the next CFA round again using the Blauer Associates and Delaware Engineering team to prepare the application which is due July 28, 2017.
* Last year’s budget was $703,600
* We plan to increase the budget to closer to $749,999 to provide 40 -45K in project contingency, based on Clarifier No. 1 Bid results, and to provide a minor increase to the Financial Administration budget.

1. **Plan forward for WWTP Upgrade**

* Recap:
* At January 9, 2017 meeting, Board agreed to move forward with Delaware to prepare an engineering report for the project and identify a path forward.
* Contract pending from Delaware.
* Will be working with Rebecca to refine the list of improvements
* Several options:
  + **NYSEFC Clean Water State Revolving Loan (CWSRF**)
  + Financing for a 2018 project – see attached schedule – basically an 18-month process to get short term financing.
  + Key item is Engineering Report that sets forth the project and costs.
  + Short term financing/long term financing
* Short term financing/long term financing
  + - * + Some grant possible
        + Hardship 0% loan required a decent IUP score as well as income
        + 28 year loan
    - NYS Water Grants – thru NYSEFC
* Possible to secure 25% grant
* Need to have Engineering Report, SEQR and Bond Resolutions and SRF Application in place by June of this year
* Hardship 0% loan requires a decent IUP score as well as income
* This is the 3rd and final round of this program
* More items to do in the near term
* **USDA Rural Development**
  + Another 18 month process basically
  + Engineering Report, SEQR, USDA paperwork
  + Maximum grant usually $500,000
  + Up to 38 year loan – likely around 3%
* **OCR CDBG**
  + $750,000 grant possible
  + Co-funding with other agencies possible but not typically done
  + Ballpark costs:
    - Engineering Report $25,000
    - SEQR $5,000
    - NYSEFC Application $10,000 - $15,000
  + State Environmental Quality Review (SEQR)
    - Deadline is June 23, 2017
    - We plan to have an Engineering Report done this month
    - We are meeting with Rebecca today to go over the upgrade list
    - We believe the work will be a Type 2 action and not require SEQR review.
      * We plan to have the Board declare this as a Type 2 action at the June 10 meeting.
    - We will need some financial information from Judy and will be contacting her soon
    - We will also need some forms signed by the Mayor
    - We will need a bond resolution at the June 10 meeting
      * Need to have Engineering Report done first to define scope of work and cost

4. **Water System Emergency Response Plan and Vulnerability Assessment**

* We are updating the Water Supply Emergency Response Plan and Vulnerability Assessment reports in response to January 14, 2016 NYSDOH letter.
* NYSDOH requested updated by February 2016. Letter from Village asked for an extension until Summer 2016.
* Need to update both reports and make a public version and a confidential version of each.
* We have met with Ken to come up with answers to a number of questions and probably have one more iteration/review with Ken.
* We will track our costs and review with Village once the documents are complete.

8. **DPW Garage Site Remediation**

* Nothing new to report
* Aztech Environmental was scheduled to do sampling in March 2017 but report pending
* State budgets proposed include monies related to site remediation as well as proper management of roadway salts – more information as it becomes available.

**UPDATE ON FERNDALE WATER DISTRICT & WATER AGREEMENT WITH THE TOWN OF LIBERTY**

Trustee Cracolici said he would meet with Councilman McPhillips, Ken Hessinger and the Town of Liberty Water Representative to try and come to an agreement on this matter.

**CONSIDER LEASE FROM STATE POLICE RE: BARRACKS**

Mayor Stabak said he will meet with the State Police on Wednesday, May 10th at 11 a.m. to discuss the lease.

**CONSIDER CDBG LOANS TO BE WRITTEN OFF**

A meeting has been scheduled for Thursday, May 11th at 3:30 p.m. in the Village Municipal Building to discuss the CDBG Loans.

**CONSIDER UPDATED LAW FOR SENIOR CITIZEN EXEMPTIONS**

This item will remain tabled, as the Town of Liberty has not provided a copy of the local law.

**UPDATE ON LAND BANK MEETINGS**

Mayor Stabak said that the County is still considering three properties, Orchard, Balsam and South Main Street and they will all most likely be tear downs.

**NEW CONSIDER RESOLUTION TO RELEVY UNPAID WATER/SEWER/**

**BUSINESS: ACCOUNTS RECEIVABLE TO 2017/18 TAXES**

**RESOL.#** Motion by Trustee Mir, seconded by Trustee Cracolici and

**12-2017:** unanimously carried approving Resolution #12-2017.

**RESOLUTION TO RELEVY UNPAID WATER/SEWER BILLS AND ACCOUNTS RECEIVABLE BILLINGS TO 2017/2018 VILLAGE TAXES**

**RESOLVED,** that pursuant to Chapter 67.5 and Chapter 83 of the Code of the Village of Liberty pertaining to unpaid water and sewer rents, the following listing of unpaid rents billed before April 1, 2017 and unpaid by May 1, 2017 shall be added to the real property tax of the owner of the property whose property benefited by the use of the water/sewer systems, and the Village services to wit:

The total amounts are: Water - $44,419.114 Sewer - $40,860.17

Accts. Rec. - $ 4,500.00 - Gen

$ 250.00 - San

**TOTAL TO RELEVY: $90,029.31**

**CONSIDER BUDGET MODIFICATIONS**

**RESOL.#** Motion by Trustee Mir, seconded by Trustee Cracolici and unanimously

**13-2017:** carried approving Resolution #13-2017.

**CONSIDER EVENT PERMIT – LIBERTY ELKS 6.3.2017**

Motion by Trustee Wright, seconded by Trustee Cracolici and unanimously carried approving the Event Permit for Saturday, June 3, 2017 for a BBQ

Event Fundraiser at 6 Darbee Lane and authorize the Mayor to sign the Liquor Authority Letter.

This event is sponsored by Liberty Elks Lodge1545 and is to raise money for

Liberty Elks Charities.

Mayor Stabak disclosed he is a member of the Elks Lodge 1545 and derives

no financial gain from the membership.

**CONSIDER PLANS AND PROGRESS – SMALL GRANT PROGRAM**

Mayor Stabak said he would call Sullivan County to get an idea of what kinds of projects they would allow in the Village of Liberty.

**VOTE ON DEMAND FOR REFUND – ISRAEL GELMAN 112-7-11.2**

Motion by Trustee Mir, seconded by Trustee Wright and unanimously carried approving the Demand for Refund for Israel Gelman – Tax Map

#112-7-11.2 in the amount of $262.68.

This represents a reduction in assessment from 108,700 to 96,700.

**CONSIDER PAYMENT TO EASTMAN ASSOCIATES – WWTP CLARIFIER NO. 1**

Motion by Trustee Mir, seconded Wright and unanimously carried to authorize the Village Clerk to proceed with the process to provide payment to Eastman Associates for work of Contract No. VL2-G-16 – General Construction for Payment Requisition No. 1- following receipt of all necessary documentation (e.g. payment recommendation package) – in the amount equal to $7,074.30 (includes deduction for 5% retainage) – for a cost to date of $7,974.30 (1.6% of the final contract price) with a balance to finish retainage equal to $478,490.70.

**CONSIDER PUBLIC HEARING FOR LOCAL LAW #4- 2017**

Motion by Trustee Cracolici, seconded by Trustee Wright and unanimously carried to set a Public Hearing for Monday, June 12th at 6:45 p.m. to discuss proposed local law #4-2017 which will regulate the overnight parking of commercial vehicles in the parking lots of the Village of Liberty.

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

**COMMENT:**

William Cogswell (State Rte. 55) discussed the Skate Park lot, CDBG

loans and the possible local law involving Senior Citizens.

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

**COMMENTS:**

Trustee Cracolici asked about Michael Brennen (Mark Hersh liaison) and his attendance at the next Board meeting.

The Board suggested that the matter be discussed with Code Enforcement Officer Pamela Winters first.

Trustee Mir said he had a comment for Executive Session

Trustee Wright – No Comment

Mayor Stabak – No Comment

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

**OF BILLS** unanimously carried approving Voucher #21-944 to Voucher #22-022 in

**FOR PYMT:** the amount of $116,973.28.

POST AUDIT VOUCHERS

Motion by Trustee Mir, seconded by Trustee Wright and unanimously carried approving Post Audit Voucher #21-934 to Voucher #21-943 in the amount of $317,840.41.

DARE ACCOUNT

Motion by Trustee Mir, seconded by Trustee Wright and unanimously carried approving the following payment from the DARE Account:

DAREcatalog.com - $48.00

-graduation certificates

**EXECUTIVE**Motion by Trustee Mir, seconded by Trustee Cracolici and unanimously

**SESSION:** carried to go into Executive Session at 8:40 p.m. to discuss Contract

Negotiations and an employee matter.

Motion by Trustee Cracolici, seconded by Trustee Wright and unanimously carried to come out of Executive Session at 9:04 p.m.

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

**THE MEETING WAS ADJOURNED AT 9:05 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI**

**CLERK-TREASURER**

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