

REGULAR MEETING

DECEMBER 3, 2020

The Board of Trustees held the Regular Meeting of December 3, 2020 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 Daniel Wright, Trustee Joan Stoddard and Trustee Victoria Ferguson. Also Present: Village Attorney Gary Silver and Judy Zurawski, Clerk/Treasurer.

ALSO PRESENT: David Ohman (Village Engineer) and Police Chief Scott Kinne

APPROVAL OF MINUTES: Motion by Trustee Wright, seconded by Trustee Ferguson and unanimously carried approving the following minutes:

REGULAR MEETING - November 5, 2020

CORRESPONDENCE: Mayor Stabak said the following correspondence has been received and anyone can request copies by calling or email.

Incoming

- ✚ E-Mail from Dustin Pritzert Re: CDBG Loan 11.18.20
- ✚ E-Mail from Melissa Ainey (NYSEG) Re: Street Lights and LED Conversion 12.3.20

Outgoing

- ✚ E-Mail to Melissa Ainey (NYSEG) Re: Street Lights and LED conversion 12.2.20

PUBLIC INPUT: Mayor Stabak opened the meeting to comments from the Public.

There were no comments from the Public.

ATTORNEY COMMENTS: Attorney Silver said his comments are limited to agenda items and that he had two matters for Executive Session.

TREAS. REPORT: Treasurer Zurawski's written report was as follows:

- ❖ List of Current Taxes and collections thru 11/31/20 of which there is \$460,619.18 outstanding. The current taxes are 89% collected.
- ❖ List of Delinquent Taxes, which as of 11/31/20 is \$389,374.90 not collected.
- ❖ Starting and Ending Central Check Numbers for November 2020
- ❖ Starting October Central Check #16088
- ❖ Financial comparison of General, Water, Sewer and Sanitation

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Treasurer Zurawski asked about the 2021 relevy status for unpaid water and sewer.

Attorney Silver said he would discuss the matter with NYCOM.

TABLED UPDATE ON ENGINEERING PROJECTS - D. OHMAN/DELAWARE
BUSINESS:ENGINEERING:

David Ohman of Delaware Engineering presented the following report:

1. WWTP Upgrade

- Tonight's meeting:
 - No action required
 - Update/Review of Project Progress
 - Going with a Phase 1 (base contract) and Phase 2 (sludge) contract will allow some work to proceed while Village applies for more grant funding.
 - For the current Base project – Phase 1:
 - Revised and resubmitted the approved Engineering Report to remove sludge related work as possible to allow other work to proceed. **DONE October 30, 2020 - no comments back from NYSEFC yet**
 - Ultimately revising the Project Finance Agreement
 - Work on Design continuing – anticipate submitting for NYSEFC and NYSDEC review in December 2020
 - Revised Anticipated Project Schedule attached, excerpt below

November 02, 2020	Delaware to prepare ER Amendment without items related to enhanced sludge processing and associated work and submit to NYSEFC for review – submitted ER Amendment No. 2 (dated October 30, 2020)
November 5, 2020	Village Board Meeting
	Board approved amendment to Delaware contract for revised Phase 1 work.
November 9, 2020	Executed Amendment No. 1 to the design services contract submitted to NYSEFC for approval
December 3, 2020	Village Board Meeting
	No Action Required
December 2020	NYSEFC approval of revised Engineering Report (ER) (?)
December 2020	Submit Design to NYSEFC and NYSDEC for Design Review and NYSEFC Approval
January – February 2021	Bid & Award of Construction Contracts
March 2021	Issue Notice to Proceed
March 2021– August 2022	Construction to Substantial Completion
September 2022	Construction Completion (Final) and Project Closeout
September 2022	Long Term Loan Closing

- For the Enhanced Sludge project – Phase 2
- Put in a new Project Listing (PLUS) – Done
- Doing SEQR again for the entire project: Done – determination completed at August 20 Board Meeting
- Do a new Bond Resolution for the Phase 2 project – done at September 3, 2020 meeting. Notice of Estoppel appeared on November 20.
- Prepared and submitted new Engineering Report to NYSEFC – Done – submitted NYSDEC on September 18, prior to September 21, 2020 deadline to finalize the IUP and get on the annual list for financing.
- Prepare a new Smart Growth Form and submit to NYSEFC. Done – Reviewed with Village and had the Mayor sign at the September 17 meeting, and submitted to NYSEFC prior to September 21, 2020 deadline to finalize the IUP and get on the annual list for financing.
- NYSDEC released the CWSRF Final Intended Use Plan (IUP) for FFY 2021. The Phase 2 project is listed on the annual list with a budget of \$8.2M, above the Hardship Subsidy Line (56 pts) with a score of 1,049 pts. (this could change once ER submitted in September 2020 is scored). Delaware anticipates that the Village will receive a notice of hardship eligibility from NYSEFC in December 2020.
- Funding Application (CFA program) including the WIIA Grant funding up in the air right now – nothing set for this year.
- **Revised Anticipated Project Schedule; excerpt below**

November 13, 2020	NYSEFC released the CWSRF Final IUP for FFY 2021. The Phase 2 project is listed on the annual list with a budget of \$8.2M, above the Hardship Subsidy Line (56 pts.) with a score of 1,049 pts. (this could change once ER submitted in Sept. 2020. is scored). Delaware anticipates that the Village will receive a notice of hardship eligibility from NYSEFC in December 2020.
November 20, 2020	Publication of Estoppel Notice
December 3, 2020	Village Board Meeting
	No Action Required
December 10, 2020	Estoppel Period Complete (20 days after publication of estoppel notice)
December 2020	Possible Hardship Determination from NYSEFC (receipt of hardship eligibility notice)
January 2020	Delaware submits engineering services contact amendment for design through construction services for Phase 2 work for Village consideration
January 2021	NYSEFC approval of ER (?)
TBD	Prepare and Submit WIIA Application for possible 25% grant on total project cost (TBD)
February 2021 – May 2021	Design & submit project plans and specifications to NYSEFC for review and approval

April 2021	Close on NYSEFC Short Term Financing (Bridge Loan)/ Project Finance Agreement Execution – reimburse accounts for planning and design services costs
June 2021	Receive NYSEFC Design Approval
June - August 2021	Bid/Award Construction Related Contracts
August 2021	Issue Notice to Proceed/Commence Construction
August 2021 – December 2022	Construction

- **Contracts**

- **Sludge Handling WWTP Upgrade Project**

- At the October 15, 2020 meeting, the Village Board resolved to authorize the Mayor to endorse the Professional Services Contract for Planning phase work in the amount not to exceed \$24,900. Accepted by the Board and forwarded to NYSEFC on October 21, 2020. Accepted by the Board and forwarded to NYSEFC on October 21, 2020.
- Upon receipt of the anticipated notice of hardship eligibility, Delaware will submit engineering services contract amendment for design through construction services for Phase 2 work for Village consideration.

- **WWTP Upgrade Project**

- At the November 5, 2020 meeting, the Village Board resolved to authorize the Mayor to endorse Professional Services Contract Amendment No. 1, dated October 28, 2020, associated with Engineering Repost Revisions to the design through construction contract for the Village WWTP upgrade to be financed through NYSDEC, in an amount not to exceed \$40,000. Accepted by the Board and forwarded to NYSDEC on November 9, 2020.

- **Delaware River Basin Commission (DRBC) WWTP docket expired**
 - DRBC has sent the Village a notice that the docket has expired and has requested that a new application form be submitted for the facility along with review renewal fee of \$523 and late filed renewal surcharge of \$2,000.
 - Based on discussion with DRBC representative, due to COVID, if the renewal application is submitted before January 1, 2021 the late fee will be waived. (Effective March 1, 2020 and through 12/31/20, any late filed renewal application fees will be waived. Late fees will be reinstated effective 1/1/21).
 - The Village submitted a renewal application in 2012, and based on discussions with a DRBC representative, if all of the information is still relevant, we can indicate that they should refer to the information

submitted in the 2012 submission, simplifying the application renewal process.

- o Response package, prepare and to Judy that includes the following:
 - Cover letter – Judy will need to put on Village letter head, and Ron will need to sign
 - Application for Discharge – Ron will need to sign, and Judy will need to execute the affidavit on Application Page 7
 - Applicant’s Statement – Project Review Fee form & fee – Ron will have to sign and Judy will need to make in the amount of \$523 check payable to: Delaware River Basin Commission.
 - Recommend that the Board authorize the Village Clerk to forward a check in the amount of \$523 payable to Delaware River Basin Commission to cover the anticipated DRBC docket renewal fee.
 - o We will work with Judy to submit completed Cover Letter, Application, and Applicants Statement - Project Review Fee and check to: Delaware River Basin Commission, PO Box 7360, 25 Cosey Road, West Trenton, NJ 08628-0360, to be received by 1.1.21.
 - o We have forms for Ron to sign and Judy to notarize
 - o Applicant’s Statement – Project Review form and fee will need to be filled out again when the project goes out for regulatory review.

2. Lily Pond Road Bridge/Waterline

- Confirmed with the County on October 27, 2020 that they are still on schedule to complete design this fall for work next year.
- Working on a project scope/bid sheet so that we can develop a project cost estimate for temporary and permanent work with Ken H and Osterhout (contractor who did the work in 2006)
- Need to prepare a contract proposal (scope and cost) for design/bid award and construction phase services for Village consideration.
- Plan to do design in December and January review with NYSDOH and have ready to bid before year end for early spring construction.
- County work still planned for next spring
- More Background/Historic Information
- **Want Village water main out of the way by May 2021**
 - Village will need to do water line work themselves – do a set of plans and specs for one general contract for demolition of exiting, temporary and permanent back in the bridge work
 - **Should do design work this summer and work out all the details with county then but if not before year end so that we can have on-site work start March/April 2021.**
 - Jeff Francisco (from our office) met on site with Ken and Howard Osterhoudt (contractor) and came up with a plan for the design and construction of temporary and permanent.

- Includes putting a new temporary water line support upstream of the bridge.
- Now need to get a budget cost estimate for the construction as well as the design/engineering for temporary and permanent work – we can work with Ken and Howard on this.
- May need to get easement(s) to accommodate this? (need to look at the tax maps to see where property lines are and if County ROW is shown)
- We need to have SCDPW permit like in 2006
- Water line work with NYSDEC could piggyback with their joint permit application
- Lily Pond Water Plant currently gets tractor trailer chemical deliveries every 1 to 2 months
 - May not be able to get those big trucks to the plant via the alternative routes
 - Ken to check with chemical companies to see if they can deliver with smaller trucks
- We have Geotech report and County's site survey
- Will likely need more site surveying some for topo and for producing temporary easements.

- **Next steps:**
 - Confirm ROWs and easements available and/or needed – looks like only property now
 - Develop project cost estimate and timeline
 - Agree with Village on path forward for design (agree upon scope and cost) and timing for bidding/construction.

3. Rail Trail Area Culvert Drainage/Blockage

- Looks like CFA process is on hold for the foreseeable future – so no action planned at this time. Once CFA is announced we can revisit with the Village.
- **FEMA BRIC program:**
- Village attended a meeting on September 29 with FEMA and Sullivan County Representatives to discuss Village projects to be included in the County's Hazard Mitigation Plan and potential funding opportunities. Identified projects including **Rail Trail Culvert**, Balsam Street culvert and waterline, North Main culvert sidewalk/deck repair and stream cleaning. Waterway work by Church Street and collapsing waterway culverts already on the FEMA list.
- FEMA BRIC program has up to 75% grant funding for eligible projects – need to submit a Letter of Intent (LOI) package by September 30, 2020.
- We worked with Ron and Judy to put together and submit a letter of intent to get the Rail Trail culvert and sewer work on a list for potential FEMA funding for \$1 Million
- The Letter of intent was sent by 3:00 p.m. on September 30.

- Advised on October 9, 2020 email from NYSDHSES that the project appears eligible – excerpts and comments below.
- Noted that sub applicants are required to have a formally adopted and FEMA-approved Local Hazard Mitigation Plan by the Application deadline (January 29, 2021) and at the time of obligation of grant funds (expected Fall 2021) for all categories of mitigation projects and C & CB activities (with the exception of mitigation planning). Sub applicants must ensure that this requirement is met. **Village will vote to approve the County HMP at the January 2021 meeting - which includes a section on the Village work - that should be completed in early January 2021 - County HMP is being prepped now and we will work with the Village to move this all forward.**
- The Village's application will be part of the County's HMP.
- All applications must be completed via FEMA's new online application system called FEMA Grants Outcome (FEMA GO). We have worked with Judy to complete this step.
- The sub application deadline is Wednesday, December 2, 2020 @ 5:00 p.m. EST (no extensions)
 - We have worked with Judy and Village Staff to pull this together and it was uploaded on December 2. Hard copy provided to Judy.
- Plan forward:
 - The Village will need to formally adopt the County's HMP by January 29, 2021. The plan should be available by early January for review and acceptance. Village will need to pass a resolution adopting the County HMP in January.
 - Then await the determination of funding for this project.

4. DPW Garage Site Remediation

- **Nothing new until after December 2020 sampling is done and report prepared**
- Based on June 2020 and September 2020 sampling, still seeing values near garage indicating contamination remains
- Excerpts from Report for September 2020 as follows:

Observations of the laboratory analytical results are below:

- MTBE was not detected in any of the sampled monitoring wells at concentrations greater than the laboratory reporting limits.
- No analyzed VOC's were detected at concentrations greater than the laboratory reporting limit at monitoring wells MW-19, VW-6, VW-7 and VW-8. These monitoring wells are located between the Village Garage and the production well and indicate that VOCs have not reached the production well.
- Total VOC concentrations increased slightly at monitoring well MW-22A by 15 parts per billion (ppb). The total VOC concentration is generally declining.

- Total VOC concentration has remained unchanged at monitoring wells MW-22B. None of the compounds detected at monitoring well MW-22B were at concentrations greater than drinking water standards.
- Six (6) VOC compounds were recorded above the drinking water standard at MW-22A. Monitoring wells MW-22A and MW-22B are located approximately 10 to 15 feet south of the remedial excavations that were performed in November 2016 and approximately 380 feet north of the production water well. When compared to historic values, the concentrations in these wells have been steadily decreasing.

Discussion/Recommendations

Quarterly sampling and analysis of select monitoring wells should continue. The next monitoring event is scheduled for December 2020.

Should withdrawals from the Village production well increase, a modified groundwater monitoring plan should be developed to ensure that contaminants are not drawn into the production well.

Scan of VOC concentrations from September – not much different than June 2020.

- Sent email to NYSDEC and Aztech on February 20, 2019 requesting an update on cost for remediation and an estimate for quarterly sampling work; no response.
- NYSDEC will keep going with quarterly monitoring until all results show compliance with water quality standards for a year or more (no real end in sight).
 - The second quarter June 2019 groundwater monitoring report indicated that there was a contaminant increase in monitoring well VW-8 (212ppb VOCs). The other monitoring wells were within their historic values
 - September 2019 sample results showed levels in VW-8 returned to low/more historic levels.
 - Still seems appropriate to consider getting the sampling to locate the limits of the remaining material sooner than later.
 - In addition, if 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

- Develop Village plan to investigate the extent of the remaining contamination
- One of the above and look at what is needed to enable to pump more water
- At February 2020 meeting, the Village decided to seek DASNY SAM grant assistance for conducting a sampling plan site investigation to better identify remaining contamination under, up gradient and near the DPW garage.
 - Use \$125,000 as a target cost
 - We could work on this if desired by the Village
- **DPW Garage Relocation**
 - If sampling does not show that the contamination is principally under the garage, the most time efficient process to get rid of remaining contamination under the garage would likely be to demolish the garage to provide direct access for cleanup followed by about one year of sampling to confirm it is cleaned up
 - This would require relocation of the DPW garage and associated items (salt storage, etc.) to a new facility – possibly on Willow Lane by the current cold storage and fueling station.
 - We would work with the Village to seek funding to assist with this work if this is the desired plan

5. Tiger's Den Monitoring Well Decommissioning

- We haven't received a response from the DEC about the proposed monitoring well decommissioning. They may have lost interest in it for now? We'll let you know if they get us answers.
- On October 7, 2020 DEC requested latest sampling results and water production of the Elm St. municipal well.
- The water department provided data on October 9, 2020
- Delaware summarized and returned the requested information via email on November 2, 2020; we copied the Water Department, mayor and Judy on the email to the DEC.

6. Elm Street Wellfield and Lead and Copper Compliance/Electrical Improvements

- **Good News!** DASNY letter dated 12/1/20 and associated paperwork attached that approves the scope change for the \$100,000 to be applied to electrical improvements.
- Paperwork is requested to be returned within 30 days so we will work with Judy and Ron to get the attached letter over and forms filled out and signed by Ron and Judy.
- We will need to do SEQR....however it is not required to be complete within 30 days.

- So we recommend that the Board resolve tonight to assume lead agency status for Electrical Improvements at the Elm Street Wellhouse.
- We will work with Judy to prepare the SEQR forms

7. NYSDOH Water System Inspection/Cross Connection Control Program

- No Change from last month

UPDATE ON PANDEMIC OPERATIONS PLAN

Mayor Stabak said this will remain tabled until February.

NEW BUSINESS: CONSIDER RENEWAL CONTRACT WITH ALLEES SIGN CO.

Motion by Trustee Ferguson, seconded by Trustee Stoddard and unanimously carried authorizing Mayor Stabak to execute the Lease Agreement between the Village of Liberty and Allees Sign Company Inc. with a mailing address of P.O. Box 525, Jeffersonville, New York 12748.

The lease agreement will be for a term of one year, commencing February 1, 2021 in the amount of \$1,000.00, with \$500.00 due upon the execution of this lease and the balance of \$500.00 shall be due on the 6th month anniversary of the lease.

A Certificate of Insurance will be required.

CONSIDER SANITATION REQUEST FROM 7 SULLIVAN AVENUE

No action is required on this matter. A letter will be written to the owner regarding the Sanitation fees.

CONSIDER DRBC WWTP DOCKET RENEWAL

Motion by Trustee Wright, seconded by Trustee Stoddard and unanimously carried authorizing Mayor Stabak to execute the paperwork for the Delaware River Basin Waste Water Treatment Plant Docket Renewal. The Board also authorized Clerk-Treasurer Zurawski to process the payment for the new application fee of \$523.00.

CONSIDER VILLAGE AS LEAD AGENCY – DASNY GRANT #11665

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried to have the Village of Liberty assume lead agency status for DASNY Grant #11665 – Electrical Improvements at the Elm Street Well House to the extent SEQR is applicable.

David Ohman (Delaware Engineering) said he felt it would be a Type 2 action.

CONSIDER PURCHASE OF HOLIDAY/WINTER DECORATIONS FOR SULLIVAN AVENUE CORRIDOR

Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously carried to purchase five commercial grade LED Snowflakes for the Sullivan Avenue Corridor from Christmas Designers of Sherman, Texas in the amount not to exceed \$600.00 (including shipping).

These decorations will be placed on the poles on Sullivan Avenue.

PUBLIC COMMENT: Mayor Stabak opened the meeting to comments from the Public.

There were no comments from the Public.

TRUSTEE COMMENTS: Mayor Stabak opened the meeting to comments from the Board.

Mayor Stabak thanked everyone for the great work that was done this year and said he was grateful for Delaware Engineering and all the work they have been helping the Village with.

Trustee Ferguson said the Land Bank needs representatives.

Trustee Mir wished everyone a happy healthy holiday season.

Trustee Wright said he had no comment other than reiterating the great work everyone is doing.

Trustee Stoddard said she had been contacted by the Planning Board in reference to the auction/sale that took place at Sam's Service without social distancing and masks.

Mayor Stabak said mask wearing is non-enforceable.

APPROVAL POST AUDIT VOUCHERS OF BILLS

FOR PYMT: Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving Post Audit Voucher #461 to Voucher #465 in the amount of \$412,651.02

BILLS FOR PAYMENT

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving Voucher #466 to Voucher #544 in the amount of \$723,279.86

SIGN GRANT

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving the following bill for payment:

Finehand Signs - \$1,750.00

EXECUTIVE SESSION: Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously carried to go into Executive Session at 8:00 p.m. to discuss the employment matter in the Police Department and to discuss potential litigation.

Police Chief Scott Kinne was invited into the Session.

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried to leave Executive Session at 9:06 p.m.

CONSIDER MEMORANDUM OF UNDERSTANDING - POLICE DEPARTMENT

Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously carried authorizing Mayor Stabak to sign the Memorandum of Understanding with the Police Union.

ADJOURN: Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried to adjourn the meeting.

THE MEETING WAS ADJOURNED AT 9:07 P.M.

RESPECTFULLY SUBMITTED,

**JUDY H. ZURAWSKI
CLERK-TREASURER**