**REGULAR MEETING**

OCTOBER 1, 2020

# The Board of Trustees held the Regular Meeting of October 1, 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 Joan Stoddard, Trustee Daniel Wright and Trustee Victoria Ferguson. Also Present: Judy Zurawski, Clerk/Treasurer.

**PRESENT ON AUDIO CALL:**

Attorney Gary Silver

**ALSO** James Gordon (arrived at 8:00 p.m.)

**PRESENT:**

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

**OF** carried approving the following minutes:

**MINUTES:**

WORKSESSION MEETING – September 17, 2020

**CORRES-** Mayor Stabak said the following correspondence has been received

**PONDENCE**:and anyone can request copies by calling or email.

Incoming

* E-Mail from Municipal Audit Services Re: Audits 9.21.2020
* Letter from Behan Planning Re: Mitigation Plan 9.17.20
* Letter from Sullivan Renaissance Re: Community Impact Grant 9.24.20
* Letter from TOL Parks and Rec Re: Pumpkin Festival 9.18.20

Mayor Stabak said the Town requested a D.P.W Employee as well as a tractor with a sickle bar for the pumpkin festival. He said he will confirm that we are covered under their insurance for the event.

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

**INPUT:**

There were no comments from the Public.

**ATTORNEY**  Attorney Silver said his comments are limited to agenda items.

**COMMENTS:**

**TREAS.** Treasurer Zurawski said she would have a report at the next meeting.

**REPORT:**

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

**BUSINESS:ENGINEERING:**

David Ohman of Delaware Engineering was unable to attend the meeting and sent the following report:

1. **WWTP Upgrade**

* NYSEFC Clean Water State Revolving Fund (CWSRF) **Project #C3-5352-02-00**
* Tonight’s meeting:
* No board action required
* At the October 15th meeting
  + Board Consideration of the existing Professional Services Contract Amendment for Phase 1.
  + Board Consideration of the new Professional Services Contract for Planning Phase 2
  + Board Consideration of the new Professional Services Contract for Design through Construction for Phase 2
* Update/Review of Project Progress
* Proceeding with design of original project and preparing revised engineering reports for the Base Project and the Sludge/Septage add on
* Also working on Professional Services Contract Changes – Plan to get those to the Village very soon.
* 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.
* It will require:
  + For the current Base project – Phase 1:
    - Revising and resubmitting the approved Engineering Report to remove sludge related work as possible to allow other work to proceed. IN PROGRESS, anticipated to be completed in October.
    - Ultimately revising the Project Finance Agreement
  + For the Enhanced Sludge project – Phase 2 – See Schedule
    - 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
    - Preparing and submit new Engineering Report to NYSEFC – Done – Reviewed with the Village at the September 17 meeting, and submitted NYSEFC 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.
    - Funding Application (CFA program) including the WIIA Grant funding up in the air right now – nothing set for this year.
* New Term Schedule going forward for Phase 2
* **Contracts**
  + Contract amendment for the base contract and the new sludge/septage project are almost finalized and will be provided to the Village soon for Board consideration at the October 15, 2020 meeting.

2. Lily Pond Road Bridge/Waterline

* **Confirmed with the County on August 21, 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 October 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
* Continue discuss with SCDPW to keep the line on the bridge and come up with a mutually agreeable plan forward and generate an agreement.
* Previous agreement from 2006 puts all cost to remove and replace/reinstall on the Village
* 2006 permit and special conditions agreement is available.
* Mayor Ron, Ken Hessinger and I met with Roman and Bob Trotta at SCDPW on February 26, 2020. Key points from the meeting:
* Timing – design fall 2020, May 2021 start bridge work; done by winter – 4 -5 months
* Plan to build with County personnel and some subcontractors
* Plan to put out new abutments behind the existing and replace in current location.
* No space to provide a temporary bridge so traffic will be rerouted up Cooley Road and around via Flynn Road.
* 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.

1. **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.
* 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.

4. **DPW Garage Site Remediation**

* Nothing new since last meeting
* Based on June 2020 sampling, still seeing values near garage indicating contamination remains
* June 2020 report from Aztech
  + Results show decrease in VOC’s
* Sampling report March 2020 results; higher number in VW-8 closer to the well
* Last June 2019, levels were higher too, and then went down in September and December 2019.

Observations of the laboratory analytical results are as follows:

* MTBE was not detected in any of the sampled monitoring wells at concentrations greater than the laboratory reporting limit. At monitoring wells MW-19, VW-6 and VW-7. These monitoring wells are located between the Village Garage and the production well and indicate that VOC’s have not reached the production well.
* VOC concentrations increased significantly at monitoring well VW-8. Seven (7) VOC compounds were recorded above the drinking water standard. Monitoring wells VW-8 is located approximately 320 feet north of the production water well,
* Total VOC concentrations decreased slightly at monitoring well MW-22A. The VOC concentration is the lowest since at least June 2016.
* Total VOC concentration has remained relatively unchanged at monitoring wells MW-22B. None of the compounds detected at monitoring well MW-28 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 of these wells have been steadily decreasing.
* Sent email to NYSDEC and Aztech on February 20 requesting an update on cost for remediation and an estimate for quarterly sampling work; no response.
* Based on June 2020 sampling; still seeing values near garage indicating contamination remains
* 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.

* We will work on this
* 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

1. Tiger’s Den Monitoring Well Decommissioning

* No change from last month
* 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.

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

* No change from last month

1. **NYSDOH Water System Inspection/Cross Connection Control Program**

* No Change from last month

**DISCUSSION – CHAPTER 35/SANITATION**

Attorney Silver said he researched the final matter that the Board had questions on - Section 15 regarding costs to remedy violations and the liens involved. He said the Board should now declare themselves lead agency and a Public Hearing can be set.

DECLARE VILLAGE OF LIBERTY AS LEAD AGENCY

Motion by Trustee Stoddard, seconded by Trustee Ferguson declaring the Village of Liberty as lead agency in the matter of proposed Local law #1-2020 which will amend various provisions of Chapter 35 of the Village Code, entitled “Garbage and Rubbish”, to update such Chapter to reflect the present needs of the Village of Liberty and its residents.

CONSIDER PUBLIC HEARING – CHAPTER 35 SANITATION

Motion by Trustee Stoddard, seconded by Trustee Mir and unanimously carried to set a Public Hearing for Thursday, October 15, 2020 at 7:00 p.m. to consider Local Law #1-2020 to amend Chapter 35 of the Code of the Village of Liberty entitled “Garbage and Rubbish”, which contains Articles addressing Collection Rules, Recycling, Enforcement, and the Sanitation User fees charged by the Village of Liberty.

**CONSIDER PANDEMIC OPERATIONS PLAN**

This item was tabled.

**NEW CONSIDER FEES FOR CODE ENFORCEMENT FIRE SAFETY INSPECTIONS**

**BUSINESS:**

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously

carried to consider the fees presented by the Code Enforcement Officer.

The Board discussed the proposed fees and felt they needed to do more research and review the code before making any decisions.

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried to withdraw the motion regarding the Code Enforcement Fees.

The matter was tabled for further review.

**CONSIDER PURCHASE OF 2020 NY CODES FOR CODE ENFORCEMENT OFFICER**

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving the purchase of the 2020 New York Codes Complete Collection in the amount of $833.00. The books will be purchased from the

International Code Council.

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

**COMMENT:**

James Gordon (Lake Street) congratulated the Board Members on their re-election. He discussed Election Day.

Trustee Ferguson thanked him for being an election inspector.

James Gordon also said that he is glad to see the Village has good Code Enforcement, but expressed his concern about the income levels in the community and their ability to pay fees.

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

**COMMENTS:**

Mayor Stabak said he attended a meeting with the County, FEMA and State and learned there is $450 million in grant funding available from the NYS Division of Homeland Security and Emergency Services – FY 2020 Building Resilient Infrastructure and Communities (BRIC) and Flood Mitigation Assistance (FMA). He said they felt that Rail Trail project would qualify and since there was a very limited time to respond he signed a Letter of Intent for the Grant Project. He said the non-Federal funding share would be twenty-five (25%) percent.

Trustee Ferguson gave an update on the Land Bank and said there will be another house going into contract next month.

Trustee Mir said he appreciated all the work that Code Enforcement Officer Dan Pollan is putting into reviewing at the fees; however he did not feel this would be the time to raise the fees given the current economy and circumstances.

Trustee Stoddard discussed the recent incident, with the Village water, that needs to be discussed with the Fire Department and suggested that Mayor Stabak and Trustee Mir attend the meeting with the fire district.

Trustee Wright – No Comment

**APPROVAL** **POST AUDIT VOUCHERS**

**OF BILLS**

**FOR PYMT:** Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving Post Audit Voucher #305 to Voucher #309 in the amount of $345,295.72.

FEDERAL FORFEITURE ACCOUNT AND DA ACOOUNT

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving the following bill for payment from the Federal Forfeiture Account and DA Account:

Sirchie - $473.59 (Federal Forfeiture Account)

Sirchie - $440.64 (DA Account)

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

**THE MEETING WAS ADJOURNED AT 8:45 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI**

**CLERK-TREASURER**

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