

WORKSESSION MEETING

September 19, 2024

The Board of Trustees held the Work session Meeting on September 19, 2024 at 7:00 P.M. in the Village Municipal Building, 167 North Main Street, Liberty New York. Mayor Joan Stoddard opened the meeting with the Pledge of Allegiance.

PRESENT: Mayor Joan Stoddard, Deputy Mayor/Trustee Robert Mir, Trustee Ernest Feasel, Trustee Eveleese Lake and Trustee Jayneen Mills. Also Present: Attorney for the Village Gary Silver, Judy Zurawski, Clerk/Treasurer and Denise Corbett, Secretary to the Board.

ALSO

PRESENT: Steve D’Agata, Police Chief, David Burke, Director of Public Works, Dan Fagnani, and Motty Heimlich

Police Chief D’Agata performed a promotional ceremony for Sgt. Anthony Ventura and Detective Agt. Andrew Cross.

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

❖ **REGULAR MEETING – September 5, 2024**

CORRESPONDENCE:

INCOMING
None

OUTGOING
None

TABLED/OLD BUSINESS:

- A. Delaware Engineering Update
- 1. Lily Pond Road Bridge Waterline
 - Board Action Required at Tonight’s meeting:
None
 - Construction Status Update
 - Certification of construction (DOH-5025) and As-Builts will be completed and submitted to NYSDOH soon
- 2. WWTP Phase 1 Upgrade**
 - Board Action Required at Tonight’s meeting:

- None
- **Construction Status Update**
 - All WWTP Upgrade work is essentially substantially complete, except for General Contract – Eastman punchlist work, and is anticipated to be wrapping up in September 2024
 - Punchlist work for General Contractor – Eastman Associates
 - Clarifier Skimmers – Clarifier No. 2 Complete, Clarifier No. 1 Pending tank draining
 - Minor site restoration – Complete
 - SCADA – Complete
- **Payment Requests**
 - Payment Application No. 23 (Final Parital Payment)
 - Pending Completion of the Punchlist and Remaining Work
 - Anticipated next month

3. WWTP Phase 2 Upgrade

- Project is on hold, NYSEFC short-term financing PFA Exhibit Approval Memo pending the final SPDES Permit (in progress) and PER review and approval, and Announcement of Enhanced WIIA Grant Awards

4. Rail CDBG 2023 Rail Trail Project:

- Board Action Required at Tonight's meeting:
- Consider Application and Certificate for Payment Request No. 3 for Tweedie Construction in the amount of \$12,801.25
- Consider Change Order No. 4 – No-Cost Time Extension for Tweedie Construction
- **Project Status Update**
- September 19, 2024 Update
 - Work began on July 1, 2024
 - CO No. 3 - Directional Drilling Sewer Installation complete on July 3, 2024
 - Culvert Pipe has been delivered and is onsite
 - Access roadway roughed in
 - Final sewer connection completed on 8/23/24 and partial Resforation completed 8/26/24
 - Additional work pending NYSEG utility relocation
- Only outstanding issue is NYSEG coordination/scope to relocate or support the utility pole. Put a \$25,000 allowance in the base bid for contractor coordination with NYSEG.
 - Based on 9/10/24 correspondence with NYSEG, the materials had been delivered and that they would be reaching out to the Village to schedule the work (and the associated power shut-down) this week (9/16) or next (9/23).

- **Payment Request(s):**

- **Contract No. VL1-G-24 – General Construction (Tweedie Construction Services, Inc.)**

- Payment Application No. 3

- The full application package has been provided to the Village Clerk under separate cover on 9/12/24
 - We have reviewed the Payment Application from Tweedie Construction Services, Inc., the General Contractor for the subject project, for the period of August 10 through September 9, 2024, in the amount of **\$12,801.25** for work associated with installation of new HDPE sanitary sewer pipe fittings and connection to the existing sanitary sewer system, and water quality maintenance during sewer installation work.
 - The total cost to date for the project, including this payment request, is \$108,452.00, which equates to approximately 29.1% of the General Contract price for the project of \$372,644.00.
 - Following this payment, the balance to finish for the project, including retainage, will be \$264,192.00.
 - We agree with the level of work completed to date and the costs presented herein. Therefore, we recommend that the Village resolve to provide payment to the contractor in the amount requested, pending release of funds
 - by NYS OCR.
 - Therefore, should the Village agree with the foregoing assessment, Delaware Engineering recommends that:
 - The Village resolve to authorize the Village Clerk to proceed to process Payment Application No. 3, for General Contract No. VL1-G-24, to Tweedie Construction Services, Inc., for the period of August 10 through September 9, 2024, in the amount of \$12,801.25, in the amount requested by the contractor, pending release of funds by NYS OCR.

- **Change Order(s):**

- **Change Order No. 1 – Polymer Coated Corrugated Steel Culvert Pipe**

- Change Order No. 1 has been fully executed

- **Change Order No. 2 – BABAA Compliance**

- Change Order No. 2 has been fully executed

- **Change Order No. 3 – Directional Drilling Sewer Installation**

- Change Order No. 3 has been fully executed
 - Drilling completed July 3, 2024; final connection to sewer completed on 8/23/24 and partial Restoration completed 8/26/24

- **Change Order No. 4 – No-Cost Time Extension**

- The full change package was provided to the Village Mayor and Clerk under separate cover on 9/17/24
 - Due to construction delays associated with the NYSEG transmission pole located near the outlet end of the existing culvert, the original contract end date for this contract (VL1-G-2024) will not be achievable.
 - This is a no cost change order to extend the contract end date (Final Completion) from November 1, 2024 to July 01, 2025 (243-day extension).
 - This change order would result in no change to the total contract cost, which is currently \$372,644. Note that it is anticipated that a cost increase will be required to pay for the work NYSEG is expected to perform to move the

previously mentioned transmission pole. Once a quote of the cost for this work is received from NYSEG, another change order can be prepared for that anticipated cost increase.

- Should the Village agree to proceed with this change, it is recommended that the Village Board resolve to authorize the Mayor to execute Change Order No. 4 to Contract No. VL1-G-2024.

Motion to approve Change Order No. 4 to Contract No. VL1-G-2024 made by Trustee Mir. Seconded by Trustee Lake. Motion carried unanimously.

- **Budget Review**

- Budget currently available to apply to change:
- Balance of Construction Budget = \$435,625
- Project Contingency = \$85,900*
- *included in Construction Budget per Schedule B in the OCR Grant Agreement
- Balance of Grant Funds Available for Additional Work = \$349,725 and preserve \$85,900 contingency

- **Possible Additional Work/Pending Change Orders:**

- On hold pending NYSEG resolution

5. 2024 OCR CDBG Application – North Main Street Water main Replacement

- Board Action Required at Tonight's meeting:
- None
- Project on hold, pending successful CDBG Grant award announcement, typically November – December

6. DPW Site Groundwater Monitoring/DPW Garage Site/Elm Street Well Remediation

- LaBella no longer NYSDEC contractor as of January 2024
- On 9/5/2024 NYSDEC responded to the Village's request for the recent sampling reports (from September 2023 to date), and informed the Village that:
- NYSDEC is still in the process of hiring a new contractor. Therefore, no sampling has been conducted since last December. NYSDEC will soon have a consultant assign to the three open Liberty spills to restart the monitoring program and continue to investigate and evaluate of the Elm Street Well.
- NYSDEC will inform the Village once we have a consultant hired.
- Elm Street Well Remediation
- NYSDOH issued a comment letter on August 8, 2024. Under review with the Village.
- Plan to request an in person meeting with NYSDEC and NYSDOH to discuss further

7. WWTP SPDES Permit Renewal

- SPDES Permit under review by NYSDEC
- Draft (for public comment) & Final Permit pending

8. Pepsico

- SPDES Permit C/SIU Related Items
- Draft (for public comment) & Final Permits pending

Pre-treatment Improvements/Wastewater Consolidation Related Items

- On 9/13/2024 MHE on behalf of Pepsico/Frit-lay requested a status update on the review of

Phase 1 Improvements

9. Sanitary Collection System I/I Investigations/EPG Application

Project Funding

- All required checklist items submitted to NYSEFC on 8/16/2024
- Agreement from NYSEFC pending
- Based on the 2/16/24 Award Notification Letter, the Village must enter into a Grant Agreement by September 30, 2024. More recent correspondence with NYSEFC indicates that to receive a Grant Agreement from NYSEFC is a two (2) to three (3) month process from receipt of all checklist items, and the Village should be within this window

A/E/ Professional Services Procurement

- **Procurement/Professional Services process for Architectural and Engineering (A/E), and execution of an Engineering Agreement was completed on 8/15/24**

Project Schedule

- **I&I work and reporting to occur October 2024 – July 2026 (T)**

10. Lead & Copper Rule Revisions service line inventory requirements

- Board Action Required at Tonight's meeting:
- Consider execution of a Professional Services Agreement with Delaware Engineering, D.P.C for engineering/professional services associated with the Lead Service Line Inventory (DWSRF Project No. #19636)
- Authorize the Village Mayor to sign the *Certification for A/E*
- *Services Procurement* for Federally Funded Project

Project Funding

- On March 29, 2024 the Village received notice that this this project is eligible for a BIL-LSLR grant award of up to \$845,609 (to complete inventory). Table 5.0-1 Project Budget Summary below
- NYSDOH confirmed receipt of the Acknowledgement and Acceptance of BIL-LSLR Funding Award on 4/17/24

- SRF Application and required resolutions submitted on 8/17/24
- Project Financing Agreement (PFA) process pending executed Agreement for Engineering Services

Table 5.0-1 Project Budget Summary

| PROJECT TASK: | ESTIMATED TOTAL PRICE: |
|--|------------------------|
| A. RECORD SEARCH, REVIEW, & MAPPING SUBTOTAL = | \$29,610 |
| B. PUBLIC OUTREACH SUBTOTAL = | \$29,659 |
| C. BID DOCUMENT PREPARATION AND ADMINISTRATION SUBTOTAL = | \$25,500 |
| D. FIELD INVESTIGATION, INSPECTIONS, AND POT-HOLING SUBTOTAL = | \$564,000 |
| E. DOCUMENT PREPARATION WORK SUBTOTAL = | \$25,750 |
| F. OTHER (FISCAL SERVICES, BOND COUNSEL, ETC.) | \$23,000 |
| G. SUBTOTAL = | \$697,519 |
| H. PROJECT CONTINGENCY (10% OF ESTIMATED PROJECT COSTS) = | \$69,752 |
| I. SRF ISSUANCE COSTS (3%) = | \$23,018 |
| J. SHORT-TERM FINANCING COSTS (ASSUMING 7% INTEREST) = | \$55,320 |
| K. TOTAL ESTIMATED COSTS = | \$845,609 |

- **Project (Inventory) Status Update**

- Provided Dave B. with a hardcopy of the inventory spreadsheet with all services identified
- Continuing to assist Village on the initial inventory for the October 16, 2024 deadline
- In addition to complying with the current Lead and Copper Rule (LCR), water systems must comply with the following provisions under the Lead and Copper Rule Revisions (LCRR) by October 16, 2024
 - Initial lead service line inventory (inventory) submission requirements – In Progress
 - Consumer notification of known/potential lead service line and associated reporting requirements (Tier 1)
 - Tier 1 public notification for lead action level exceedance and associated reporting requirements

- **SEQR**

- SEQR Type II Resolution Complete August 15, 2024 meeting

- **A/E/ Professional Services Procurement**

- Procurement/Professional Services process for Architectural and Engineering (A/E), and execution of an Engineering Agreement was completed on 8/15/24
 - Completed July 18, 2024; selected Delaware Engineering, D.P.C. for work

Contract Execution and Negotiation

- On August 18, 2024 Delaware Engineering, D.P.C. provided, under separate cover, the *Professional Services Agreement* for engineering/professional services associated with the Lead Services Line Inventory (DWSRF Project No. 19636) for Village consideration and *Certification for Architectural/ Engineering Services Procurement* (NYSEFC form) for the Professional Services Agreement with Delaware Engineering, D.P.C. dated 8/18/24

- The Professional Services Agreement for services associated with the Lead Service Line Inventory (DWSRF Project # 19636) as detailed in this contract for a not-to-exceed cost of \$272,019. Summary of Scope and Cost of Professional Services below:

SCOPE & COST OF PROFESSIONAL SERVICES

Delaware will provide the following professional services for the project:

| | |
|---|-----------|
| Task 1 – Record Research, Review and Mapping | \$29,610 |
| Task 2 – Public Outreach | \$29,659 |
| Task 3 – Bid Document Preparation & Administration | \$25,500 |
| Task 4 – Field Investigations/Inspection | \$146,500 |
| Task 5 – Inventory and Summary Document Preparation and Submittal | \$25,750 |
| Task 6 – Subcontract Services | |
| • Financial Administration | \$15,000 |
| Total Professional Services | \$272,019 |

- A detailed description of services that Delaware will provide under each task is contained in the agreement
- Funding for this project is being provided through the NYS Environmental Facilities Corporation (NYSEFC) and 100% of the eligible project costs will be reimbursed by the grant. There is no commitment of local funds required.
- All costs in this agreement are the same as presented in the Engineering Report Appendix A - Project Budget Estimate (attached), that was used to secure the \$845,609 grant award to complete the Water Service Line Inventory for the Village water system.
- If the Village finds the Professional Services Agreement acceptable, we recommend that the Village Board resolve to:
- Authorize the Village Mayor to execute Delaware Engineering, D.P.C.'s Professional Services Agreement for engineering/professional associated with the Lead Services Line Inventory (DWSRF Project No. 19636), for a total not to exceed cost of \$272,019

RESOLUTION: Motion to authorize the Village Mayor to execute Delaware 46-2024 Engineering, D.P.C.'s Professional Services for engineering for DWSRF Project No. 19636 for a total not to exceed the cost of \$272,019 made by Trustee Lake. Seconded by Trustee Mills. Motion carried unanimously.

- Authorize the Village Mayor to sign the *Certification for Architectural/ Engineering Services Procurement* (NYSEFC form) for the Professional Services Agreement with Delaware Engineering, D.P.C. dated 8/15/24 for engineering/professional associated with the Lead Services Line Inventory (DWSRF Project No. 19636)

Motion to authorize the Village Mayor to sign the Certification for Architectural/Engineering Services Procurement (NYSEFC form) Professional

Services Agreement with Delaware Engineering, D.P.C. dated 8/15/24 for engineering for DWSRF Project No. 19636 made by Trustee Lake. Seconded by Trustee Mills. Motion carried unanimously.

11. WWTP Clarifier Drain Valve Replacement

- Clarifier No. 1 drain valve (8" plug, buried 22' deep) has failed and won't operate to drain the tank, and the exact reason is unknown
- In the short term this is preventing Eastman from completing the WWTP Upgrade punchlist work
- This valve was replaced in 2018 under the CDBG Clarifier Repair Project
- We estimate that to replace the valve may exceed \$40K-\$60K for construction
- Due to the anticipated value of the work, and the General Municipal Law, this work will be required to be publicly bid
- Does the Village want Delaware to prepare a bid package, including legal notices, General Condition, Bid Form, Prevailing Wage Schedule, valve specification, etc., to get pricing the Valve replacement for Village consideration?
- If yes, how does the Village want to proceed?
 - On Time and Materials (T&M) under the 2024 General Services Agreement, or
 - Provide the Village with an agreement with a not-to-exceed cost, for bid package preparation, bidding, and minor engineering and construction oversight, for Village consideration at next month's meeting?

Motion to approve obtaining a scope of work and bid package details for the WWTP work that is needed made by Trustee Mills. Seconded by Trustee Feasel. Motion carried unanimously.

12. Attachments:

- Lead Service Line Inventory Engineering Report Excerpt – Appendix A - Project Budget Estimate

13. Other Drawings/Handouts/Items Reviewed at Meeting but not attached:

- CDBG 2023 Rail Trail Project
 - Application and Certificate for Payment Request No. 3 for Tweedie Construction
 - Change Order No. 4 – No for Tweedie Construction
- Lead & Copper Rule Revisions service line inventory
 - Lead Services Line Inventory (DWSRF Project No. 19636) Professional Services Agreement

B. Discussion on moving Bus Stop

Gary Silver asked if the snow will be dumped there?

Trustee Mir stated "No". Trustee Mir suggested going to the site. He stated that it is dark there.

Mayor Stoddard stated that we need to figure out who the trucks belong to that are parked there.

Gary Silver stated that we would need to notify the bus companies, county, public etc. of the move and that we will need to install signage.

Chief D'Agata stated that there is a lighting concern and there are no sidewalks there. Chief D'Agata suggested calling Move Sullivan as they may not stop dropping people off at the current location. They stop wherever you want them to stop. Chief D'Agata asked why there is a need to move the bus stop from its current location?

Mayor Stoddard stated that the bus stop is currently in the parking lot that is owned by Bruce Davidson and he will need that lot for parking at the theater.

Trustee Mir stated that he still sees buses parked by the Elks Lodge.

Gary Silver stated that it is relatively lit over there by the Elks Lodge.

Mayor Stoddard stated that it may be easier to move the bus stop to the parking lot across from where McCabe's was. We can go take a look after the meeting.

Trustee Mir asked if the bus stop needed to be 30 feet from an intersection?

Chief D'Agata stated that he would need to check into that.

C. Discuss Code Enforcement Fees

Mayor Stoddard stated that she met with Trustee Lake and Marisol Torrens to go over all the proposed fee changes. Mayor Stoddard recommended adopting change.

Trustee Mir asked why anyone would need a permit for a deck that is under 350 square feet when the code states that you do not need a permit for anything under 144 square feet.

Gary Silver stated that each municipality could have different requirements for permits and that this would be at the discretion of Code Enforcement as to whether a permit would be required.

Denise Corbett stated that she would have to ask Marisol to look into that because as far as she knew that isn't the case as you need a permit for any deck to ensure that it has the proper frost protection for the footings, hurricane clips, proper span, joist hangers etc. Denise also stated that New

York state has a prescriptive code for decks and that we are following that. She stated that the deck guidelines are currently on our website.

Trustee Mir asked why anyone would need a driveway permit?

Mayor Stoddard stated that it was not for just seal coating an already existing driveway, that it was more for a new driveway.

Denise Corbett stated that it was more for installing a new driveway or when someone has to dig up the old driveway to ensure that they call 1-800-Dig in regards to water, sewer, electric lines etc. Denise stated that we also speak to DPW prior to the issuance of these types of permits in case there are any concerns.

Trustee Mir asked why there was a land disturbance/clearance permit? He asked why someone would need a permit to cut a tree on their property.

Denise Corbett stated that the permit is for clearing an undeveloped piece of property, not just to cut a few trees down. This is also to ensure that 1-800-Dig is notified in regards to water, sewer, electric lines etc. Denise stated that we also speak to DPW prior to the issuance of these types of permits in case there are any concerns.

Gary Silver asked about the chicken license. He wanted to know if this was a one time permit?

Denise Corbett stated that all of our permits are good for one year and that the chicken license needs to be taken out every year.

Gary Silver recommended that we add the word "annual" next to the \$50.00 fee. He also asked that we correct the few spelling errors on the fee schedule.

Mayor Stoddard asked if anyone wanted to make a motion to approve the proposed fee schedule? No response.

Mayor Stoddard tabled this item for the next meeting so that everyone can review the proposed changes.

NEW BUSINESS:

- A. Discuss letter from Liberty Chamber of Commerce RE: Shed

Gary Silver stated that Judy Zurawski was able to figure out who owned the property and it does belong to the Village. They should simply turn over the keys and that is it.

Mayor Stoddard stated that Judy Zurawski will take care of it.

BILLS FOR PAYMENT:**Vouchers for payment**

Voucher #269 to Voucher #345 in the amount of \$224,824.89

Trustee Mir made a motion to approve. Seconded by Trustee Lake. Motion carried unanimously.

CDBG RAIL TRAIL PROJECT #642PR120-23

Tweedie Construction - \$12,801.25

Trustee Feasel made a motion to approve. Seconded by Trustee Mir. Motion carried unanimously.

Trustee Mir made a motion to authorize Judy Zurawski to go out to bid for a budget note to secure funding for water and sewer. Seconded by Trustee Feasel. Motion carried unanimously.

EXECUTIVE SESSION:

Motion made by Trustee Mir, seconded by Trustee Lake. Motion carried unanimously to go into Executive Session at 8:13 p.m. Dave Burke and Judy Zurawski were invited into executive session to discuss the employment history of an employee in the water department.

Motion made by Trustee Mir, seconded by Trustee Lake to adjourn the Executive Session at 8:35 p.m.

ADJOURN: Motion by Trustee Feasel, seconded by Trustee Mills and unanimously carried to adjourn the meeting.

THE MEETING WAS ADJOURNED AT 8:36 P.M.

RESPECTFULLY SUBMITTED,

DENISE CORBETT, SECRETARY TO THE BOARD