

WORKSESSION MEETING

SEPTEMBER 21, 2023

The Board of Trustees held the Worksession Meeting on September 21, 2023 at 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 Joe Aracci. Also Present: Gary Silver, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

ALSO PRESENT: Police Chief Steven D'Agata, Abraham Weberman, Motty Heimlich, Frank DeMayo (Town of Liberty Supervisor), Dan Fagnani (Delaware Engineering), David Burke, Bruce Davidson, Melissa Davidson Corigliano, Tami VanLeuven and Etta Barbanti.

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

REGULAR MEETING – September 7, 2023

CORRESPONDENCE: Mayor Stoddard said the Village had not received and sent any correspondence in this time period.

TABLED BUSINESS: DELAWARE ENGINEERING – UPDATE ON WWTP UPGRADE

David Ohman presented the following report:

1. Lily Pond Road Bridge Waterline

- Board Action Required at Tonight's meeting:
 - Review status/what's left to do
- **Construction Status Update**
 - Permanent Watermain into Service
 - Satisfactory pressure test occurred on 4/21 and satisfactory bacteriological testing occurred on 4/26 & 4/27
 - NYS DOH was notified of the satisfactory pressure and bacteriological test results and no issue with placing the permanent watermain in service and the schedule for reinstalling the hydrants on 5/15 is also acceptable.
 - Permanent watermain was put into service on 5/4/23
 - Reinstallation of hydrants and demo and removal of temporary structures/items and site restoration - Completed May 15, 2023
 - Installation of insulation and embossed aluminum exterior cover system on the flexible coupling/spool pieces/etc. on the bridge crossing by C & K – Completed July 6, 2023
 - Remaining to be completed includes:

- Installation of two exposed 45-degree fittings (installation by County) - Complete
 - Removal of extra materials
 - 2 sticks of DIP insulated TR Flex) and delivery to the Village water shop or Lily Pond – being coordinated with the County and Village – **Still Pending**
 - Paving of excavation from leak repair (County) – **Complete**
 - Certification of construction (DOH-5025) and As-Built will be completed and submitted to NYSDOH soon
 - Any remaining work will be completed as punch list work
- Payments to Vendors & Contractors
- Temporary Watermain Invoices
 - C & M #1 – Temporary Watermain HDPE Pipe = \$2,168.00 - Paid
 - C & M #2 – Temporary Watermain Materials including returned items – \$4,256.98 - Paid
 - Vari-tech – Temporary Watermain HDPE Pipe Vari-Tech PO Approved at 06/02/22 Mtg. - Paid
 - Osterhoudt – Temporary Watermain Installation - \$24,715.44 – Paid
 - White Cap – Temporary Watermain Frost Blankets = \$377.14 – Paid w/Village CC
- Permanent Watermain Invoices
 - C & M #1 – Permanent Watermain Pipe and Materials = \$32,667.50 - Paid
 - C & M #2 – Permanent Watermain DI Pipe & Materials = \$23,686.40 – Paid
 - C & M #3 – Permanent Watermain Flex Joint = \$14,375.00 – Invoice Paid
 - Sherburne Steel Sales – Permanent Watermain Beam = \$8,425 – Paid
 - Osterhoudt Technical Oversight – **Invoice Pending**
 - Osterhoudt Testing – **Invoice Pending**
 - C & K Insulation – Flexible Joint Insulation = \$16,500 – **Paid**
 - C & M #4 – Permanent Watermain 45 degree fitting insulation = \$1,258 – **Invoice Pending**
- SCDPW IMA Invoice (Temporary and Permanent Watermain installation = \$36,338.58)
 - The full application package has been provided to the Village Clerk under separate cover. Excerpt from Lily Pond Road Watermain SCDW Invoice 2023-08-30
 - SCDPW has submitted an invoice for the temporary and permanent watermain installation work for time and materials
 - May 2022 Estimated/Budget Cost was 25K for the temporary watermain work and \$25K for the permanent work
 - We have reviewed the invoice and agree with the costs presented herein
 - As such, we recommend that the Village resolve to authorize the Village Clerk to process the payment to SCDPW for the Temporary and Permanent Watermain Installation Invoice #5197 18 001 CB 228, in the amount of \$36,338.58.
 - Therefore, should the Village agree with our recommendation, then we recommend the following:
 - The Village hereby resolves to authorize the Village Clerk to proceed to process payment to SCDPW for the Temporary and Permanent Watermain Installation Invoice #5197 18 001 CB 228, in the amount of \$36,338.58.

- Any remaining work will be completed as punch list work and will not impact IMA invoice amount.

ESTIMATED COST SUMMARY

| | April 20, 2022 Bid Results | May 2022 Estimated/Budget Cost | September 2023 Estimated Cost |
|--|----------------------------------|---|---|
| Temporary Water Main | - | | - |
| <ul style="list-style-type: none"> • Piping Materials (Village direct purchase) • C&M Invoice #1 Temporary Watermain HDPE Paid • C & M Invoice #2 Temporary Watermain Matls Paid • Vari-tech PO Approved at 06/02/22 Mtg – Paid • White Cap PO Frost Blankets - Paid | - | \$15,000 | - \$2,168.00 \$4,256.98 \$2,648.00 377.14 |
| <ul style="list-style-type: none"> • Fuse and Install Piping Materials & appurtenances, & testing (H. Osterhoudt) - Paid | - | \$25,000 | \$24,715.44 |
| <ul style="list-style-type: none"> • Misc. Other Cost | - | TBD | TBD |
| Permanent Water Main | - | | - |
| <ul style="list-style-type: none"> • Piping Materials (Village direct purchase) • C & M Invoice #1 Permanent Watermain Insulated Pipe - Paid • C & M Invoice # 2 Permanent Watermain DI Materials – Paid • C & M Invoice #3 Perm Flex Joint – Paid • C & M Invoice #4 45 Degree Fitting Insulation – Invoice Pending | - | \$40,506 | \$32,667.50 \$23,750.50 \$14,375.00 \$ 1,258.00 |
| <ul style="list-style-type: none"> • Support - Beam (Sherburne SS) – Paid • C & K Insulation – Flex Joint Insulation – Pending Approval | | \$8,425 | \$ 8,425 \$16,500 |
| <ul style="list-style-type: none"> • Technical oversight and assistance for installation of permanent water main and to resolve issues with leakage testing and disinfection (H. Osterhoudt Excavating Inc., Day Rate During Construction) | - | \$ 3,500/Day Assume 2 Wks/10 Days \$35,000 | \$ 3,500/day Assume 2 ppl,2 Wks/10 Days = \$35,000 (cost pending) |
| <ul style="list-style-type: none"> • Permanent water main leakage testing, disinfection and sampling (H. Osterhoudt Excavating Inc., Lump Sum – Cost Pending) | - | \$ 5,000 | \$ 5,000 (Cost Pending) |
| <ul style="list-style-type: none"> • SCDPW IMA Invoice | | \$ 50,000 | \$ 36,338.58 |
| Other Miscellaneous Costs | | TBD | TBD |
| TOTAL CONSTRUCTION COST | \$259,000 | | |
| <ul style="list-style-type: none"> • Engineering (Delaware Engineering D.P.C.) • Village Attorney (Legal Counsel) | | TBD | TBD |
| Contingency | - | TBD | TBD |
| | | | |
| Total Village Budget Paid to Date | \$ 259,000 | \$179,931 | \$207,481 |
| ESTIMATED BALANCE TO FINISH | \$ 150,000 | | \$167,480 \$ 40,001 |

2. WWTP Upgrade

Board Action required at tonight’s meeting:

- **WWTP Phase 2 Enhanced Sludge Upgrade**
 - **Review DRAFT IUP & BIL-GS Funding Status**
- **WWTP Phase 1**
- Consider Applications and Certificate for Payment for approval:
 - Payment No. 17 from General Contractor – Eastman Associates, Inc. - in the amount of \$249,326.64
 - Payment No. 10 from Electrical Contractor – J & J Sass Electric Inc., - in the amount of \$89,585.00
 - Payment No. 6 from Plumbing Contractor – Treffeisen – in the amount of \$59,810.69
 - Payment No. 11 from HVAC Contractor – Treffeisen – in the amount of \$3,086.34.
- **Consider Change Orders for Approval:**
 - General Contract No. VL1-G-21 CO No. 8 – Chemical Containment Pad
 - HVAC Contract No. VL1-H-21 CO No. 4 – Control Building HVAC Equipment Roof Modification

For the Enhanced Sludge Project – Phase 2

- Clean Water State Revolving Fund (CWSRF) Funding Submittal – also covers BIL funding request:
 - Completed and uploaded on June 15, 2023
- WIIA Grant Funding (25% grant)
 - WIIA Grant Funding Application submitted on August 9, before the August 11 deadline.
 - WIIA Grant Award Announcement anticipated November-December 2023
 - Anticipated project schedule

| | |
|-------------------------------|---|
| June 16, 2023 | Financing applications due for all projects |
| June 16, 2023 | New project listing deadline for the FFY 2024 IUP |
| July 28, 2023 | Submit Updated WIIA Application (\$9.9M) |
| August 2023 | NYSEFC to the DRAFT 2024 IUP, including Subcategory D1 -BIL General Supplemental Additional Subsidy Projects |
| Sept – October 2023 | Professional Services RFQ Process |
| November 2023 | WIIA Grant Awards Announced? |
| November – December 2023 | Contract with selected consultant for professional services for design through construction? |
| January – March 2024 | Short-term financing |
| January 2024 | Commence design |
| March 2024 | Close on NYSEFC Short Term Financing (Bridge Loan)/ Project Finance Agreement Execution – reimburse accounts for planning and design services costs |
| May 2024 | Submit project plans and specifications to NYSEFC & NYSDEC for review and approval |
| June – July 2024 | Receive NYSEFC Design Approval |
| August – November 2024 | Bid/Award Construction Related Contracts |
| December 2024 | Issue Notice to Proceed/Commence Construction |
| December 2024 – July 2026 | Construction (Eng. Administration, 20 Months) |
| December 2024 – December 2025 | Construction (Onsite, 12 Months) |

- **Professional Services RQQ Process anticipated to occur Sept – October 2023 unless the Village wants to wait until funding determination (November – December 2023)**
- Other Possible Additional Financing Opportunities

- **Bipartisan Infrastructure Law (BIL)**
 - NYSEFC and NYSDOH will be administering new federal funds from the BIL (2nd round)
 - Adds money to existing Clean Water State Revolving Fund (CWSRF) – for wastewater and Drinking Water State Revolving Fund (DWSRF) programs.
 - Some additional grant funding may be available.
 - 2024 DRAFT Clean Water State Revolving Fund (CWSRF) Intended Use Plan (IUP) and associated documents for public comment, with BIL General Supplemental Funding came out on August 31, 2023.
 - A webinar was held September 14, 2023 with comments due back in by September 29, 2023
 - **This Project *may be* Selected for BIL-GS grant (50%) Award, pending final IUP**
 - Project Blended Affordability Score = 54 (up 2 from 2023 IUP)
 - BIL Funding Line = 50
 - There is currently 12 projects scored above the BIL-GS line, and below this project
 - The current DRAFT 2024 IUP shows this project above the Funding Line for and could be eligible for \$4,950,000 BIL-GS Grant (50% of \$9.9M from latest amendment), see attached
 - BIL-GS Funding Line *may move up or down* when IUP is finalized
 - 2024 IUP will be finalized in the near future
 - We will advise as we receive more information
 - WIIA Grant (25%) is still pending as well.
- **Update/Review of Project Progress for Phase 1 WWTP Upgrade:**
- **Construction Schedule**
- Completion Date: Almost all WWTP Upgrade work planned to be substantially and fully complete and operational by September 2023 and wrapped up by November/December 2023 - construction has pushed 4 months beyond originally planned duration.
- Delivery of sludge press pushed until 7/12/23 and generator delivery pushed until 12/14/23; SCADA installation/work end of October
- Contract Completion Dates
- | | <u>Current</u> | <u>Revised Contract Completion Date per CO's</u> |
|--------------|----------------|--|
| ○ Eastman | 8/10/23 | 12/31/23 |
| ○ Sass | 9/14/23 | 12/31/23 |
| ○ Treffeisen | 8/30/23 | 09/31/23 |
| ○ Treffeisen | 8/30/23 | 09/31/23 |

CONSTRUCTION CONTRACTS

- **Summary of Contractor Work**
General- Eastman Associates, Inc. (Contract No. VL1-G-21-General Construction)
- Control Building, Influent Building & Sludge Building Improvements
 - Brick pointing may require additional attention
 - Brick cleaning may require additional attention
 - Painting of building façade – Work Complete
 - Painting of building interior - Ongoing
 - New roof installation – Work Complete
 - Influent Chanel Process Improvements
 - Grit Tank Work (screen, collector, gates, diffusers)
 - Grit – Grit Classifier, Work Complete, punch list items open

- Grit - Grit collector screw (2-unit) Work Complete, punch list items open
- Gates – Work Complete
- Mechanical Screen – Work Complete, punch list items open
- Influent Channel Grating - Ongoing

- Grit Blowers (2) – Work Complete
- Influent Area Utility Markout – Work Complete by J & J Sass Utility Location Services Subcontractor, Eastman Associates to maintain markings during project
- Influent Building Process Improvements
 - Stormwater Tank Recirculation Pump – Work Complete
 - Stormwater Tank Pumps (2) – Work Complete
 - Other Work (e.g process pumps and piping, etc.) – Work Complete
- Secondary Clarifier Process Improvement
 - Valve Replacement – Work Complete
 - Clarifier Tank Repair – Work Complete
 - Clarifier Equipment Painting – Complete
 - Clarifier Equipment Installation – Work Complete
 - New Grating Installation – Work Complete
 - Existing Clarifier Improvements – Work Complete
 - Site restoration – Ongoing, 95% Complete
- Sludge Building Process Improvements
 - PAC Tank installed, piping and controls – Ongoing
 - Eastman continues to work with Village Staff to maintain WWTP treatment process until chemical feed system is complete
 - RAS Pump 1, 2 & 3 Installed – Work Complete
 - RAS Pump Control Panel – Panel Complete; final testing SCADA on installation
 - Effluent water system feed (for future/Phase 2) – Work Complete
 - NPW Pumps (2) – Work Complete; final testing SCADA on installation
 - WAS Pumps (2) – Work Complete; final testing SCADA on installation
 - Post Aeration Blowers – Work Complete; final testing SCADA on installation
 - Temporary dewatering system – Work Complete
 - Belt Filter Press – Installation complete, pending performance testing & training
 - Clarifier Feed Channel Grating – Ongoing; punch list items open
 - Belt Press Reject water piping – Work Complete
- Stormwater Retention Basin Improvement – Work Complete; monitor for potential seeps
- Oxidation Ditch 1 Improvements
 - VFD Commissioning – Work Complete
 - Other work (VFD, DO meter) – Work Complete
- Oxidation Ditch 2 Repairs
 - Contractor shall clean debris from Ditch 1 prior to transferring liquid content from Ditch 2 (week of 9/25?)
- New Electrical Building
 - Floor Slab – Work Complete
 - Siding – Work Complete

- Interior finished – Work Complete
 - Access landing grating & railings – Work Complete
- Roof installed, flashing & trim work – Work Complete
- Post Aeration Tanks
 - Gates – Work Complete
 - Air System – Work Complete, startup pending
- SCADA & Instrumentation
 - **Panel/Start-up - Pending**
 - VFD's – All Onsite & installed
 - Instruments – Instruments onsite – Work Complete
 - Delivery & Installation of storm water tank floats (9/14)
 - SCADA Installation - Pending
- Site Work
 - Control Building PVC roof drain piping – Work Complete
 - Influent Area Utility Markout – Work Complete, Eastman Associates to maintain markings during project
 - Sludge Building PVC roof drain piping – Work Complete
 - Generator Pipe Bollards – Work Complete
 - Site Restoration - Ongoing
- Yard Piping
 - Influent Area – 1" copper water line – Work Complete

Electrical Contract – J & J Sass Electric (Contract No, VL1-E-21-Electrical Construction)

- New Electric Building
 - Layout, sleeves and grounding grid – Work Complete
 - Power up temporary facilities – Work Complete
 - New service is powered up – Work Complete
 - New generator transfer switch – Ongoing, to be completed at generator delivery
 - Provide temporary E-Power for new electric service – Work Complete (temporary powered via Influent Bldg. Generator, operator shall control loads as required during generator run) Work with plant to test run system on generator to work out any issues
 - New Generator – **Delivery has been rescheduled for December 14th due to engine availability. May have to do another No Cost Contract Time Extension for the Electrical Contract**
- Control Building
 - Install new outlets, switches, wiring, lighting and conduits - Ongoing
- Influent Building
 - Installing conduits for duct bank connection to buildings – Work Complete
 - Layout of new panel locations for new conduits – Work Complete
 - Installed new power panel – Work Complete
 - Installing new lighting – Work Complete
 - Sludge Building Service upgrade (CO#3) galv. Conduits – Work Complete
 - Installing conduits for equipment – Work Complete
 - Installing conduits for SCADA – Work Complete
 - Floats and HOA's
- Sludge Building
 - Sludge Building – Lights - Work Complete

- Heating conduit - Ongoing
- Blower Room – Lights & Heating conduit – Work Complete
- Post Air Blowers – Work Complete
- Installing conduits for equipment – Work Complete
- Installing conduits for SCADA – Work Complete
- Oxidation Ditch
 - Install new conduits & conductors to Ox Ditch mixers and CPs – Work Complete
 - Mixer Control Panel Mounting Modification – **Pending Ditch 2 shutdown**
 - Terminations and Landings to Oxidation Ditch Control Panel – Ongoing
- Secondary Clarifier – Work Complete
- Site Work
 - New underground duct bank, layout complete, installation – Work Complete
- Exterior Lighting
 - Correct light fixture operations (photo cell issues)- Ongoing – New fixtures onsite

Plumbing Contract – A. Treffeisen & Son, LLC. (Contract No, VL1-P-21 – Plumbing Construction)

- Influent Building - Ongoing
- Sludge Building Water Service – Work Complete
- Control Building Kitchenet – Work Complete
- Sludge Building Water Piping – Ongoing

HVAC Contract – A. Treffeisen & Son, LLC (Contract No. VL1-H-21 – HVAC Construction)

- Provide schedule for new roof curbs (GC anticipates roof installation to start May 2023)
- Control Building heaters – Ongoing
- Electrical Building HVAC – Work Complete
- Influent Building heater installation (1) – Work Complete
- Sludge Building heater installation (2) – Work Complete
- Sludge Building ventilation - Ongoing
- **NYSEFC Phase 1 Funding**
 - The NYSEFC Closed on the PFA for the additional funding up to \$9.4M on 6/30/22
 - No further actions required....all set until long term closing
- **Payment Requests:**
 - **Contract No. VL1-G-21 – General Construction**
 - **Payment Application No. 17**
 - **The full application package provided to the Village Clerk under separate cover.**
 - We have reviewed the Payment Application from Eastman Associates, Inc. the contractor for the subject project, for the period of August 1, 2023 through August 31, 2023 in the amount of

\$249,326.64 for partial payment for the Influent Building Improvements, Exterior Repairs and Caulking, Sludge Building Improvements Overhead Door and Painting, Influent Building Process Improvement Painting, Oxidation Ditch Process Improvements, Miscellaneous Metals, Sludge Building Process Improvements Piping and Sludge Wasting Pipe Install, Post Aeration Tank Process Aerators Install, New Electrical Room Improvement Sitework, NYSEFC Contract Compliance, Change Order #1 – Belt Filter Press, and Change Order #3 – Modification #1.

- The total cost to date of \$4,743,979.97 equates to approximately 87% of the contract price, with a balance to finish, including retainage of \$686,299.69.
 - We agree with the level of work completed to date and the costs presented therein. As such, we recommend that the Village resolve to authorize the Village Clerk to proceed to process Payment Application No. 16, to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of August 1, 2023 through August 31, 2023 in the amount of \$249,326.64, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
- **Therefore, should the Village agree with our recommendation, then we recommend the following:**
- **The Village hereby resolves to authorize the Village Clerk to proceed to process Payment Application No. 17 to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of August 1, 2023 through August 31, 2023, in the amount of \$249,326.64, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.**
- **Contract No. VL1-E-21 – Electrical Construction**
 - Application and Certificate for Payment No. 11
 - The full application package has been provided to the Village Clerk under separate cover
 - We have reviewed the Payment Application from J & J Sass Electric, Inc., the contractor for the subject project, for the period of August 1, 2023 through August 31, 2023 in the amount of \$89,585.00 for partial payment for the Influent Building Improvements Labor and Materials, Sludge Building Improvements Materials, Influent Channel Process Improvements Labor, Oxidation Ditch Process Improvements Labor and Materials, Secondary Clarifier Process Improvements Labor and Materials, Miscellaneous items/Other Expenses, NYSEFC Contract Compliance Work and Change Order #1 – Belt Filter Press.
 - The total cost to date of \$1,567,030.70, equates to 83% of the contract price with a balance to finish, including retainage of \$322,275.30.
 - We agree with the level of work completed to date and the costs presented therein. As such, we recommend that the Village resolve to authorize the Village Clerk to proceed to process Payment

Application No. 11, to General Contract No. VL1-E-21 for Eastman Associates, Inc. for the period of August 1, 2023 through August 31, 2023 in the amount of \$89,585.00, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

- **Therefore, should the Village agree with our recommendation, then we recommend the following:**
- **The Village hereby resolves to authorize the Village Clerk to proceed to process Payment Application No. 11 for Electrical Contract No. VL1-E-21 to J & J Sass Electric, Inc. for the period of August 1, 2023 through August 31, 2023, in the amount of \$89,585.00, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.**
- **Contract No. VL1-P-21 – Plumbing Construction**
 - Application and Certificate for Payment No. 6
 - The full application package has been provided to the Village Clerk under separate cover
 - We have reviewed the Payment Application from A. Treffeisen and Sons, LLC, the contractor for the subject project, for the period of March 1, 2023 through August 31, 2023 in the amount of \$59,810.69 for partial payment for Mobilization/Bonds, Influent Building Material and Labor, Sludge Building Material and Labor, NYS EFC Compliance, and CO#3 Provide Water Line.
 - The total cost to date of \$92,224.31, equates to 78% of the contract price with a balance to finish, including retainage of \$26,401.06.
 - We agree with the level of work completed to date and the costs presented therein. As such, we recommend that the Village resolve to authorize the Village Clerk to proceed to process Payment Application No. 6, for Plumbing Contract No. VL1-P-21 to A. Treffeisen and Sons, LLC., for the period of March 1, 2023 through August 31, 2023 in the amount of \$59,810.69, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
- **Therefore, should the Village agree with our recommendation, then we recommend the following:**
- **The Village hereby resolves to authorize the Village Clerk to proceed to process Payment Application No. 6 for Plumbing Contract No. VL1-P-21 to A. Treffeisen and Sons, LLC., for the period of March 1, 2023 through August 31, 2023, in the amount of \$59,810.69, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.**
- **Contract No. VL1-HV-21 – HVAC Construction**
 - Application and Certificate for Payment No. 11
 - The full application package has been provided to the Village Clerk under separate cover

- We have reviewed the Payment Application from A. Treffeisen and Sons, LLC, the contractor for the subject project, for the period of June 1, 2023 through August 31, 2023 in the amount of \$3,086.34 for partial payment for Mobilization/Bonds, New Electrical Room Fan Material, NYS EFC Compliance, and CO #1 HVAC Modifications.
 - The total cost to date of \$112,278.39, equates to 89% of the contract price with a balance to finish, including retainage of \$13,009.39.
 - We agree with the level of work completed to date and the costs presented therein. As such, we recommend that the Village resolve to authorize the Village Clerk to proceed to process Payment Application No. 11, for HVAC Contract No/ VL1-HV-21 to A. Treffeisen and Sons, LLC. for the period of June 1, 2023 through August 31, 2023 in the amount of \$3,086.34, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
 - **Therefore, should the Village agree with our recommendation, then we recommend the following:**
 - **The Village hereby resolves to authorize the Village Clerk to proceed to process Payment Application No. 11 for HVAC Contract No. VL1-HV-21 to A. Treffeisen and Sons, LLC., for the period of June 1, 2023 through August 31, 2023, in the amount of \$3,086.34, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.**
- **Change Orders**
 - **Contract No. VL1-G-21 – General Construction**
 - **Change Order No. 1 – Add Bid Alternate Belt Filter Press work**
 - Totaling \$763,000
 - Change Order sent to NYSEFC for approval on 3/1/22
 - Approved by NYSEFC on 6.24.22
 - **Change Order No. 2 – Update Davis Bacon Wage Rates**
 - No Cost Change
 - Approved by NYSEFC on 6.24.22
 - **Change Order No. 3**
 - Totaling \$48,730.65 for:
 - Item 1 – Influent Building Grit Holding Area Unforeseen Conditions, Item 2 – Stormwater Pump Piping Modifications
 - Item 3 - WAS –Piping Modifications and Item 4 – NPW Supply Piping
 - Approved by NYSEFC on 9/21/22
 - **Change Order No. 4**
 - Totaling \$23,882.17 for:

- Item 1 – Post Aeration Blower Piping, Item 2 – Emergency Generator Bollards
- Item 2 – WAS Piping Modifications, and Item 4 – NPW Supply Piping
- Approved by NYSEFC on 11/30/22
- **Change Order No. 5**
 - Totaling \$57,730 for:
 - Additional roofing costs based on the scope and costs represented in the 2/1/23 & 2/28/23 change proposals from Eastman Associates, Inc.
 - Approved by NYSEFC on 5/8/23
- **Change Order No. 6**
 - Totaling \$6,636.84 for:
 - Bid Item #3.02 – Utility Building Allowance
 - Bid Item #18.01 & #18.02 – Office Building Roof Modification Credit
 - Bid Item #20.01 – Winter Weather Work Allowance Credit
 - CR-8 – Value Credit: Two (2) 4” BFVs and two (2) check values
 - T & M Costs for Tank Cleaning Work
 - Additional BFV on grit blower discharge line
 - Bid Item #11.01 – Clarifier #1 New Skimmer Arm Extension
 - Bid Item #11.03 – Secondary Clarifier Tank Repair Allowance Overrun
 - CR-11 – Door Hinge Changes: Change from (6) 4” hinges to (9) 6” hinges and replace window insert
 - CR-12 – RAS Panel Modifications & Additional 12” Pipe Supports and Hardware at Stormwater Basin
 - CR-14 Post Aeration Tank Piping Changes: Install new 4” SS pipes, fittings and supports in post aeration tank
 - CR-15- Access Panel Changes: Five (5) 10” x 10” ceiling access panel
 - CR-16 – RAID 5: RAID 5 for two (2) SCADA Computer and one (1) additional monitor =
 - CR-17 – Float and SCADA Changes: Five (5) floats with 40’ of cable, mounting brackets, five (5) HOA switches, and additional SCADA programming
 - Approved by NYSEFC on 6/5/23
- **Change Order No. 7 – No Cost Contract Time Extension**
 - At the July 20 meeting the Village authorized the Mayor to endorse Change Order No. 7 – No Cost Time Extension for Contract No. VL1-G-21, based on Eastman’s June 21, 2023 request for a no cost time extension.
 - If this change is accepted, Change Order No. 7 will result in an extension of the date of substantial completion for the contract from August 10, 2023 (the current substantial completion date) to December 31, 2023, with final completion by January 31, 2024 and with no change to the contract.
 - NYSEFC approved on 8/15/23
- **Change Order No. 8 – Chemical Containment Pad**
 - The full change order package has been provided to the Village Clerk under separate cover
 - During review of the facility’s SPDES Permit renewal application (NY-2A), completed and submitted by the Village, as part of an ongoing statewide SPDES permit review process, NYSDEC noted that the No Exposure Certification for Exclusion from SPDES Stormwater Permitting that was submitted does “*not certify no exposure to precipitation/stormwater during loading/unloading or transporting activities*”, and are therefore not eligible for the no exposure exclusion.
 - Currently, chemicals delivered to the WWTP could be exposed to precipitation during loading/unloading or transporting activities, and if a spill were to occur,

- could end up as stormwater runoff.
- Based on the July 19, 2023 meeting with NYSDEC a new chemical containment pad is required to be eligible for the no exposure exclusion, and avoid SPDES Stormwater Permitting in the future.
- RFP #8 was given to Eastman to provide a cost to construct the new chemical containment pad. Eastman provided a cost of \$67,157.77 to complete this.
- Delaware Engineering recommends that the Village resolves to accept the proposed change order and authorize the Village Mayor to endorse Change Order No. 8 – Chemical Containment Pad for Contract No. VL1-G-21, based on Eastman Associates August 25, 2023 Proposal.
- This work should be approved at this month’s meeting so that the Chemical Containment Pad can be installed before December 2024
- If these changes are acceptable, GC Change Order No. 8 will result in a \$67,157.77 increase to the base contract price and a revised contract price of \$5,497,437.66 (previous contract price of \$5,430,279.66 plus \$67,157.77 for Change Order No. 8).
- **We have reviewed this change with EFC, and have been informed this work is eligible for funding under the project.**
- All funds to cover this change will come from the project contingency
- The budgeted contingency was originally equal to \$701,962.03.
- Including this General Contract Change Order, all change orders to date (excluding the belt press change order) and all change orders currently pending have a total cost equal to \$278,513.67
- **The remaining available contingency funds following this and all other pending changes would be \$432,448.36.**
- **If the Village finds this change acceptable, we recommend that the Village Board resolve to:**
 - **Authorize the Mayor to execute Change Order No. 8 for Contract No. VL1-G-21, based on the scope and costs represented in the various change proposals from Eastman Associates, Inc., in the total amount of \$67,157.77, which will increase the cost of the contract to \$5,497,437.66 (previous contract amount of \$5,430,279.66 plus \$67,157.77).**
- **Possible/Pending Change Order(s) – Still Developing Costs**
 - Credit for Aluminum Grating (-\$3,000)
 - Equipment Pad Slab Credit (PAC Tank and Influent Bldg Pump Pads) (XX,XXX)
 - Seal Water Tank Demolition (\$1,000)
 - Existing Belt Filter Press MCC Demolition (\$18,674.37)
 - Effluent Flow Meter (meter and conduit and conductor (by EC subcontractor) (\$6,000)
 - Sludge Pump (\$100,668.14)
 - Credit to Install 3” PVC NPW Belt Press Wash Water Feed instead of 4’ DIP (\$XX,000)
 - Belt Press Repair Allowance Credit (-\$30,000)
 - Seal Water Tank Demolition (\$3,032.44)
 - Belt Filter Press Conveyor Support (\$11,065.03)
 - Dry Polymer Feed System Upgrades/Tank Modifications (\$52,725)

Contract No. VL1-E-21 – Electrical Construction

- **Change Order No. 1** – Add Bid Alternate Belt Filter Press Work
 - Totaling \$96,000
 - Approved on 6.24.22 by NYSEFC
- **Change Order No. 2** – Update Davis Bacon Wage Rates
 - No cost change

- Approved by NYSEFC on 6.24.22
- **Change Order No. 3 – 600A Service Upgrade for the Sludge Building**
 - Totalling \$18,306
 - Approved by NYSEFC on 11/30/22
- **Change Order No. 4 – Sludge Tank Mixer Improvements**
 - **Totalling \$22,677.00 for:**
 - Sludge Tank Mixer three (3) additional NEMA 4X local disconnects at the Sludge Tanks, NEMA 12 contractors, and breakers for the new electrical panel.
 - Approved by NYSEFC on 6/5/23
- **Change Order No. 5 – No Cost Contract Time Extension**
 - At the July 20 meeting the Village authorized the Mayor to endorse Change Order No. 5 – No Cost Time Extension for Contract No. VL1-E-21, based on J & J Sass Electric Inc.'s July 5, 2023 request for a no cost time extension.
 - If this change is accepted, Change Order No. 5 will result in an extension of the date of substantial completion for the contract from September 14, 2023 (the current substantial completion date) to December 31, 2023, with final completion by January 31, 2024 and with no change to the contract.
 - NYSEFC approved on 8/15/23
- **Pending Change Orders(s) – Still Developing Costs**
 - Existing Dry Polymer System - Provide Conduit and Conductor to re-feed existing Dry Polymer System (6915)
 - Post Aeration Blowers - Provide Conduit and Conductors to Post Aeration Blower Enclosure Fan (6918)
 - Grit Screw Motor - Provide conduit and conductor to motor winding heater (6762)
 - Storm Water Pumps - Provide conduit and conductor to MiniCAS relays (6767)
 - Grit Blowers - Provided cooling fan disconnects (6766)
 - Influent Screen Panel - Relocate Influent Screen Panel to be fed by Emergency Power MCC (6770)
 - Sludge Building Temporary Heat - Provide temporary heater connection (6790)
 - Code Violation Correction - Separated 3P and 1P conductors installed in the same conduits (3788)
 - Post Aeration Blowers - Install VFD interference filter (provided by VFD vendor) (6763)
 - Stormwater Retention Basin - Provide conduit and conductor to new floats provided in CO#6 (6764)
 - Influent and Sludge Building HVAC - Provide conduits and conductors to HVAC Equipment (6845)
 - Influent Building Hot Water Heater - Code Violation correction (6765)
 - Influent Building - Provide new conduits and conductors for new receptacles (6768 & 6769)
 - Secondary Clarifier - Provide temporary electrical feed to clarifier (6789)
 - Sludge Building Emergency Power - Provide Grounding Grid (4669)
 - New Electric Room Heater - Provide new conduits and conductors to new Elec. Room heater (4668)
 - Control Building Heater - Provide new breakers for heater/Code violation correction (4671)

- Control Building Heater - Provide new conduits and conductors/correct code violation (4667)
- Dry Polymer Feed System Upgrades/Tank Modifications (\$8,725)
- Influent Grit Screw - Provide new Stop/Start Station
- Sludge Building Sump Pump Float - Diagnose and repair flow and alarm signal

Contract No. VL1-P-21 – Plumbing Construction

- **Change Order No. 1 – Update Davis Bacon Wage Rates**
 - No Cost Change
 - Approved on 6.24.22 by NYSEFC
- **Change Order No. 2 – Influent and Sludge Building’s PRVs**
 - Totaling \$5,689
 - Approved on 09/23/22 by NYSEFC
- **Change Order No. 3 – Polymer Feed System Modifications**
 - Totaling \$3,135.77 for:
 - Polymer Feed System Modifications
 - Approved by NYSEFC on 6/5/23
- **Change Order No. 4 – No Cost Contract Time Extension**
 - At the July 20th meeting the Village authorized the Mayor to endorse Change Order No. 4 – No Cost Time Extension for Contract No. VL1-P-21, based on A Treffeisen & Son’s June 27, 2023 request for a no cost time extension of the date of substantial completion for the contract from August 30, 2023 (the current substantial completion date) to September 30, 2023, with final completion by October 31, 2023 and with no change to the contract.
 - NYSEFC approved on 8/15/23
- **Pending Change Orders(s)**
 - None
- **Contract completion date is 9/30/23. We will prepare formwork for the Village to accept substantial completion for this contract, on or before 9.30.23, at Oct. or Nov. Mtg.**

Contract No. VL1-HV-21 – HVAC Construction

- **Change Order No. 1 – Update Davis Bacon Wage Rates**
 - No cost change
 - Approved on 6.24.22 by NYSEFC
- **Change Order No 2 – New Sludge Building Exhaust Fan & New Control; Building Garage Utility Heater**
 - Item 1 – New Sludge Building Exhaust Fan
 - Totaling \$8,387.78
 - Approved by NYSEFC on 11/30/22
- **Change Order No. 3 – No Cost Contract Time Extension**
 - At the July 20 meeting the Village authorized the Mayor to endorse Change Order No. 3 – No Cost Time Extension for Contract No. VL1-H-21, based on A Treffeisen & Son’s June 27, 2023 request for a no cost time extension with a substantial completion for the contract from August 30, 2023 (the current substantial completion date) to September 30, 2023, with final completion by October 31, 2023 and with no change to the contract.
 - NYSEFC approved on 8/15/23
- **Change Order No. 4 – Control Building HVAC Equipment Roof Modifications**
 - The full change order package has been provided to the Village Clerk under separate cover

- A. Treffeisen & Son, the contractor for Contract VL1-H-21 – HVAC Construction, has submitted a change request (attached) for Control Building HVAC Equipment Roof Modifications Time & Materials (T&M) basis.
- The existing heating unit was replaced prior to this upgrade. The previous contractor installed the new roof curb (insulated steel frame) for the new heater on top of the existing roof curb for the old heater (on top of one another), rather than uninstalling the existing roof curb and installing the correct roof curb for the new unit.
- The proposed change order was for Treffeisen uninstal the two (2) existing roof curbs under the existing heating unit and to reinstall the correct roof curb (one of the two that were removed) so that Eastman could complete the new roof installation.
- Treffeisen reinstalled the correct roof curb and Eastman was able to complete the roof replacement. This corrective work also included minor duct work modifications and gas piping modifications. Delaware Engineering recommends that the Village resolves to accept the proposed change order and authorize the Village Mayor to endorse Change Order No. 4 – Control Building HVAC Equipment Roof Modification for Contract No. VL1-H-21, based on A Treffeisen & Son’s August 22, 2023 Change Request.
- If this change is accepted, Change Order No. 4 will result \$6,210.61 increase to the base contract price and revised contract price of \$131,498.39 (previous contract price of \$125,287.78 plus \$6,210.61 for Change Order No. 4)
- **We have reviewed this change with EFC, and have been informed this work is eligible for funding under the project.**
- All funds to cover this change will come from the project contingency
- The budgeted contingency was originally equal to \$701,962.03.
- All chance orders to date (excluding the belt press change order are equal to \$278,513.67
 - **The remaining available contingency funds following this and all other pending changes would be \$432,448.36.**
 - **If the Village finds this change acceptable and agrees to authorize this proposed cost change, we recommend that the Village Board resolve to:**
 - **Authorize the Mayor to execute Change Order No. 4 for Contract No. VL1-H-21, based on the scope and costs represented in A Treffeisen & Son’s August 22, 2023 Change Request, in the total amount of \$6,210.61, which will increase the cost of the contract to \$131,498.39 (previous contract amount of \$125,287.78 plus \$6,210.61).**
- **Pending Change Order(s)**
 - None
- **Contract completion date is 9/30/23. We will prepare formwork for the Village to accept substantial completion for this contract, on or before 9/30/23, at Oct. or Nov. Mtg.**

Village Direct Purchase

- **Cable Internet (Spectrum) to WWTP**
 - Cable has been installed and setup complete, and working well.
 - Modem/Router port ready for SCADA connection
 - We worked with Judy to issue the Purchase Order, sent to Spectrum on 5/19/23
 - Totaling \$39,119.48 for:
 - Spectrum to provide coaxial cable to the WWTP
 - Submitted to NYSEFC for approval on 5/23/23
 - The Spectrum purchase order is being discussed internally as how to deal with it. NYSEFC will let us know once I have an answer – Still pending.
- **Potential Work that may be able to be completed with remaining contingency (+/- \$425K)**
 - We will continue to refine the list of work and plan to have it to the Board at the next meeting: some items on the list:

1. Misc. Phase 1 Construction Items - \$125,000 - \$175,000 for all prime contracts
2. Additional Engineering During Construction & Onsite Observation due to extended duration of construction and Phase 2 not moving forward - \$150,000 - \$200,000
3. Grit Pump Design and Construction Services - \$33,095
4. Sludge Dewatering Polymer Feed System – New August

With these items, not much is anticipated to remain for other items

5. Other – TBD – Paving?
6. Mechanical Screen - \$250,000 – Planned for Phase 2
7. WAS Sludge Pump and Piping - \$100,000 – Planned for Phase 2

Monthly Construction Meeting

- The latest monthly construction meeting was held on site on 09.13.23 with the prime contractors, Delaware and Village Staff.

Engineering during Construction

- Continuing to receive and process material and equipment submittals, and application for payment

On-Site Construction and Observation Services

- Full time services continuing, when contractors are onsite
- Excerpt from the Revised Anticipated Project – **project has pushed about 3 – 4 months beyond the planned schedule**

| | |
|---------------------------------|---|
| February 21, 2022 | Supplemental Bond Resolution becomes effective (20 days from Publication) |
| February – March 2022 | Issue Notice of Award, and prepare execution copies of contract, and issue Notice to Proceed March 23, 2022 – Pre-Construction meeting |
| March 20 2022– December 2023 | Construction to Substantial Completion |
| December 2023 – January 2024 | Construction Completion (Final) and Project Closeout |
| January 2024 – February 2024 | Long Term Loan Closing |

- **Document Collection**
 - **Nothing new this month**
 - The document Collection Form, and requested documents were uploaded on January 17, 2023 (ahead of the January 20, 2023 deadline).
 - On February 13, 2023 NYSEFC provided notice that, project documents were reviewed and no follow-up actions are recommended.
- **Professional Services Contracts**
- **Nothing new this month**

WWTP Upgrade Project

- Since Construction schedule has pushed out several months beyond the duration listed in our contract; we have been reviewing costs to date and will come up with an amendment what we believe will be needed to make it to the end beyond the current budgets; we will add in the scope and cost associated with grit pump replacement – plan to have a contract amendment for Village consideration prior to September meeting
- This would come out of project contingency
- At the November 5, 2020 meeting, the Village Board resolved to authorize the Mayor to endorse Professional Services Contract Amendment No. 1, to the design through construction contract for the Village WWTP upgrade to be financed through NYSEFC, dated October 28, 2020, associated with revisions to the Original Phase 1 Engineering Report, to initially include and then remove enhanced sludge processing and related work from the original report, in an amount not to exceed \$40,000. Accepted by the Board and forwarded to NYSEFC on November 9, 2020. NYSEFC indicated in early-December 2020 that they would review it.
- NYSEFC approved this amendment on 3/8/22
- Need to modify our contract and costs to include the Grit Pump work and possibly to add belt press to Phase 1 (design, CA & CI) – Will look to do this after closing on short term loan since costs will come out of contingency since financing cost is capped at \$9.4 M.

Phase 2 Sludge Handling WWTP Upgrade Project

- Nothing new to report this month
- Contract amendment or new contract will need to be prepared to cover PER modifications and design through construction phase work. Village could follow RFQ process to allow for funding under SRF rather than just using WIIA Fund.
- Historic Info:
 - On hold until a plan forward can be agreed to now that WIIA funding has been denied for Phase 2
 - 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.
 - Based on the Feb 24, 2021 call with NYSEFC, NYSEFC will not be approving this in the near term as there is no Project Financing Agreement in place and the project will now be on hold.
 - When the Village decides to move forward with some or all of Phase 2, Delaware will submit engineering services contact amendment for design through construction services, following the Announcement of NYSEFC WIIA Grant Awards, if the grant application is successful.

3. Elm Street Wellfield/Electrical Improvements

- Nothing new to report this month – on hold

4. Rail Trail Area Culvert Drainage/Blockage

- **Board Action Required at Tonight's meeting:**
 - None

- **2023 CDBG Application**
 - CFA application was submitted on July 26, 2023 before the August 11, 2023 deadline
 - Up to 100% grant possible
 - 4th time submitted
- **Hazard Mitigation Grant Program (HMGP) – FEMA & Dept. of Homeland Security**
 - Up to 90% grant possible
 - DHSES sent a request for information (RFI) on July 8, requesting a response by August 10, 2023
 - We have responded to this RFI on August 10, 2023, and have received confirmation of receipt from DHSES
 - DHSES sent an additional request for revisions on September 7, 2023. After follow up it was determined that the request was sent in error. No additional action is required.

5. DPW Site Groundwater Monitoring/DPW Garage Site Remediation

- No new info
- Based on sampling results still seeing values near garage indicating contamination remains
- June 2023 sampling report indicated levels nearly the same as in March 2023 for all monitoring wells.
- Next sampling to be conducted in September 2023
- **Elm Street Well Remediation**
 - Plan to work with the Village and Town to come up with a remediation plan including a plan to pump more water
 - Need to meet with David Burke to gather historical information and discuss plans forward. Ultimate goal would be to seek financial assistance (grant for further remediation efforts)
 - Build this into the Town Village Infrastructure Water and Sewer Capacity Study

6. NYSDOH Water System Inspection/Cross Connection Control Program

- **Delaware will work with David Burke on this.**
- A digital version of the Village's response to the December 9, 2021 NYSDOH Water Supply Inspection Letter regarding the Cross Connection Control Program was submitted on February 4, 2022 and included the plan forward.
- No word back from NYSDOH to date. We plan to continue to move ahead with the CCP plan document per the below listed:
 1. Update the list of water users who are believed to be subject to this program (on-going)
 2. Develop a draft cross connection control program document utilizing system information, current codes and reference documents (target date June 2022)
 3. Provide a draft document for Village Board, Village Code, Village Attorney review and receive feedback (July 2022)
 4. Provide Village reviewed documents to NYSDOH – Monticello District Office for review and comment (target date August 2022)
 5. Address NYSDOH comments and recirculate to Village for final review (target date September 2022)
 6. Work through modifying the local law and code to include CCCP requirements (September – December 2022)
 7. Forward final document to NYSDH – Monticello District Office (target date January 2023)

8. Village adopts program (January 2023)

7. WWTP SDPES Permit

- **NYSDEC WWTP Upgrade Review/Updated SPDES/Permit Review Meeting**
- Virtual meeting with NYSDEC and DRBC to discuss the upgrade projects and proposed SPDES permit changes on July 19, 2023 at 10 a.m. Dave Burke, H2O's Keith Herbert and Mike Herbert and Mark Kellam also participated.
- The purpose of the meeting was to get a full understanding of the planned upgrade at the facility and to coordinate the work with the reviewed/updated SPDES permit to come.
- NYSDEC proposing a lower CBOD limit which will affect WWTP capacity with currently in place facilities. Also have issues with current sludge dewatering chemical.
- Also containment slab/facilities will be needed to be added to Phase 1 to prevent potential stormwater impacts during bulk liquid chemical deliveries.
- Another meeting planned soon
- WWTP NYSDEC SPDES Permit Renewal Review Meeting Follow-up & Plan Forward was distributed to involved Village, H2O, NYSDEC, JCO and Delaware Staff on 8/3/23 and Summary of WWTP Upgrades.
- We have reviewed NYSDEC information and modeling and have followed up with them with Q/A and it appears that there is limited ability to increase the CBOD limits beyond a daily maximum limit of 15 mg/l with an effluent dissolved oxygen (maximum allowed for calculations) of 7.0 mg/l while maintaining a MGD flow. WET testing will be needed to determine if the Village can continue to use the current chemicals for sludge dewatering.
- Delaware asked NYDEC to do some additional modeling to see what CBOD, DO and Flow limitation would be under various scenarios. NYSDEC provided a summary of all scenarios that would be provided and reviewed at the follow up meeting.
- NYSDEC would like to schedule follow up meeting, and requested that we send some dates and times that work for Delaware and the Village so that NYSDEC can send out a meeting invite.
- What are some dates in the next two weeks (9/21 – 10/6) that the Village (WWTP Staff & H2O Keith & Michael) are available to meet with NYSDEC (likely 10 am meeting)
- Water Treatment Chemicals
 - Based on September 1, 2023 NYDEC letter, allowing to continue to operate and perform WET testing to see if it has impact. If there is an impact, we have to do something, if not they may let us add more chemical.
 - Delaware is working on a response letter acknowledging the conditional approval, and will share with the Village for signature by Joan in the near future.

8. PepsiCo

- PepsiCo Email Update on Water Consumption (8/3/23)
 - There are challenges attempting to install WW flow monitoring without current system configuration
 - WW flow monitoring will be possible after Phase 1 upgrades
 - Most of our Facility water consumption is for domestic purposes (toilet and sinks), process WW discharges are low relative to the total volume
 - Water consumption is down over 33% based on our new operating scenarios
 - Based on this email PepsiCo water usage is <25,000 gpd

9. Town of Liberty Economic Development Water and Sewer Infrastructure Capacity Planning Study

- Delaware working on a draft of this report
- A Draft of the report was distributed for Town and Village review on 6/9/23
- Working to revise this ASAP with David Burke and the Town
- Delaware will follow up with additional information needs with the Village
 - Need budget and rate information from 2022-23 and planned for 2023-24
- **Elm Street Well remediation and future use are key to this study**

10. NYS DOH – Water Supply Emergency Response Plans Update

- Nothing new this month; will coordinate with David Burke
- The Village received notice on September 30, 2022 from NYSDOH that they need to provide Water Supply Emergency Response Plans Updates.
- This is a generic letter reminding the Village that the Emergency Response Plan and Vulnerability Assessment must be kept up to date and that every 5 years needs to be submitted to the commissioner for review, and provides other generic information about other relevant requirements.
- There are some things that the Village will need to do to comply with the requirements in letter, but nothing that required immediate attention.
- The “small systems” templates that the Village’s ERP and VA are based have been revised to meet regulatory requirements and systems wishing to continue small systems templates must use the 2022 version. We will have to extract the information from the Village’s current ERP and VA, and update the new template.
- There are a few new sections in the templates that will require new information (e.g., pandemics and supply chain shortages, strategies to detect malevolent acts or natural hazards that threaten system security and resilience, water sampling data tables, etc.).
- There aren’t any specific deadlines, but we will plan to work with the Village over the next few weeks to convert to the new templates, update the information and fill in any new or missing information.

11. USEPA Administrative Order on water system ERP and RRA

- Nothing new this month
- The Village received an email from the USEPA regarding Certification of the Water System Emergency Response Plan (ERP) Risk & Resilience Assessment (RRA) on March 21, 2023 with the Administrative Order attached requiring the Village to provide a plan to achieve compliance with ERO requirements.
- In January 2023, the Village signed ERP and RRA certifications and worked to upload those to USEPA. So the certifications requested in 2021 were done but were not successfully received by USEPA thus the AO.
 - The Village set up an account with the EPA this month and certified through their secure online portal, confirmed that the RRA was certified, certified the Villages ERP.
 - The Village will need to respond to EPA’s Administrative Order (by 4/20/23).
 - This will require the Village to respond to the EPA’s Administrative Order by email that says the information in the RRA and certification are accurate and complete.
- We worked with the Village to prepare the email response, sent to the Village, and the Village has submitted the required response to EPA by 4/19/23

12. Sanitary Collection System I/I Investigations

- Board Action Required at Tonight’s Meeting
 - None
- Delaware submitted EPG application for up to \$50,000 in grant funding for I/I investigations, with commitment for a \$10,000 local match (20%) on August 11,

2023

- A copy of what was submitted will be provided to the Village in the near future

13. Church Street Culvert Repair

- NYSDEC allowable work to replace culverts still pending
- We have culvert GIGP grant application to our list for next year

14. DRBC WWTP Discharge and Water Withdraw Docket renewal

- Water Withdrawal Dockets
 - Approval Date: December 4 2013
 - Expiration Date: December 4, 2023 (Expires in 7 months)
 - The docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance if the docket expiration date
 - We will work with Dave Burke on the renewal package to get this going soon
- DISCHARGE Dockets
 - This docket has been placed on administrative continuance for the Village to take advantage of the One-permit process and administrative agreement between DRBC and NYSDEC.
 - WWTP
 - Date Approved: June 10, 2015
 - Expiration Date: June 10, 2020 (Expired)
 - Lily Pond Backwash Discharge
 - Date Approved: December 10, 2014
 - Expiration Date: January 31, 2022 (Expired)
 - Our expectation is that NYSDEC will issue a new SPDES permit for the treatment plant upgrades that will contain all relevant DRBC requirements in accordance with the administrative agreement. As that permit issuance becomes imminent, DRBC will reissue the docket including the WWTP upgrades in the DRBC's Comprehensive Plan. Once these steps are complete, the Village will have all active DRBC requirements included in the NYSDEC SPDES permit and will no longer hold an approval from DRBC that needs to regularly be renewed. The docket that included the upgrades will be non-expiring and only need to be modified if the Village again makes upgrades that expand the plant such that approval from the DRBC is again required. Otherwise, only the SPDES permit needs to be renewed or extended regularly as normal.

15. Lead & Copper Rule Revisions service line inventory requirements, due fall 2024

- A report and listing form were finalized and submitted on 8/25/23 for a lead service line inventory project, covering the Village district, to be considered for 100% grant funding through the BIL program administered by NYS DWSRF. Per and Listing form emailed to Village Mayor and DPW Supervisor on 8/25/23.
- The estimated project cost is \$845,609
- If a grant is received, the project will be subject to federal and DWSRF requirements.
- Per regulations, the Village needs to have an LSL inventory completed by October 2024. Not a lot of time to get this done/not optional use inventory to position for an IUP listing and funding application next summer for replacement work.
- There is possible funding to assist in paying for the inventory – possible 100% grant for the inventory work for Disadvantaged communities – which we believe the Village is
- The listing deadline for DWSRF BIL Lead service Line (LSL) Funding through EFC/DOH is August 28, 2023. Eligible projects include the identification, planning, design, and replacement of lead service lines.

- To be eligible for funding, a DWSRF project listing form and an engineering report need to be e-mailed to DOH by August 25th to design@health.ny.gov
- EFC and DOH hosted a webinar on the Lead Service Line (LSL) funding available through the Bipartisan Infrastructure Legislation (BIL)
 - Grants are only available to municipalities that meet the definition of a Disadvantaged Community (DAV). If a client is not a DAV, then they will only get subsidized financing
 - In order to qualify for BIL Lead Service Line grant funding (inventory or replacement), a municipality needs to have a 2021 MHI that is less than 80% of the regionally-adjusted State MHI. The Village of Liberty qualifies for this.
 - DAV eligibility applies to both inventory and replacement projects. DAVs can get up to 100% grant funding (\$2M max) for inventory projects, and up to 70% grant funding (\$10M max) for replacement projects.
 - You can only apply for LSL replacement funding for locations where the number and location of LSL are known and verified, even if it is just a targeted area. However, if you are requesting replacement funding, then the entire line (public and private portion) must be replaced.
 - You can apply for both inventory and replacement projects simultaneously, but with separate applications. For example, in the Village of Catskill there are some known locations of lead service lines associated with a water main replacement project that is in the planning stages, but they still need to complete a community-wide LSL inventory before the DOH October 2024 deadline.
 - You may be able to “piggy-back” a LSL replacement project with a water main replacement project that is anticipated to receive DWSRF funding, but only if the two projects can be kept completely separate. They are two different sources of funds with different reporting requirements and must be tracked separately.
 - A/E Procurement Requirements will apply, just like every other BIL-funded project. Procurement doesn’t need to happen before an application is made, but it would make sense to get that out of the way while we wait for news on any grant awards so we can hit the ground running.
 - The application process for both project types is the same. No authorizing resolution is needed, just a completed DWSRF listing form and a brief Engineering Report. Engineering report templates are being worked on. Deadline is August 25.
- The anticipated schedule is as follows:
- Submit Project to DWSRF IUPAugust 25, 2023
- Secure Short-Term Financing (BAN) September to December 2023
- Perform Lead Service Line Inventory Present to October 2024
 - Solicitation and Selection of Consultant ... Present to November 2023
 - Review Existing Files Present to December 2023
 - Anticipated Funding Notification ... December 2023 to February 2024
 - Public Bidding for Excavation Contract January to February 2024
 - Public Outreach January to June 2024
 - Field Investigation and Data Input May to September 2024
 - Final Data CompilationSeptember to October 2024
- LSL Inventory Completed and Submitted October 2024

UPDATE ON INTERMUNICIPAL AGREEMENT RE: SEWER DISTRICT 26-1-59

This item will remain **tabled**.

CONSIDER INTERMUNICIPAL AGREEMENT RE: LAPOLT PARK

RESOL. # 49-2023 Motion by Trustee Lake, seconded by Trustee Mir and unanimously carried approving Resolution #49-2023.

WHEREAS, the Village and Town are empowered to enter into inter-municipal agreements pursuant to Article 5-G of the General Municipal Law; and;

WHEREAS, the Village is the owner of LaPolt Park, described as Village of Liberty Tax Map Parcel No, 108.-6-33.1; and

WHEREAS, LaPolt Park is surrounded on two (2) sides by Town properties and the Town desires to have the Village transfer ownership of LaPolt Park to the

Town and they will assume all of the obligations and liabilities associated with the ownership of the Park; and

WHEREAS, the Village is agreeable to transfer ownership of LaPolt Park to the Town;

NOW, THEREFORE, BE IT RESOLVED the Village Board of Trustees authorizes Mayor Stoddard to execute the Intermunicipal Agreement on behalf of the Village of Liberty.

Mayor Stoddard said the Attorney Silver would not file the deed until the lighting in the park has been repaired.

CONSIDER LOCAL LAW #4-2023

Consider Negative Declaration – Proposed Local Law #4-2023

Motion by Trustee Lake, seconded by Trustee Mir and unanimously carried declaring a Negative Declaration for Local Law #4-2023 to allow upper – story residential dwellings in the DCC Commercial Core Zoning District.

Consider Vote on Local Law #4-2023

Motion by Trustee Aracci, seconded by Trustee Lake and unanimously carried approving Local Law #4-2023 to allow upper-story residential dwellings in the DCC Commercial Core Zoning District.

This local law was put to a vote, which resulted as follows:

| | | | |
|-----------------------|---|-----|-----------------------|
| MAYOR JOAN STODDARD | - | YES | |
| TRUSTEE ROBERT MIR | - | YES | |
| TRUSTEE ERNEST FEASEL | - | YES | <u>ADOPTED</u> |
| TRUSTEE EVELEESE LAKE | - | YES | |
| TRUSTEE JOE ARACCI | - | YES | |

CONSIDER REQUEST – WATER CONNECTION/THOMAS AVENUE

This item will remain **tabled**.

CONSIDER REQUEST FOR CONSIDERATION OF SEWER DISTRICT EXTENSION 13-1-20

This item is being reviewed and will be discussed at the Worksession Meeting set for October 19, 2023.

CONSIDER PUBLIC HEARING FOR LOCAL LAW #5-2023 RE: NO PARKING – 155 NORTH MAIN STREET

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried

to hold a Public Hearing on Thursday, October 19, 2023 at 6:55 p.m. to consider Local Law #5-2023 to amend Section 80-33.A (2) of the Village Code to prohibit parking in front of 155 North Main Street.

CONSIDER AUCTION PARCEL 121.-3-7.2

This item remain **tabled** until the Regular Meeting of October 5th

CONSIDER PURCHASE OF SCADA – WATER DEPARTMENT

Motion by Trustee Feasel, seconded by Trustee Mir and unanimously carried approving the purchase of the Computer Hardware and SCADA software that is necessary to run the Water Filtration Plant. This equipment will be purchased from **Turnkey Control Solutions** and will cost **\$30,430.00**.

Turnkey Control Solutions is a sole source provider of the equipment needed.

This system is a budgeted item in the 2023-24 budget.

CONSIDER LOAN TO SEWER FUND FROM GENERAL FUND

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried to loan the sewer fund up to \$200,000 to cover debt service payments during the month of October.

The loan will be repaid as soon as the receivables from the September billings are received.

CONSIDER PURSUING CLASS ACTION REGARDING PUBLIC WATER SYSTEMS

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried to have Attorney Silver pursue the class action settlement regarding public water systems – Aqueous Film Forming Foams Product Liability Litigation in the Dupont matter.

CONSIDER LETTER OF SUPPORT – BASKETBALL COURT COLLABORATION

Motion by Trustee Lake, seconded by Trustee Mir and unanimously carried to write a letter to the Town of Liberty pledging the Village’s full support for the Town of Liberty’s municipal basketball court project next to the Skate Park on Darby Lane and the application through the Sullivan 180 Community Impact Grant Fund.

Supervisor DeMayo said the court will have a fence around it and will be locked at the appropriate times, such as overnights.

CONSIDER PAYMENT REQUESTS FOR WWTP PROJECT

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 17 for General Contract No. VL1-G-21 to Eastman Associates, Inc. for the period of August 1, 2023 through August 31, 2023, in the amount of \$249,326.64 as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

Motion by Trustee Feasel, seconded by Trustee Lake and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 11 for Electrical Contract No. VL1-E-21 to J & J Sass Electric, Inc., for the period of August 1, 2023 through August 31, 2023, in the amount of \$89,585.00 as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

Motion by Trustee Aracci, seconded by Trustee Mir and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 6 for Plumbing Contract No. VL1-P-21 to A. Treffeisen & Sons, LLC for the period of August 1, 2023 through August 31, 2023, in the amount of \$59,810.69 as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 11 for HVAC Construction Contract No. VL1-HV-21 to A. Treffeisen & Sons, LLC for the period of August 1, 2023 through August 31, 2023, in the amount of \$3,086.34 as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

CONSIDER CHANGE ORDER NO. 8 – WWTP CONTRACT VL1-G-21

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried authorizing Mayor Stoddard to execute Change Order No. 8 for Contract No. VL1-G-21, based on the scope and costs represented in the various change proposals from Eastman Associates, Inc., in the total amount of \$67,157.77, which will increase the cost of the contract to \$5,497,437.66 (previous contract amount of \$5,430,279.66 plus \$67,157.77).

CONSIDER CHANGE ORDER NO. 4 – WWTP CONTRACT VL1-H-21

Motion by Trustee Mir, seconded by Trustee Aracci and unanimously carried authorizing the Mayor to execute Change Order No. 4 for Contract No. VL1-H-21, based on the scope and costs represented in A Treffeisen & Son's August 22, 2023 Change Request, in the total amount of \$6,210.61, which will increase the

cost of the contract to \$131,498.39 (previous contract amount of \$125,287.78 plus \$6,210.61).

CONSIDER PAYMENT TO SULLIVAN COUNTY DEPARTMENT OF PUBLIC WORKS RE: LILY POND BRIDGE WORK

Motion by Trustee Aracci, seconded by Trustee Mir and unanimously carried authorizing the Village Clerk to proceed to process payment to SCDPW for the Temporary and Permanent Watermain Installation Invoice #5197 18 001 CB 228, in the amount of \$36,338.58.

APPROVAL BILLS FOR PAYMENT OF BILLS

FOR PYMT: Motion by Trustee Mir, seconded by Trustee Aracci and unanimously carried approving Voucher #271 to Voucher #349 in the amount of \$258,071.16.

FLOWER FUND

Motion by Trustee Feasel, seconded by Trustee Lake and unanimously carried approving the following payment from the flower fund:

Monticello Greenhouses - \$2,100.00

EXECUTIVE SESSION: Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried to go into Executive Session at 7:40 p.m. to discuss a personnel matter in the Code Enforcement Office.

Police Chief D'Agata was invited into Executive Session.

Motion by Trustee Lake, seconded by Trustee Aracci and unanimously carried to come out of Executive Session at 8:09 p.m.

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

THE MEETING WAS ADJOURNED AT 8:10 P.M.

RESPECTFULLY SUBMITTED,

JUDY H. ZURAWSKI, CLERK/TREASURER

