

## **WORKSESSION MEETING**

**FEBRUARY 15, 2024**

The Board of Trustees held the Regular Meeting on February 15, 2024 at 7:00 P.M. in the Village Municipal Building, 167 North Main Street, Liberty New York. Deputy Mayor Robert Mir opened the meeting with the Pledge of Allegiance.

**PRESENT:** Deputy Mayor/Trustee Robert Mir, Trustee Joe Aracci, Trustee Ernest Feasel, and Trustee Eveleese Lake. Also Present: Attorney for the Village Gary Silver Judy Zurawski, Clerk/Treasurer and Amanieemma Awny, Clerk.

**ABSENT:** Mayor Joan Stoddard

**ALSO PRESENT:** Dan Fagnani (Delaware Engineering), David Burke (Director of D.P.W.), Police Chief Steve D'Agata, Motty Heimlich, Abraham Weberman, Jerson Rivera, Ingrid Aragon Lopez, and Jayneen Mills

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

### **REGULAR MEETING – February 1, 2024**

**CORRESPONDENCE:** Deputy Mayor Mir said the Village has received the following correspondence.

- ❖ Memo from Liberty Police Department Re: Street Light Report 01.24

**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:
  - None
- **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, pending) – Mostly 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**
    - Working with David Burke to confirm that all work is one or identify items that need to be fixed
    - Certification of construction (DOH-5025) and As-Builts will be completed and submitted to NYSDOH soon
    - Any remaining work will be completed as punch list work
- Payments to Vendors & Contractors
  - We believe all invoices have been paid.

## 2. WWTP Upgrade

- **Board Action Required at Tonight's meeting:**
- **WWTP Phase 2 Enhanced Sludge Upgrade**
  - **None**
- **WWTP Phase 1**
- Consider Applications and Certificates for Payment for approval:
- **Payment No. 14** for Electrical Contractor - Sass – **\$223,982.48**
- Consider Acceptance of Contractors Request For Substantial Completion for the Contract for General Construction (VL1-G-21) for Eastman Associates, Inc.

### 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 before August 11 deadline.
  - **On December 12, 2023 the Village received notice that the Phase 2 WWTP Upgrade Project (CWSRF Project No. C3-5352-02-01) has been awarded a NYS WIIA grant (25%) in an amount not to exceed \$2,474,922 (25% of \$9,899,686)**
    - Delaware submitted Acknowledgement and Acceptance Form on behalf of the Village email by the January 19, 2024 deadline
    - No confirmation received
    - Next step, see Application Receipt Letter & Missing Items, below
      - Total Estimated Project Cost from PER: \$9,899,686
      - Grant Award: \$2,474,922 (included in Estimated Project Cost)
      - Please confirm your acceptance of the grant award and intent to proceed with this project by completing and signing the *Acknowledgement and Acceptance of WIIA Grant Award* form and e-mailing it to [nyswatergrants@efc.ny.gov](mailto:nyswatergrants@efc.ny.gov) no later than January 19, 2024. Without Village confirmation, NYSEFC may bypass your project and award these grant funds to another community.
      - At the January 18, 2024 meeting the Village resolves to authorize the Village Mayor to Sign the WIIA Grant (25%) Acknowledgment and Acceptance Form and for the Village Clerk/ Delaware email to [nyswatergrants@efc.ny.gov](mailto:nyswatergrants@efc.ny.gov) no later than January

19, 2024.

- **Other Possible Additional Financing Opportunities**
  - Bipartisan Infrastructure Law (BIL)
    1. On December 12, 2023 the Village received notice that the Phase 2 WWTP Upgrade Project (CWSRF Project No. C3-5352-02-01) may qualify to receive grant funding from NYSEFC through the federal Infrastructure Investment and Jobs Act of 2021, also known as the Bipartisan Infrastructure Law (BIL)
    2. The amount of BIL grant available for your project is estimated as \$4,950,000 (50% of \$9,900,000), based on the information provided to EFC. In addition to BIL grant, the project may be eligible for interest-free financing
      - Delaware submitted the BIL Grant (50%) Acknowledgement and Interest in BIL the Funding Form on behalf of the Village email by the January 19, 2024 deadline
      - No confirmation received
      - Next step, see Application Receipt Letter & Missing Items, below
      - At the January 18, 2024 meeting the Village **resolved to accept** the grant award and intent to proceed with this project **was confirmed** by completing and signing the *Acknowledgement and Acceptance of WIIA Grant Award* form and e-mailing it to [nyswatergrants@efc.ny.gov](mailto:nyswatergrants@efc.ny.gov) no later by the January 19, 2024 deadline.
      - At the January 18, 2024 meeting the Village resolved to authorize the Village Mayor to sign the BIL Grant (50%) Acknowledgement and Interest in BIL Funding Form and for the Village Clerk/Delaware email it to [CWSRFinfo@efc.ny.gov](mailto:CWSRFinfo@efc.ny.gov) no later than January 19, 2024
  - **Application Receipt Letter & Missing Items**
  - **On January 17, 2024 the Village received notice confirming receipt of the Phase 2 WWTP Upgrade Project (CWSRF Project No. C3-5352-02-01) Financing application and list of items required to execute a Project Finance Agreement**
  - **NYSEFC set a due date of February 7, 2024 for submission of these items**
  - **Delaware is working with Judy to compile these items and will respond on behalf of the Village in the near future**
- **Cost Summary**
  - Total Estimated Project Cost from PER: \$9,899,686
  - WIIA Grant Award: \$2,474,922
  - BIL Grant Award: \$4,950,000
  - Village's Commitment \$2,75,000 (25% of project costs)
- **Architectural and Engineering (A/E) Procurement Requirements**
  - **The Village the documents that they will need for the RFQ process and were provided to the Village Clerk on February 2, 2024**
    - Legal Notice
    - Request for Qualifications (RFQ) Document
    - RFQ Scoring / Evaluation Matrix
    - Resolution for Contract Award
    - A/E Procurement Document
- **The RFQ schedule is anticipated be as follows:**
  - **By February 6 – Legal notice to SCDC - Complete**
  - **February 9 – Legal notice in SCDC& NYS Contract - Complete**
  - **By March 8 – RFQ responses due**
  - **March 21 – Village review/score responses & make selection**
  - **April – Negotiations/contract award**
  - **No action required until the Village receives responses to the RFQ**

- The Village must follow Federal A/E Requirements for Qualification Based Procurement. The requirements for qualification-based procurement are as follows:
  1. Public announcement of the Request for Qualifications ((e.g., publish a legal notice in a regional newspaper, post the RFQ on your web site and the NYS Contract Reporter website) and Allow at least four (4) weeks between the date of publication and the response deadline;
  2. Evaluation and ranking of the submitted qualifications statements based on established, publicly available criteria (e.g., identified in the solicitation). Evaluation criteria should be based on demonstrated competence and qualification for the type of professional services required (e.g., past performance, specialized experience, and technical competence in the type of work required);
  3. Discussion with at least three firms to consider anticipated concepts and compare alternative methods for furnishing services;
  4. Selection of at least three firms considered to be the most highly qualified to provide the required services; and
  5. Contract negotiation with the most highly qualified firm to determine compensation that is fair and reasonable based on a clear understanding of the project scope, complexity, professional nature, and the estimated value of the services to be rendered. In the event that a contract cannot be negotiated with the most highly qualified firm, negotiation continues in order of qualification.
- The Village will be required to submit a Certification for Architectural/Engineering Services Procurement, to be submitted by the Recipient with executed agreement.
- At the January 18 meeting the Village Board resolved to authorize the Village Clerk to publish the legal notice for Request of Qualification for professional services for design through construction during February with response due in March.

### **Plan Forward**

- We are working with the Village Clerk to respond to the Application Receipt Letter and Missing Items Letter
- Close on project financing with NYSEFC (anticipate 6 – 10 months processing time with NYSEFC due to their backlog of projects.

### **Anticipated Project Schedule**

June 16, 2023 – Complete	Financing applications due for all projects
June 16, 2023	New project listing deadline for the FFY 2024 IUP
July 28, 2023 - Complete	Submit Updated WIIA Application (\$9.9M)
August 2023 - Complete	NYSEFC to the DRAFT 2024 IUP, including Subcategory D1 -BIL General Supplemental Additional Subsidy Projects
December 12, 2023 - Complete	WIIA Grant Awards Announced
January-March 2023- In progress	Professional Services RFQ Process
January 18, 2023 Complete	Village Board Meeting Action Item: Sign WIIA Grant Acknowledgement and Acceptance Form Sign BIL Grant Acknowledgement and Interest in BIL Funding Form Authorize publication of the legal notice for the RFQ
January 19, 2023	Submitted WIIA Grant Acknowledgement and Acceptance Form Submitted BIL Grant Acknowledgement and Interest in BIL Funding Form
January 19, 2024	Deadline for WIIA and BIL Grant Acknowledgment and Acceptance (WIIA)/Interest (BIL)
March 9, 2024	Deadline for responses to the professional services RFQ
March 21, 2024	Village Board Meeting Actions Items: Review responses to RFQ Score RFQ
March-April 2023	Contract with selected consultant for professional services for design through construction

January – TBD 2024	Short-term financing
January 2024	Commence design
TBD 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)

- Update/Review of Project Progress for Phase 1 WWTP Upgrade:
  - Construction Schedule
  - Completion Date: Almost all WWTP Upgrade work is substantially complete and wrapping up in February-March 2024 – construction has pushed beyond originally planned duration.
  - Generator delivery pushed until 01/17/24; SCADA installation/work began 12/6 and will continue
  - Contract Completion Dates

	<u>Original</u>	<u>Revised Contract Completion Date per CO's</u>
• Eastman	8/10/23	12/31/23 (Substantial completion pending acceptance)
• Sass	9/14/23	2/10/24 (Extn. Due to delivery of generator)
• Treffeisen	8/30/23	9/30/23 (Substantial completion accepted at Nov mtg)
• Treffeisen	8/30/23	9/30/23 (Substantial completion accepted at Nov mtg)

### **CONSTRUCTION CONTRACTS**

- Summary of Remaining Contractor Work

General Contract – Eastman Associates, Inc. (Contract No. VL1-G-21 – General Construction)

- SCADA Instrumentation
  - SCADA Installation – **Jan. – Feb. 2024- final items addressed as punch list items**
- Punchlist Work
  - See Substantial Completion Document for Remaining Punch list

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

- New Electric Building
  - New Generator On-Going
- Punchlist Work
  - Clean and Touch-up paint on new generator
  - Provide fuel in Generator to replace fuel used during startup and load testing
  - Provide Equipment O&M manuals
- Substantial Completion anticipated next month.

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

- All work and Punchlist work complete

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

- All work and Punchlist work complete

- **NYSEFC Phase 1 Funding**

- The NYSEFC Closed on the PFA for the additional funding up to \$9.4M on 6/30/22
- Converting Short-Term Financing to Long Term Financing
  - On December 14, 2023 (and follow up email on January 4, 2024) the Village received notice from NYSEFC – Financial that in order to begin work on converting the short-term financing to long-term financing, with information requested by **Friday December 29, 2023**.
  - We are working through this with Judy, and have submitted a majority of the information
  - We are in contact with NYSEFC and Bond Counsel has some issues with final/total cost
  - The information that the NYSEFC will need is as follows:
    - If there are no changes next to a line item, please leave as is.
    - If there are changes to a line item, please let me know how much that line item is increasing or decreasing in dollars.
    - If there is a new contract not reflected on the spreadsheet, please send me the agreement(s).
    - It looks like we are missing an executed local counsel agreement.
    - If there are amendments and/or change orders to any contract that are not reflected in the contract amount, please send me those executed documents. If there will be amendments and/or change orders to an existing contract that have not been executed yet, let me know what line item they belong to and the dollar amount of each amendment and/or change order.
    - If there are any contracts that have not been disbursed on to date, please let me know if those contracts will be used. If not, indicate that they need to be removed. Also, if there are line items of contracts where no additional monies will be drawn, please indicate that no additional monies will be requested. I then can reduce the contract amount to actual amount disbursed. There is no sense having the Village pay debt service on monies that will not be used.
    - Please confirm that there is no third-party funding for this project other than the WIIA Grant.
    - Updated Form of Indebtedness (form attached).
    - Costs Per Equivalent Dwelling Unit (form attached).
    - Lastly, if construction is complete, there should be no contingency unless you absolutely need it. Again, we don't want the Village to pay debt service on monies that will not be used.
    - Attached is a form of indebtedness and costs per equivalent dwelling unit form. If you would fill out these forms and send them back by the date below along with the markup of the summary by sub-category, which would be very helpful.
    - Could you let me know when the Village will be submitting their 2023 Annual Financial Report to OSC as the fiscal year ended 05/31/23? If it has been submitted, can you provide the date of the submittal and the following information:
      - The short-term financing doesn't mature until August 8, 2024, but the project is about 86% disbursed and the sooner we convert this
    - The short-term financing doesn't mature until August 8, 2024, but the project is about 86% disbursed and the sooner we convert this financing the better as there is a long lead time to get the long-term financing to an EFC Loan Committee for approval

## Substantial Completion

### Contract No. VL1-G-21 – General Construction

- Eastman Associates, Inc. the contractor for the subject project, has provided notification to the Engineer, that all contractual work is substantially complete and requested that the Engineer issue a Certificate of Substantial Completion for the General Construction Contract (VL1-G-21) work with the punch list of items to be complete or corrected before final payment.
- Certificate of Substantial Completion and Punch list and remaining Work Items.
- Delaware Engineering has inspected the work to determine the status of completion and considers the work for the General Contract work to be substantially complete and agrees with the proposed substantial completion date of December 31, 2023 and recommends that the Village resolve to authorize the Village Mayor to endorse the Certificate of Substantial Completion form for Contract VL1-G-21 – General which shall fix the date of Substantial Completion as December 31, 2023 and final contract amount of \$5,558,792., including the punch list to be completed or corrected before final payment.
- The Certificate of Substantial Completion Form shall fix the date of Substantial Completion with punch list of items to be completed or corrected before final payment.
- Therefore, should the Village agree with our recommendation, Delaware Engineering recommends the following:

- **The Village resolves to authorize the Village Deputy Mayor to endorse the Certificate of Substantial Completion form for Contract VL1-G-21 – General which shall fix the date of Substantial completion as of December 31, 2023 and the final contract amount of \$5,558,792, including the punch list of items to be completed or corrected before final payment.**
  - Delaware will forward the certificate to the prime contractor for execution and request project closeout paperwork (i.e. affidavit of release of liens for subcontractors and equipment suppliers, provide maintenance bond, etc.)
  - We will assemble the project closeout package including final payment application to the Village once all is received from the contractor.

#### **Contract No. VL1-E-21 – Electrical Construction**

- **Substantial Completion pending**

#### **Contract No. VL1-P-21 – Plumbing Construction**

- At the November 16 meeting, the Village resolved to authorize the Village Mayor to endorse the Certificate of Substantial Completion form for Contract VL1-P-21 Plumbing which shall fix the date of Substantial Completion as September 30, 2023 and final contract amount of \$118,625.37, including the punch list of items to be completed or corrected before final payment.
- Delaware will forward the certificate to the prime contractor for execution and request project closeout paperwork (i.e. affidavit of release of liens for subcontractors and equipment suppliers, provide maintenance bond, etc.)
- All punch list work is complete
- We have assembled the project closeout package including final payment application to and will forward to the Village in the near future.

#### **Contract No. VL1-H-21 – HVAC Construction**

- At the November 16 meeting, the Village resolved to authorize the Village Mayor to endorse the Certificate of Substantial Completion form for Contract VL1-HV-21 HVAC which shall fix the date of Substantial Completion as September 30, 2023 and final contract amount of \$131,498.39, including the punch list of items to be completed or corrected before final payment.
- Delaware will forward the certificate to the prime contractor for execution and request project closeout paperwork (i.e. affidavit of release of liens for subcontractors and equipment suppliers, provide maintenance bond, etc.)
- All punch list work is complete
- We have assembled the project closeout package including final payment application to and will forward to the Village in the near future.

#### **PAYMENT REQUESTS**

##### **Contract No. VL1-G-21 – General Construction**

##### **Payment Application No. 21**

- At the January 18 meeting, the Village resolved to authorize the Village Clerk to proceed to process Payment Application No. 21, for General Contract No. VL1-G-21, to Eastman Associates, Inc., for the period of December 1 through December 31, 2023, in the amount of \$301,753.91, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement with the understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

#### **Contract No. VL1-E-21 – Electrical Construction**

##### **Payment Application No. 14**

- 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 November 1, 2023 through January 31, 2024, in the amount of \$223,982.48 for partial payment for Mob, Demobilization, Bonds & Insurances, WWTP Emergency Generator Work Labor and Materials, Change Order #1 – Belt Filter Press, Change Order #4 – Digester Disconnect (Sludge Tank Mixer Improvements) and Change Order #6 – T&M (Various Project Modifications).
- The total cost to date of \$1,897,033.18, equates to 95% of the contract price, with a balance to finish, for retainage only, of \$99,843.85.
- 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. 14, for Electrical Contract No. VL1-E-21 to J&J Sass Electric, Inc., for the period of November 1, 2023 through January 31, 2024, in the amount of \$223,982.48, as requested by the contractor once the final package is received from 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, Delaware Engineering recommends the following:
  - **The Village hereby resolves to authorize the Village Clerk to proceed to process Payment Application No. 14 for Electrical Contract No. VL1-E-21 to J&J Sass Electric, Inc., for the period of November 1, 2023 through January 31, 2024, in the amount of \$223,982.48, 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**

##### **Payment Application No. 9 (Final)**

- At the December 7 meeting, the Village resolved to authorize the Village Clerk to proceed to process Payment Application No. 9 (final), for Plumbing Contract No. VL1-P-21, to A. Treffeisen and Sons, LLC., in the amount of \$5,931.27, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement with the understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

#### **Contract No. VL1-H-21 – HVAC Construction.**

##### **Payment Application No. 13 (Final)**

- At the December 7 meeting, the Village resolved to authorize the Village Clerk to proceed to process Payment Application No. 13 (final), for HVAC Contract No. VL1-HV-21, to A. Treffeisen and Sons, LLC., in the amount of \$6,574.92, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement with the understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
- Potential Work that may be able to be completed with remaining contingency +/\$30K
- Per Updated Exhibit C (November 2023) for Anticipated Final Project Costs
- Planned Changes for Village Consideration - None

#### **Changes to Affect Contingency**

Current Contingency \$29,200 – 39,200

- • Possible Future Items as funding allows



1. Sludge Building NPW Hose Bib – Not eligible for CWSRF Financing
  2. Effluent Flow Meter – Not eligible for CWSRF Financing
  3. Paving, Other – Planned for Phase 2
  4. Mechanical Screen – \$250,000 – Planned for Phase 2
  5. WAS Sludge Pump and Piping – \$100,000 – Planned for Phase 2
- Reviewing final costs with NYSFEC Financial (P. Johnson) to confirm
  - Outstanding items related to Bond Counsel (Orrick)

- Change Orders

- All Change orders are finalized

#### WWTP Alarms

- The Village needs to reactivate the Verizon phone line (copper), can't connect the WWTP alarms to the Police Department
- We'll look at getting these to go via new Spectrum under Phase 2

#### Monthly Construction Meeting

- The final construction meeting will be held on site on 1.10.24 with the prime contractors, Delaware and Village Staff.
- No further meeting Meetings are planned

#### Engineering during Construction

- Continuing to receive and process project paperwork, prepare for and run monthly meetings, review applications for payment application
- Wrapping up & working on close-out and as-builts.

#### On-Site Construction and Observation Services

- Part time services continuing, when contractors are onsite
- Anticipate to be done in March 2023; will need to go back in the spring for punch
- list/site restoration.

- **Excerpt from the Anticipated Project Scheduled Below:**

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–March 2023	Construction to Substantial Completion General Substantial Completion 12/31/23 Plumbing Substantial Completion 9/30/23 HVAC Substantial Completion 9/30/23 Electrical substantial Completion 2/10/24
January 2024 – March 2024	Construction Completion (Final) and Project Closeout
March 2024 – April 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 Contract**

#### **WWTP Phase 1 Upgrade Project**

- We believe based on discussion with NYSEFC Finance, we will need to contract amendment to reflect the final cost and budget adjustments, mostly due to subcontractors, with no increase to the contract – will review with NYSEFC Financial (Paul J.) Amendment pending.
- At the October 19, 2023 meeting the Village Board authorized the Mayor to execute Delaware Engineering, D.P. C.'s Professional Service Contract Amendment No. 2 – Additional Construction Phase and Grit Pump Replacement Services dated October 18, 2023 in the amount of up to \$238,000, thereby adjusting the overall contract price to \$1,360,000.

#### **Engineering Services Contract Amendment No. 2 - Additional Construction Phase and Grit Pump Replacement Services (October 2023):**

A summary of the professional service tasks and a breakdown of costs for this contract Amendment is as follows:

#### **Engineering Services Tasks:**

• Task 3A - Additional Engineering During Construction (based on an additional 8 months)	\$ 128,000.00
• Task 4A - Additional On-Site Observation Service (based on an additional 5 months full time)	\$ 75,000.00
• Task 10 - Additional Engineering Services – Grit Pumps (based on hours spent on design and const. services)	<u>\$ 35,000.00</u>
<b>Subtotal - Delaware Engineering:</b>	<b>\$ 238,000.00</b>

#### **Executed & Proposed Subcontracts:**

- No feasible opportunities exist, none proposed
- |  |                |
|--|----------------|
| <i>Proposed Subcontracts Subtotal:</i> | <u>\$ 0.00</u> |
|--|----------------|

**Professional Services Total – Contract Amendment No. 2: \$ 238,000.00**

**Revised Professional Services Contract Total – Including  
Amendment No. 1 & No. 2: \$1,360,000.00**

- **NYSEFC Engineering approved this amendment on 10/31/23**
- **Submitted query to NYSEFC MWBE on 11/01/23**
- Background
- 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 \$9.4M.

## Phase 2 Sludge Handling WWTP Upgrade Project

- See Architectural and Engineering (A/E Procurement Requirements that are listed above
- Contract amendment or new contract will be needed 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 funds.

### **3. Rail Trail Area Culvert Drainage/Blockage**

- **Board Action Required at Tonight's meeting:**
  - Consider authorization for this project to go to bid
- **2023 CDBG Application**
  - CFA application was submitted on July 26, 2023 before the August 11, 2023 deadline.
  - Up to 100% grant possible.
  - 4<sup>th</sup> time submitted.
  - This project was selected for grant award in the amount of \$999,919, based on the letter from CDBG that the Village received on November 11, 2023
  - Total Estimated Project Costs = \$1,048,919. The Village has committed \$49,000 of local funds toward the project for grant administration. Total grant award = \$999,919 (Total: \$1,048,919 - \$49,000 of Village Funds = \$999,919.)
- **NYS OCR CDBG Agreement:**
  - All Agreement Forms submitted to ORC initially by the deadline of 01/04/24
  - Requested comments and revisions are being addressed by Mark B., Judy and Delaware, as needed.
  - The full Executed grant agreement was returned to the village on 02/12/2024
  - Final Step: Village needs to renew SAM registration ASAP in order to get agreement approved.
  - Final Step: Village needs to renew SAM registration ASAP in order to get agreement approved.
- **Professional Services Agreement of Grant Administration Services (Blauer Assoc.)**
  - At the December 7, 2023 meeting the Village Board authorized the Mayor to execute Blauer Associate's 'professional Services Contract, for the Rail Trail Culvert Replacement Project OCR CDBG Project No. 642PR120-23, in total amount of \$49,000.
  - Submitted under separate cover by Mark Blauer
  - Since this contract will be paid for using Village funds and will not be paid for using grant funds, it is our understanding that no RFQ/SOQ is required.
- **Professional Services Agreement of Engineering Services (Delaware Engineering)**
  - At the December 7, 2023 meeting the Village Board authorized the Mayor to execute Delaware Engineering, D.P.C's Professional Services Contract, for the Rail Trail Culvert Replacement Project OCR CDBG Project No. 642PR120-23, in the total amount of \$191,650.
  - RFQ/SOQ documents were submitted to the Village in June 2022. (The engineering RFQ process from last year (2022) is still valid)
  - At the June 16, 2022 Village Board Meeting, the submitted SOQ documents were scored, and the Village decided to select Delaware Engineering, D.P.C (submitted June 10, 2022). for engineering services, on the condition that grant funding was received for the project. Thank you!
  - Delaware has prepared our contract for this work that utilizes the June 10, 2022 proposal's scope of work and costs and fully complies with project requirements, and includes our planned fee within the budgets set forth in the 2023 Engineering Report that was the basis for the grant.

- Delaware has contacted the surveyor and received a survey file of the project area
- Delaware has contacted geotechnical subcontractors to get borings done ASAP.
- Proposals for geotechnical services are pending.
- Design is under way. Contacting pertinent agencies and vendors
- Confirmed with NYSOOCR this week that construction needs to be underway by May 9, 2024.
- **Project Schedule**
- CDBG requires that award of construction contract(s) occurs within 6 months of execution of the grant agreement. This was confirmed to be May 9, 2024
- In order to hit this deadline this project will need to bid in March 2024, and we recommend that the Village consider authorization for this project to go to bid, contingent upon NYSOOCR approval
- Preparation of the bid package is underway; working through finalizing a few details and should be ready to bid in March. A legal notice will need to be published in the Village's official newspaper and bid documents will be available through an Electronic Plan Room ([www.biddyhq.com](http://www.biddyhq.com))
- Delaware will provide the bid notice to send to the paper and will assist with bidding as needed
- **In order to put this out to bid, the Village needs to authorize the Clerk to forward the legal notice to the Sullivan County Democrat**
  - **Therefore, we recommend that the Board resolve to authorize the Clerk to advertise for bidding in the Village's official newspaper once the documents are ready for bidding and a bid notice will be provided.**

- Anticipated Project Schedule:

CFA Application, ERR & Engineering Report Submission:	July 2023
CFA Notice of Funding Award:	November 11, 2023 - <b>Completed</b>
Prepare Environmental Review Record (ERR):	July 2023 - <b>Completed</b>
RFQ Procurement Process to Retain Engineering Consultant:	June 2022 - <b>Completed</b>
Retain Grant Administrator Consultant (locally funded):	December 7, 2023 (see next item)
Execute OCR Grant Agreement & Execute Agreements for Professional Services:	December 7, 2023 – <b>Completed by Village</b>
Submission of Local Recipient Administrative Plan & Section 3 Plan:	February 12, 2024 – <b>Completed by OCR</b>
Publication of NOI – RROF Environmental Notice:	January 4, 2024 – <b>Completed</b>
Request Release of Funds Submission:	January 17, 2024 – <b>Completed</b>
Project Design:	February 21, 2024
NYS OCR Review of Draft Bid Package:	January – February 2024
NYS OCR Release of Funds:	February – March 2024
Construction Bidding:	March 11, 2024
Award & Execution of Construction Contract:	March – April 2024
Construction:	On or before May 9, 2024
Conduct 2 <sup>nd</sup> Hearing:	May – November 2024
Project Completion:	October 2024
Project Closeout:	December 2024
	January 2025

- **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.

- DE will advise DHSES in January 2024 (following execution and approval of the Grant Agreement) that this funding is no longer needed as the project will be funded by CDBG.
  - **2024 OCR CDBG Application**
    - If there is a project work would need to start in March to submit in July
    - Possible projects:
      - Inflow and Infiltration – combination of study and construction rehab
        - Mark Blauer thinks that I & I work makes sense as a project. Other municipalities have had success which such applications, attacking their problems on an incremental basis.
      - Other?
        - To start this process, it is recommended that the Village (1) pass a motion setting a CDBG hearing at the March 2024 Village Board meeting and (2) pass a motion advertising for 2024 CDBG engineering services via RFQ.
    - As in other projects Mark Blauer would propose the typical application preparation contract. \$3,750 total billed 1/2 at start and 1/2 upon submission. Mark would not charge for at the time of application submission, and only upon successful award
    - Delaware will work with Dave B to refine possible work
    - **Therefore, should the Village agree with our recommendation, Delaware Engineering recommends the following:**
      - **The Village resolve to authorize the Village Clerk to schedule CDBG public hearing, date as agreed to with Mark Blauer**
      - **The Village resolves to authorize the Village Clerk to advertise for 2024 CDBG professional services via RFQ.**
- 5. DPW Site Groundwater Monitoring/DPW Garage Site Remediation**
- Nothing new this month
  - Based on sampling results still seeing values near garage indicating contamination remains
  - December 2023 sampling report indicated levels nearly the same (not detect) as in September 2023 for all monitoring wells MW-6, MW-19, VW-7
  - No analyzed VOCs were detected at concentrations greater than the laboratory reporting limit at monitoring wells MW-6, MW-19, VW-6 and VW-7.
  - Total VOC concentrations decreased at monitoring wells MW-22B (from 3.8 ppb to 2.9 ppb).
  - Total VOC concentrations decreased at monitoring wells MW-22A (from 63 ppb to 47 ppb).
  - Total VOC concentrations increased at monitoring wells VW-8 from 15 ppb to 43 ppb. Next sampling to be conducted in March 2024.
  - **Elm Street Well Remediation**
    - Working with the Village and NYSDEC to come up with a remediation plan including a plan to pump more water
    - Meeting was held on 11/21/23 with NYSDOH, NYSDEC, and Delaware Engineering to discuss. Action Items as follows:
      - Delaware to update draft monitoring plan, changes were made to reflect the wells we selected onsite and monthly monitoring as discussed on the proper Teams Meeting. Draft submitted to Labella, P.C. on 12/4/23.
      - The next step will be to share this plan with the wider group, including DEC and DOH.
    - Continue to meet with David Burke to gather historical information and discuss plans going 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
- A second meeting was held January 8, 2024
- Monitoring plan revised January 10, 2024 and recirculated to DOH and DEC
- On February 13, 2024 DOH issued comments to the Village of Liberty's request to increase the withdrawal rate from the Elm Street well

## 6. WWTP SDPES Permit

- **NYSDEC WWTP Upgrade Reviewed/Updated SPDES/Permit Review Meeting**
- NYSDEC Permits – Needs a list of priority pollutants of concern for Pepsico
- Wet Testing results submitted to NYSDEC on January 12, 2024 (no ecological impact at the current dose)
- Final permit pending (need list of pollutants of concern, see Pepsico below)
- NYSDEC proposing a lower CBOD limit and also have issues with current sludge dewatering chemicals.
- Containment slab/facilities added to Phase 1 to prevent potential stormwater impacts during bulk liquid chemical deliveries (work included in Change Order 8 to the General Contract for Phase 1)
- 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.
- WWTP NYSDEC SPDES Permit Renewal Meeting Follow-up and Plan Forward were distributed to involve 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 some 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 2 MGD flow, and WET testing will be needed to determine if the Village can continue to use the current chemicals for sludge dewatering.
- We have summarized WWTP data (2019-2023) and the current WWTP is able to meet the CBOD limit of 15 mg/L (daily maximum) now because flow is 40% of the permit, monthly averages 2-4 mg/L and 7-day maximums of 3-7 mg/L
- As flow approaches the permit limit, the WWTP may be challenged to meet 15 mg/L consistently.
- We are looking at some upgrade options and would make this upgrade a high priority item in the Town/Village Water Sewer Study.
- Water Treatment Chemicals
  - Based on September 1, 2023 NYSDEC 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.
  - A response letter acknowledges the WTC Authorization and accepting the CBOD limit, and was submitted to NYSDEC dated 11/30/23
  - On 12/5/23 NYSDEC confirmed via email receipt of the latter dated November 30, 2023 regarding the WTC authorization letters and comments on the proposed CBOD limit (see attached)
  - Based on the comments within the letter, DEC will continue work on the SPDES permit review for the Village of Liberty WWTP, and work to finalize the drafts as soon as possible for the public comment period.

## 7. PepsiCo

- A list of potential pollutants of concern was requested on 1/17/24. At that time MHE indicated that PepsiCo was pulling together tank history, description of waste streams production and cleaning chemicals, flows, operational and maintenance procedures and schedules, etc., to review with, and allow the Village determine what parameters that they want PepsiCo to Sample for when they remove the tanks from the aquifer protection zone, and to provide to NYSDEC for to finalize the SPDES Permit.
- A meeting was held on February 6, 2024 with Critical Path Engineering Solution and MHE engineering to review preliminary Phase 1 plans, and review pollutants of concern
- Below is a summary of action items:
  - To submit letter to Village outlining reasoning and measures that will be done to safely abandon tanks in place.
  - Submit MSDS to Village (Delaware Engineers) – ideally add approximate daily usage of chemicals as well as purpose of chemicals – also indicate which go down drain and which do not.
  - Village will send over any standards or details to be included in design –No standard details available, need to work with Dave Burke to tell what the Village wants (e.g. sanitary flows in discharge total, etc.)
  - MHE to get preliminary design into Village for review.
  - This project may or may not require a town meeting and approval – David Burke to let us know.
  - Perform sampling for priority list of pollutants and submit.
- Tank history/potential pollutants of concern (for Village and NYSDEC review) pending
- The Phase 1 upgrades were supposed to be completed summer/fall 2023 with monitoring to follow, that would help determine what treatment would be required for Phase 2. There have been some personnel changes in PepsiCo's Health, Safety and Environmental Dept., and Phase 1 upgrades have not been completed yet.
- • Based on a phone call from MHE Engineering, PepsiCo has been trying to contact the Village DPW regarding any requirements associated with abandoning or removing the tanks, roadway closure procedures during construction, etc. MHE Engineering is assisting PepsiCo's consulting engineer Sara Martin of Critical Path Engineering Solutions, with some local items (e.g., coordinating with the Village DWP, oversight during construction, etc.).
- • We have requested that the Village DPW reach out to Matt with MHE Engineering to discuss
- • Once PepsiCo has some feedback from the Village DPW they would formalize a plan for submittal to the Village for review.
- PepsiCo Email Update on Water Consumption (8/3/23)- paraphrased:
  - There are challenges attempting to install WW flow monitoring with our current system configuration.
  - WW flow monitoring will possible after Phase 1 upgrades
  - Most of our Facility water consumption is for domestic purposes (toilets 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
- Delaware followed up with PepsiCo on 11/27/23 for an update on Phase 1 upgrade, work, monitoring plan and timeline.
- Need to work with Dave Burke to set up meeting with PepsiCo and MHE to

understand progress and request list of priority pollutants (for WWTP SPDES Permit renewal, above)

- Need to do this soon to understand Phase 1 results and list pollutants concern (See WWTP SDPES permit renewal above.)

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

- Revised draft sent to the Town on 12/12/23, and to the Village Mayor and Dave B. on 1/17/24
- The Town is proposing a joint meeting in February/March
- Delaware working on a revised draft of this report
- Met with Dave Burke on October 13, 2023
- Working to revise this ASAP with David Burke and the Town
- Elm Street Well remediation and future use are key to this study
- Due to likely SPDES permit changes, a study to review the ability of the WWTP to meet the new CBOD daily maximum limit of 15 mg/L will also be added to the study recommendation

## 9. 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
- Anticipated EPG award notice in December 2023
- See 2024 OCR CDBG Application, above

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

- NYSDOH recently issued a draft amendment to the FFY2024 DWSRF IUP regarding the BIL Lead Service Line Replacement (BIL-LSLR) funding. Comments will be accepted via e-mail until 5:00 p.m. on Friday February 16, 2024 to [design@health.ny.gov](mailto:design@health.ny.gov)
- The result of this submission was that the Village was determined by EFC to be eligible for funding under the BIL LSLI grant program.
- **However, based on the draft IUP amendment, which was published by EFC in January 2024, it appears that the Village may not receive a grant**
- Grant funds for the program are limited, and it appears that a majority of the funding is scheduled to be awarded to large cities like NYC, Albany, and Rochester.
- Municipalities may provide comments to EFC, regarding the draft IUP amendment, before it is finalized.
- On February 14, 2024 Delaware submitted, is a draft comment letter to the Village to help municipalities comment on the draft IUP for EFC consideration. If the Village wishes to submit comments to EFC, this letter can be revised as necessary, signed, and submitted, by email, to [design@health.ny.gov](mailto:design@health.ny.gov).
- While it is possible that these comments could result in funding being awarded to a greater variety of small eligible communities, it should be understood that there is no guarantee that that the Village will be one of them.
- **The October 2024 inventory deadline remains**
- **The Village will need to continue to move forward with this recognizing that outside funding is unlikely**
- **Village should continue to organize information on lead services lines**
- **Therefore, should the Village agree with our recommendation, Delaware Engineering recommends the following:**



- **The Village resolves to authorize a Village Representative sign the letter and submit by email to NYSDOH via e-mail by 5:00 p.m. by Friday February 16, 2024 to [design@health.ny.gov](mailto:design@health.ny.gov).**
- 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 (e.g., MWBE, BABA, AIS, Davis Bacon, etc.).
- 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 (up to 70% funding possible)
- 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 25, 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](mailto: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 IUP..... August 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 Compilation .....September to October 2024
  - LSL Inventory Completed and Submitted .....October 2024

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

Deputy Mayor/Trustee Mir said that Attorney Silver is still working with the Town of Liberty, but there is no new information.

**NEW REAFFIRM JOINT MEETING WITH THE TOWN OF LIBERTY 2-21-24 AT  
BUSINESS: 6:30 P.M. REGARDING THE COMPREHESION PLAN**

Village Board unanimously agreed confirming February 21, 2024 at 6:30 p.m. for a Joint Meeting at the Town of Liberty Senior Center with the Town of Liberty to discuss the update of the Comprehension Plan.

**CONSIDER SUBMITTING STATEMENT REGARDING ARLINGTON PHARMARY RE: DISPENSARY LICENSE**

Deputy Mayor/Trustee Mir and Trustee Lake commented that they appreciate Arlington Pharmacy Dispensary for going through the appropriate legal process to get the dispensary up and running.

They said they would let the process take its course with the State of New York

**RESOLUTION  
#2-2024**

**CONSIDER MOU WITH CORNELL COOPERATIVE EXTENTION TO GET THE PORTABLE PEDESTRIAN CROSSING SIGNS**

Motion by Trustee Feasel, seconded by Trustee Aracci and unanimously carried Approving Resolution # 2-2024.

**WHEREAS**, the purpose of the Memorandum of Understanding is to recognize the interconnected and complementary nature of the services provided by Cornell Cooperative Extension and the Town and Village of Liberty;

**WHEREAS**, using grant funds from the New York State Department of Heath Creating Healthy Schools and Communities Initiative, Cornell Cooperative Extension Sullivan County will purchase nine portable pedestrian safety crossing signs to be placed at the following locations:

- Buckley Street/Willey Avenue Intersection
- North Main Street and Buckley Street
- North Main Street in the area of St. Peter’s Church and Lemonade Supermarket
- North Main Street and Law Street
- North Main Street and School Street (North of intersection)
- North Main Street and School Street (south of intersection)
- South Main Street and John Street
- South Main Street and Church Street

**WHEREAS**, the purchase includes delivery costs for all of the above-mentioned items with an agreement that the Town and Village will share ownership and responsibility for receiving the above items at the time of delivery;

**WHEREAS**, the Town and Village will share full responsibility for the maintenance and installation of the nine portable pedestrian safeties crossing signs; to be installed on or before September 7, 2024;

**NOW, THEREFORE BE IT RESOLVED**, the Village Board authorizes Mayor Stoddard to execute this agreement in conjunction with the Village of Liberty and Cornell Cooperative Extension of Sullivan County.

**CONSIDER SETTING A PUBLIC HEARING TO CONSIDER LOCAL LAW #1-2024 TO ALLOW HOME OCCUPATION R-1 RESIDENTIAL LOW DENSITY ZONING DISTRICT.**

**Consider Lead Agency – Proposed Local Law #1-2024**

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried declaring the Village as Lead Agency for Local Law #1-2024 – to allow home occupation R-1 Residential Low Density Zoning District.

**Set Public Hearing**

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried to schedule a Public Hearing for March 7, 2024 at 6:55 p.m. to consider Local Law #1-2024 to allow Home Occupation R-1 Residential Low Density Zoning District.

This proposed law must be sent to the County for 239-m review.

**DISCUSSION – NALOXE BOX (POLICE CHIEF D’AGATA)**

Motion by Trustee Feasel, seconded by Trustee Aracci and unanimously carried to place Naloxe (Narcan) boxes throughout the Village.

Police Chief D’Agata explained the Sullivan County Substance Abuse Task Force is willing to give us Naloxe Boxes (which contain Narcan) and these boxes will be located throughout the Village (one will be placed in the Municipal Building Hallway) and monitored by the task force.

**CONSIDER PAYMENT REQUESTS FOR WWTP PROJECT AND SUBSTANTIAL COMPLETION FORMS**

Motion by Trustee Feasel, seconded by Trustee Lake and unanimously carried authoring the payment of Application No. 14 for Electrical Contract No. VL1-E-21 to J & J Sass Electric, Inc. for the period of November 1, 2023 through January 31, 2024 in the amount of \$223,982.48, as requested by the contractor, including submittal of the payment request to N.Y.S.E.F.C, 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 for the Deputy Mayor/Trustee Mir to endorse the **Certificate of Substantial Completion** form for Contract VL1-G-21 – General, which Shall Fix the date of Substantial Completion as December 31.2023 and the final contract amount \$5,558,792.00 including the punch list items to be completed or corrected before final payment.

Motion by Trustee Aracci, seconded by Trustee Lake and unanimously carried authorizing Deputy Mayor/Trustee Mir to endorse the **Certificate of Substantial**

**Completion** form for Contract VL1-E-21 – Electrical which shall fix the date of Substantial Completion as February 2, 2024 and final contract amount of \$1,996,877.03, including the punch list of items to be completed to corrected before final payment.

**CONSIDER SCHEDULING 2024 CDBG PUBLIC HEARING AND ADVERTISE FOR 2024 CDBG PROFESSIONAL SERVICES VIA RFQ.**

Motion by Trustee Feasel, seconded by Trustee Lake and unanimously carried authorizing the Village Clerk to schedule CDBG public hearing date as agreed to with Mark Blauer to discuss a viable 2024 CDBG Project for submittal and to authorize Clerk-Treasurer Zurawski to advertise for the 2024 CDBG Professional Services via Request For Qualifications.

**CONSIDER AUTHORIZING VILLAGE CLERK TO ADVERTISE FOR 2023 CDBG AWARD OF CONSTRUCTION CONTRACTS**

Motion by Trustee Lake, seconded by Trustee Aracci and unanimously carried authorizing the Village Clerk to advertise for bidding in the Village’s official newspaper once the documents are ready for bidding and a bid notice will be provided.

**CONSIDER AUTHORIZING VILLAGE CLERK TO SUBMIT SIGNED LETTER TO N.Y.S.D.O.H.**

Motion by Trustee Feasel seconded by Trustee Lake and unanimously carried authorizing a Village Representative (the Mayor and all the Trustees signed the letter) sign the letter and submit by email to NYSDOH via e-mail by 5:00 p.m. Friday February 16, 2024 to [design@health.ny.gov](mailto:design@health.ny.gov).

**CONSIDER SATISFACTION OF JUDGEMENT – PETER PARKS**

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried authorizing Deputy Mayor/Trustee Mir to sign a Satisfaction of Judgement regarding Peter Park’s Restitution Order under the following conditions:

**The money will be sent to Sullivan County Probation who in turn will send the monies that are due to the Village to the Village of Liberty. The Satisfaction of Judgement will be held in escrow by the title company until Peter Parks pays the money and it is sent to the Village.**

The total amount due to the Village is \$4,160.00.

**BILLS FOR** Motion by Trustee Lake, seconded by Trustee Aracci and unanimously carried **PAYMENT:** approving Voucher #735 to Voucher #816 in the amount of \$284,042.75

**EXECUTIVE SESSION:** Motion by Trustee Feasel, seconded by Trustee Aracci and unanimously carried to go into Executive session at 7:41 p.m. to discuss a personnel issue in the Department of Public Works and Police Department.

Dave Burke, Director of Public Works and Police Chief D'Agata were invited into the session.

Motion by Trustee Feasel, seconded by Trustee Lake and unanimously carried to come out of Executive Session at 8:13 p.m.

**ADJOURN:** Motion by Trustee Lake, seconded by Trustee Aracci and unanimously carried to adjourn the meeting

**THE MEETING WAS ADJOURNED AT 8:13 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI, CLERK/TREASURER**