

REGULAR MEETING

FEBRUARY 16, 2023

The Board of Trustees held the Regular Meeting on February 16, 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, David Ohman (Delaware Engineering), Dan Fagnini (Delaware Engineering), Melissa Pena, Wendy Ayuso, Edward Lopez, Melissa Corigliano, Rose Ann Freeman, Bruce Davidson and Kathy Johansen (Liberty Central School)

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

WORKSESSION MEETING - JANUARY 26, 2023

CORRESPONDENCE: Mayor Stoddard said the Village has received the following correspondence

❖ NYCOM Advocacy Update 2.2.23

PUBLIC COMMENT: KATHY JOHANSEN – ART TEACHER/LIBERTY CENTRAL SCHOOL

Kathy Johansen, Art Teacher at Liberty Central School, discussed the student involvement that could be achieved with the Village with a grant thru Sullivan 180.

She explained that MRRB Designs (Liberty, NY) could produce 4 x 5 panels of the art work that is designed by the Liberty students that could be placed in the store fronts in the Village providing the Village communicate with the store owners to see if they are interested in the program.

She explained she has many students that see the beauty of the area thru their photography as well as some that design their own artwork.

Trustee Feasel and Trustee Aracci will spearhead this project and work with Kathy to get it started.

MELISSA PENA – ORCAHRD STREET RESIDENT

Melissa Pena said she is currently renovating her house in hopes of selling and moving out of the Village. She expressed her concern over the condition of

Orchard Street, including the Code Violations (Excess Garbage, Dogs, Piles of Tires and Unlicensed Cars) as well as the condition of the Street (pot holes).

Mayor Stoddard said they are aware of the problems the garbage/plow truck has on the street due to the parking situation and they are trying to find a solution for the residents, which may include a vacant parcel that could be used for parking.

Mayor Stoddard also said that she would make sure the Code Enforcement Officer goes to Orchard Street tomorrow to review the area.

MELISSA CORIGLIANO – CATSKILL MOUNTAIN SPA

Melissa addressed the Board over her concerns over the area surrounding her spa, which she recently opened on the corner of North Main and Law Street. She said her customers are uncomfortable with the loitering in the park (across from her business) and the people that often hang around on her steps.

Mayor Stoddard said that the Police Department is pushing to make sure that they are very visible on Main Street and that they do patrol Lapolt Park (the Park is actually Town Property).

Rose Ann Freeman came to support Melissa as she said she also works with her at the spa and finds it to be of great concern when people are hanging around the building.

BRUCE DAVIDSON – OWNER LIBERTY THEATER

Bruce asked the Board if they would consider selling the municipal parking lot off of Church Street. He said he would like to acquire it for valet parking for his theater once it is open.

Attorney Silver said he did not know if it was possible to sell it since it is not labeled as surplus but he would research it and report back to the Board.

ATTORNEY Attorney Silver did not have any comments other than those related to agenda **COMMENTS:** items.

TREAS Treasurer Zurawski's written report is summarized below:
REPORT:

- ❖ List of Current Taxes and collections thru 1/31/23 of which there is \$273,657.14 outstanding. The current taxes are 93% collected.
- ❖ List of Delinquent Taxes, which as of 1/31/23 is \$301,945.77 not collected.
- ❖ Starting and Ending Central Check Numbers for January 2023
- ❖ Starting January 2023 Central Check #18094
- ❖ Financial comparison of General, Water, Sewer and Sanitation

**TABLED DELAWARE ENGINEERING – UPDATE ON PROJECTS
BUSINESS:**

David Ohman and Dan Fagnini presented the following report:

1. Lily Pond Road Bridge Waterline

- Board Action Required at Tonight’s meeting:
 - None
- **Construction Status Update**
- The County has completed all bridge work, and reopened the road
- The temporary watermain has been installed and was put into service on 8/22/22. Line will remain in service until the new line work is complete in the spring.
- At the December 2022 Department Head meeting, the Village decided that it would be best to run on the temporary line until spring time and wait for warmer temperatures to fix the leak and bring new watermain online.
- We worked with the County, Village and Osterhoudt to identify freezing protection measures (e.g. some frost/concrete curing blankets fastened to the above grade piping, and staked on grade where depth of burial is less than 3’). The County also discussed increasing depth of burial with more backfill in these areas.
- Frost protection blankets were installed on January 18 on the temporary pipe across the bridge and over the partially buried ends.
- Remaining to be completed in the spring
 - Investigate leak on the south end; address leak and replace valve? This work may require Village temporary water service to some Parksville area – Village’s plan to do so will be confirmed in advance of performing this work.
 - Pressure/leak testing, disinfection testing, complete insulation of piping, demo and removal of temporary structures/items and site restoration.
- 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
 - SCDPW Support System and Anchors – **IMA/Invoice Pending**
 - 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

ESTIMATED COST SUMMARY

	April 20, 2022 Bid Results	May 2022 Estimated/Budget Cost	November 2022 Estimated Cost Osterhoudt
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"> • Support System and anchors (SCDPW) 	-	\$25,000	\$ 25,000 (cost pending)
<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 	-	\$40,506	\$32,667.50 \$23,750.50 \$14,375.00
<ul style="list-style-type: none"> • Support System - Beam (Sherburne SS) - Paid 	-	\$8,425	\$ 8,425
<ul style="list-style-type: none"> • Install Piping, Materials & appurtenances, support system and testing (SCDPW) (Cost Pending) 	-	\$25,000	\$25,000 (cost pending)
<ul style="list-style-type: none"> • Technical oversite 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) (Cost pending) 	-	\$ 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"> • Misc Other Cost 		\$ TBD	\$ TBD
Total Construction Cost	\$259,000	TBD	\$ TBD
Other Miscellaneous Costs			
<ul style="list-style-type: none"> • Engineering (Delaware Engineering D.P.C.) 		TBD	TBD
<ul style="list-style-type: none"> • Village Attorney (Legal Counsel) 		TBD	TBD
Contingency	-	TBD	TBD
Total	\$ 259,000	\$179,931	\$203,384
Village Budget	\$ 150,000		
Paid to Date			\$113,384
ESTIMATED BALANCE TO FINISH			\$ 90,000

Based on February 2023 discussions with the County, their costs may be less than budgeted above

2. WWTP Upgrade

Board Action required at tonight's meeting:

- **WWTP Phase 2 –**
- **Review status of Phase 2 Schedule**

- WWTP Phase 1 Consider Applications and Certificate for Payment approval Payment No. 10 from General Contractor – Eastman Associates, Inc. - in the amount of \$100,429.25
- Payment No. 5 from Electrical Contractor – J & J Sass Electric Inc., in the amount of \$67,013.29
- Payment No. 4 from Plumbing Contractor – Treffeisen in the amount of \$773.30
- Payment No. 6 from HVAC Contractor – Treffeisen in the amount of \$22,762.00.

For the Enhanced Sludge Project – Phase 2

- **At the January 26 meeting the Village Board resolved to move forward with WWTP Upgrade Option 3B – Phase 2 (with septage receiving) for the CWSRF Project No. C3-5352-02-01. WWTP Phase 2 Upgrade – Solids Process and handling, only upon receipt of a WIIA grant, understanding that Septage Receiving will be designed and bid as bid alternate and the Village will have the ability to decide if they want to move forward with Septage Receiving at time of award of the construction contracts.**
- **At the January 26 meeting the Village Board resolved to authorize the Mayor to check the box with the wording that the Village would like to proceed with the CWSRF financing for CWSRF Project No. C3-5352-02-01 WWTP Phase 2 Upgrade – Solids Process and handling:**
 - √ only upon receipt of a WIIA grant
- **On January 27 Delaware notified NYSEFC via email that at the January 26 meeting the Village Board agreed to return the Reply Form indicating that the Village would like to proceed with the CWSRF financing “√ only upon receipt of a WIIA grant”, and that we are working with the Village on a Reply Form follow-up response package for EFC consideration that will further explain that Village’s desire to move forward with forward with the project.**
 - **Will need NYSEFC to clarify how waiting for WIIA determination in November – December 2023 will affect the 0% Loan Hardship determination received on 2021 which has a September 2023 deadline to execute a Project Financing Agreement (can hardship deadline be extended?)**
- **We continue to develop/refine the Anticipated Project Schedule and we are working on the Reply Form follow-up response package, we are working with NYSEFC to understand the NYSDEC requirements for the Permit Modification which may be necessary to add the ATAD process and Environmental Justice program (Enhances Public Participation) Requirements.**
- **The near-term critical path from the updated schedule is as follows:**
 - **At the February 16, 2023 meeting** we review with the Village the refined scope of work and cost and Village agrees to scope and cost to authorize Delaware to update project listing form and submit updated project financing application and PER Amendment and to request a Supplemental Bond Resolution for Phase 2 work from Bond Counsel for the agreed to revised project cost.
 - **By March 15, 2023**, Bond Counsel provided Supplemental Bond Resolution (current BR is \$7.8M?) and associated instructions and documents to the Village Clerk.
 - **At the March 16, 2023** meeting the Village adopts Supplemental Bond Resolution for Phase 2 work subject to permissive referendum and estoppel.

- **More Background/history on NYSEFC WIIA Program**
- Currently the Phase 2 project is listed on the IPO at \$7.1M and NYSEFC has advised Village in November 2021 that it is eligible for hardship 0% loan but has not been elected for WIIA grant.
- SRF application and PER have been submitted to NYSEFC as part of the last WIIA grant application.
 - We have submitted CWSRF and WIIA funding applications but did not receive WIIA grant (April 2022 letter) so project is currently on hold.
 - We worked with Village to submit another WIIA application in September 2022
 - NYSEFC announced WIIA Awards on 11/3/22
 - The Project was NOT Selected for WIIA grant (25%) Award; in like most other grant programs, EFC does not provide a scoring rubric for projects requesting WIIA funding (this is somewhat subjective vs hard scoring). They do, however, provide a list of 5 evaluation criteria:
 - Water quality improvement or reduction in risk to public health
 - Financial needs of the community
 - Readiness to advance construction
 - Level of demonstrated community support
 - Consideration of environmental justice areas
 - We confirmed that sludge treatment and disposal facilities are eligible projects under the WIIA program
 - The Phase 2 project checks 4 of the 5 boxes, but ultimately the project will not result in water quality improvement or in a reduction in risk to public health
 - The Village could apply in the next round, like in early September 2023 but not sure it will score high enough to get funded
 - On November 14, 2022 the Village received that the project was not selected to receive an award during round. A reply was included for the Village to fill out the form letting EFC know what the Villages plans are.
 - On December 29, 2022 the Village received a follow-up email on the Villages interest in moving forward with the SRF loan, even though they were not awarded the grant. We notified EFC that we are currently reviewing the impact on rates of pulling select pieces of Phase 2 into the current Phase 1 project as well as looking at the rate impact of doing all of Phase 2 with several funding options and that we are planning to look at the rate impact of doing all of Phase 2 with several funding options and that we are planning to discuss this with the Village at the January 19, 2023 meeting and would then get back to NYSEFC.
 - **NYS WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT OPPORTUNITY**
 - CWSRF and WIIA funding applications submitted for 2021-22 state fiscal year – SFR – No Hardship, WIIA – Grant Denied (4/22)
 - On July 7 the New York State Environmental Facilities Corporation (EFC) is offering \$225 million in grants for clean and drinking water (WIIA) projects during the 2022-23 state fiscal year
 - The deadline to submit your application is 5:00 p.m. on Friday, September 9, 2022
 - Available Funding
 - WIIA Clean Water Projects
 - An applicant with an eligible clean water project may receive an WIIA grant award as described below:

- A project, including phases of the project, would be awarded up to the lesser of \$25 million or 25% of net eligible project costs
 - New online WIIA/IMG Application
 - All remaining items that need to be done for the redo of the Phase 2 WIIA application before September 9, 2022 have been complete
 - NYSEFC conformed receipt of WIIA Application on 9/6/22
 - At the July 2022 meeting the Village Board resolved to:
 - Authorize submission of the New York State Environmental Facilities Corporation's Water Infrastructure Improvement Act Grant Application for the Phase 2 WWTP Upgrade Project
 - Authorize the Mayor to endorse the attached NYSEFC form to serve as the applicant representative, and
 - Authorize Delaware Engineering to submit the 2022 NYSEFC CWSRF WIIA application
 - We worked with Judy to complete the PLUS Update form and checked the box indicating desire for BIL funding
 - We prepared a letter to NYSEFC from the Mayor expressing interest in BIL funding and advising EFC of the project status, need for the project, etc. – letter to be attached as with PLUS listing and also be emailed directly to the NYSEFC program coordinator for BIL as well as our project program engineering contact Jon Amos and his superior Bill Brizzell.
 - Robert and Dan worked with Judy to get the listing update and letter uploaded and emailed before 4 pm on June 17, 2022.
- **More info on WIIA FYI**
 - Other Background/History Information:
 - Put in a new Project Listing (PLUS) in April 2020 for \$8.2M update in 2021 once form update is requested by EFC
 - Completed SEQOR again for the entire project – determination completed at August 20, 2020 Board Meeting
 - Did new Bond Resolution for the Phase 2 project – done at September 3, 2020 meeting, Notice of Estoppel appeared on November 20, 2020.
 - Prepared and submitted new Engineering Report to NYSEFC – DONE submitted NYSEFC on September 18, prior to September 21, 2020 deadline to finalize the IUO and get on the annual list for financing.
 - Prepare a new Smart Growth Form and submit to NYSEFC. DONE and submitted NYSEFC on September 18 – Reviewed with Village and had the Mayor sign at the September 17 meeting, and submitted to NYSEFC prior to September 21, 2020 deadline to finalize the IUO and get on the annual list for financing.
 - NYSEFC released the CWSRF Final Intended Plan (IUP) for FFU 2021. The Phase 2 project is listed with a budget of \$8.2M.
 - Funding Application (CFA program) including the WIIA Grant funding up in the air right now – nothing set for this year.
 - On January 6, 2021 the Village received notice that Phase 2 (Sludge Handling) of the Village's WWTP project will not qualify for 0% Hardship financing, as the base project score is below the Hardship Funding Line in the 2021 IUP.
 - Village received Hardship Eligibility Letter from NYSEFC on November 29, 2021 stating that this project is eligible for 0% loan/interest free financing with up to 25% grant possible.
 - April 20, 2022 NYSEFC posting of awards – this project did not get WIIA grant.
 - **Other Possible Additional Financing Opportunities**
 - **Bipartisan Infrastructure Law (BIL)**
 - NYSEFC and NYSDOH will be administering new federal funds from the BIL

- 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
- Latest since the last Board meeting, 2023 DRAFT Clean Water Revolving Fund (CWSRF) Intended Use Plan (IUP) and associated documents for public comment, with BIL General Supplemental Funding came out on August 18, 2022 – Webinar scheduled for September 12, with comments due back by September 20, 2022.
- We are looking to understand how this will affect this project – not completely clear at this time
- As before, we have a number of questions into NYSEFC and do not have all the answers yet
- We will continue to seek answers from NYSEFC
- We will advise as we receive more information
- 2023 IUP will be finalized in the near future
- This project was not selected for BIL grant (50%) Award in 2022
 - Project Blended Affordability Score = 52
 - BIL Funding Line = 62-63
 - BIL line may move up or down in next rounds but likely that competition will increase
- Anticipate reapplying in 2023

- **Update/Review of Project Progress for Phase 1 WWTP Upgrade:**

- **Other Possible Additional Financing Opportunities**
 - **Bipartisan Infrastructure Law (BIL)**
 - Phase 1 – This project is not eligible for BIL General Supplemental Funding
 - **Update/Review of Project Process**
 - Construction – General
 - Control Bldg, Influent Building & Sludge Building Improvements
 - Brick pointing may require additional attention
 - Brick cleaning may require additional attention
 - Painting of building façade – Pending
 - Control Bld, bathroom and locker room floor tile – Work Complete
 - Influent Channel Process Improvements
 - Grit Tank Work (screen, collector, gates, diffusers)
 - Grit – Underway
 - Gates – Done
 - Mechanical Screen - Underway
 - Grit Blower – Demoed and prepped new pad, one pad installed, one pending
 - 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
 - Grit Area siding – Work Complete
 - Other Work (e.g. process pumps and piping, etc.) – Pending

- Secondary Clarifier Process Improvement
 - Value Replacement – Work Complete
 - Clarifier Equipment Preliminary Demolition – Work Complete
 - Clarifier Equipment Full Demolition – Work Complete
 - Clarifier Tank Repair – Half of repair complete, Pending Weather
 - Clarifier Equipment Painting – Work Complete
 - Clarifier Equipment Installation – Ongoing (80%)
 - Site restoration – Pending
- 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 #2 Installed – Electrical Connection (temporary)
 - RAS Pump #2 Check Value – Under investigation
 - RAS Pump #3 Installed – Pending piping and valves completion
 - RAS Pump #1 Pad (pump, pad & valves) – Pending Startup of Pump #3
 - Effluent water system feed (for future/Phase 2) – Work Complete
 - Post Aeration Blowers – Pads Complete
 - RAS Pump – One (1) delivered
 - Post Aeration Tank – Drained for work
 - Stormwater Retention Basin Improvements – Work Complete
 - New Electrical Building
 - Floor Slab – Work Complete
 - Siding – Mostly Complete
 - Interior finished – Work Complete
 - Roof installed, flashing, & trim work – Pending
- SCADA & Instrumentation
 - VFD's – Anticipated to be delivered to the site during the week of 2/18/23 (except 1)
 - Instruments – Anticipated to be delivered to the site during the week of 2/13/22
- 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
 - 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
 - Power up temporary facilities
 - Installing under slab conduits – Work Complete

- **New electrical panels to be installed immediately following delivery**
- 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 to one tank – Ongoing
 - Installed new power panel – Ongoing
 - Installing new lighting – Ongoing
- Sludge Building Service upgrade (CO#3) galv. Conduits – Ongoing
 - Installing conduits for equipment – Ongoing
 - Installing conduits for SCADA - ongoing
- Sludge Building
 - Blower Room – Lights & Heating conduit – Work Complete
- Oxidation Ditch
 - Install new conduits & conductors to Ox Ditch mixers and CPs – Work Complete
- Secondary Clarifier – Connected with temporary power
- Site Work
 - New underground duct bank, layout complete, installation – Work Complete
- **New disconnect, four (4) received, tentative/anticipated delivery date is 2/13 – 2/24**

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

- Not onsite
- Sludge Building Water Service – Work Complete, DOH Compliance testing pending
- Control Building Kitchenet – Work Complete

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

- Not onsite
- Provide schedule for new roof curbs (GC anticipates roof installation by April 30)
- Control Building heaters – Ongoing
- Electrical Building HVAC - Ongoing
- Influent Building heater installation (1) – Work Complete
- Sludge Building heater installation (2) – Ongoing, one heater installed, temporary power
- **NYSEFC Additional 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

- **CONSTRUCTION CONTRACTS**

- **Payment Requests:**

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

- Application and Certificate for Payment No. 9
 - At the January 26 meeting Village resolved to authorize the Village Clerk to process Payment Application No. 9 to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of December 1, 2022 through December 31, 2022, in the amount of \$290,803.59 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.
- **Application and Certificate for Payment No. 10**
 - **The full application package provided to the Village Clerk under separate cover on 02/14/23**
 - We have reviewed the Payment Application from Eastman Associates, Inc. the contractor for the subject project, for the period of January 1, 2023 through January 31, 2023 in the amount of \$100,429.25, for partial payment for Compressors and Grit Separator Purchases, Piping and Valves and Secondary Clarifier Install and Post Aeration Blowers Install
 - The total cost to date of \$2,585,829.26 equates to 48.00% of the contract price with a balance to finish, including retainage of \$2,780,083.56.
 - 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. 10, to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of January 1, 2023 through January 31, 2023 in the amount of \$100,429.25, 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. 10, to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of January 1, 2023 through January 31, 2023, in the amount of \$100,429.25, 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. 4
 - At the January 26 meeting the Village resolved to authorize the Village Clerk to proceed to process Payment Application No. 4, to Electrical Contract No. VL1-E-21 for J & J Sass Electric, Inc. for the period of November 1, 2022 through November 30, 2022 in the amount of \$96,188.92, 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.
- **Application and Certificate for Payment No. 5**

- **The full application package provided to the Village Clerk under separate cover on 02/14/23**
- We have reviewed the Payment Application from J & J Sass Electric, Inc., the contractor for the subject project, for the period of December 1, 2022 through January 31, 2023 in the amount of \$67,013.29, for partial payment for Control Building Improvements – Labor and Materials, Sludge Building Improvements – Labor and Materials, Influent Building Process Improvements – Labor and Materials, Oxidation Ditch Process Improvements – Labor and Materials, Secondary Clarifier Process Improvements – Labor and Materials, Sludge Building Process Improvements – Labor and Materials, Yard Piping – Labor and Materials, Site Work – Labor and Materials, New Electrical Building Improvements – Labor and Materials, Miscellaneous Items/Other Expenses, and NYSEFC Contract Compliance Work and partial payment for Change Order #3.
- The total cost to date of \$589,039.71, equates to 31.2% of the contract price with a balance to finish, including retainage of \$1,300,266.29.
- 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. 5, to Electrical Contract No. VL1-E-21 for J & J Sass Electric Inc. for the period of December 1, 2022 through January 31, 2023 in the amount of \$67,013.29, 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. 5, to Electrical Contract No. VL1-E-21 for J & J Sass Electric, Inc. for the period of December 1, 2022 through January 31, 2023, in the amount of \$67013.29, 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, with the release of funds (check) contingent upon Contractor providing Eastman Associates, Inc. acceptable schedule information.**
- **Contract No. VL1-P-21 – Plumbing Construction**
 - Application and Certificate for Payment No. 3
 - At the Jan 26 meeting Village resolved to authorize the Village Clerk to process Payment Application No. 3 to Plumbing Contract No. VL1-P-21 for A. Treffeisn and Sons, LLC. for the period of December 1, 2022 through December 31, 2022, in the amount of \$3,651.80, 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.
 - **Application and Certificate for Payment No. 4**
 - **The full application package provided to the Village Clerk under separate cover on 02/14/23**

- We have reviewed the Payment Application from A. Treffeisen and Sons, LLC, the contractor for the subject project, for the period of January 1, 2023 through January 31, 2023 in the amount of \$773.30, for partial payment for Influent Building Materials Presently Stored.
 - The total cost to date of \$8,398.00 equates to 7.00% of the contract price with a balance to finish, including retainage of \$107,091.60.
 - 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. 4, to Plumbing Contract No. VL1-P-21 for A. Treffeisen and Sons, LLC. for the period of January 1, 2023 through January 31, 2023 in the amount of \$773.30, 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. 4, to Plumbing Contract No. VL1-P-21 for A. Treffeisen and Sons, LLC. for the period of January 1, 2023 through January 31, 2023, in the amount of \$773.30, 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. 5
- At the January 26 meeting the Village resolved to authorize the Village Clerk to proceed to process Payment Application No. 5, to HVAC Contract No. VL-1-HV-21, A. Treffeisen and Sons, LLC, for the period of December 1, 2022 through December 31, 2022 in the amount of \$8,341.00, 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 receipts of reimbursement from NYSEFC.
- **Application and Certificate for Payment No. 6**
 - **The full application package provided to the Village Clerk under separate cover on 02/14/23**
 - We have reviewed the Payment Application from A. Treffeisen and Sons, LLC, the contractor for the subject project, for the period of January 1, 2023 through January 31, 2023 in the amount of \$22,762.00, for partial payment for partial payment for Control Building Demo, Control Building Heater Materials and Labor, Influent Building New Electric Room heaters, Fan and Louver, Materials and Labor, and Influent Building, Heaters Labor.
 - The total cost to date of \$53,416.60 equates to 42% of the contract price with a balance to finish, including retainage of \$71,871.18.
 - 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, to HVAC Contract No. VL1-HV-21 for A. Treffeisen and Sons, LLC. for the period of January 1, 2023 through January 31, 2023 in the amount of \$22,762.00, 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. 6, to HVAC Contract No. VL1-HV-21 for A. Treffeisen and Sons, LLC, for the period of January 1, 2023 through January 31, 2023, in the amount of \$22,762.00, 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.**
- **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
 - **No New Change Orders this month**
 - **Possible/Pending Change Order(s)**
 - Secondary Clarifier Slab Repair
 - \$7,500 tank repair allowance
 - Eastman estimate = \$9,464
 - Work needs to be done. Dennis is tracking T & M, will work additional cost into a change order at a later date
 - Control Floats & HOAs for New Equipment in Existing Panels
 - Control Floats
 - Stormwater Basin (2-floats)
 - Drain Well (3-Floats)

- HOAs
 - HOAs for New Equipment in Existing Panels
 - Grit Screw Collector (2)
 - Sludge/Stormwater Blowers (2)
 - Drain Well Pump (1)
 - **Cable Internet (Spectrum to WWTP)**
 - **\$29,475 10.13.22 Quote**
 - **(\$8,000) Deduct**
 - **\$21,475 Net Cost to Village as Direct expense (no markup)**
 - **\$24,700 Net Cost to Village as through the Contractor (15% O&P)**
 - **EFC has confirmed that this work is eligible as long as we can provide justification on how this will help the plant (remote access to SCADA system, real time data, etc.)**
 - **Does Village want to proceed with this now? Yes/No?**
 - **Is so, do thru Eastman as a change order?**
 - **Or do as a direct expense thru the Village – maybe save \$3,225**

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**
 - Totaling \$18,306
 - Approved by NYSEFC on 11/30/22
- **No new Change Orders this month**
- **Pending Change Orders (s)**
 - **None**

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
 - **No New Change Orders this month**
 - **Pending Change Orders (s)**
 - **None**

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** – Update Davis Bacon Wage Rates
 - No cost change
 - Approved on 6.24.22 by NYSEFC
- **Change Order No 3**
 - Item 1 – New Sludge Building Exhaust Fan

- Totaling \$8,387.78
- Approved by NYSEFC on 11/30/22
- Change Order No. 2
 - At the October meeting the Village Board resolved to authorize the Mayor to execute Change Order No. 3 for Contract No. VL1-H-21, in accordance with the scope and costs of the 9/13/22 change proposals by A. Treffeisen & Son, LLC, in the total amount of \$8,387.78; which will increase the cost of the contract to \$125,287.00 (previous contract amount of \$116,900 plus \$8,387.78).

- **No New Change Orders this month**

- **Pending Change Order(s)**

- **None**

- **Monthly Construction Meeting**

- The latest monthly construction meeting was held on site on 02.08.23 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
- **Eastman was not on site this week, plans to return next week**
- Excerpt from the Revised Anticipated Project: **Project has pushed about 1 month**

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 Pre-Construction Meeting (March 23 rd)
March 2022 – August 2023	Construction to Substantial Completion (Eastman Schedule shows 8/31/23, needs input from EC)
September 2023	Construction Completion (Final) and Project Closeout
November 2023	Long Term Loan Closing

- **Document Collection - Ongoing**

- **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**
- The Village is required to maintain the forms and documents outlined in Section 8 Summary of Contractor Requirements for SRF-Funded Projects, from Guidance on Mandatory State Revolving Fund Terms and Conditions
- EFC will conduct a review of construction progress and program related documents
- The Village will need to produce any and all of the forms and documents from the summary

- This review could occur during construction or at any time after the project has been complete
- Please be prepared to provide any miscellaneous and related documents request by the Village or EFC and complete and timely manner
- As part of the construction phase of the Village of Liberty project, 5352-02-00, EFC has begun its review of construction progress and program related documents
- A request for the required documentation was sent to the project managers for the prime contracts on 12.28.22. Required documentation generally includes, but may not be limited to:
 - Subcontracts with Lobbying Certs
 - MWBE-SDVOBE Monthly Reports with proof of payment
 - Certified payroll form with accompanying Statement of Compliance (DB)
 - AIS Certification

- **Professional Services Contracts**

- **Nothing new this month**

WWTP Upgrade Project

- At the November 5, 2020 meeting, the Village Board resolved to authorize the Mayor to endorse Professional Services Contract Amendment No. 1, 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

- **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 funds.**
- 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 contract 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**
- DASNY willing to move \$100,000 - from the Bonacic grant commitment associated to cover some of the 2017 NYSDEC clean-up costs (no costs info/request ever provided by NYSDEC) - into the electrical improvements for the Wellfield and add on to that \$100,000 reimbursement contract.
- We updated the cost estimate for the work from 2 years ago to \$200,000 (full grant amount with no Village contribution) and provided Judy with DASNY – requested information on March 31, 2022 to update Grant #11665 for electrical improvements work
- Received June 2022 request from Senator Martucci’s office to provide more information to support moving \$100,000 from Grant #9119 into #11665
- We worked with Judy to get the information requested back to Martucci’s office
- In light of pending NYSDEC cleanup cost correspondence, should the Village pull back the request to Sen. Martucci and consider putting #11665 funds back to #9119 to provide \$200,000 for the cleanup costs?

4. Rail Trail Area Culvert Drainage/Blockage

- Board Action Required at Tonight’s meeting:
 - None
- **2022 CDBG Application**
 - **List of awards published on November 15, 2022 did NOT include this project**
 - **The Village wants to resubmit to CDBG again since this appears to be the only reasonable source of grant funding.**
 - **Exit interview call with OCR, Mayor Joan, Judy, Mark Blauer and DE set for 2/22 at 11 am**
- **Hazard Mitigation Grant Program (HMGP) – FEMA & Dept. of Homeland Security**
 - **All information submitted in July 2022. Awaiting further information**
 - Project is identified in the Sullivan County Multi-Jurisdictional Hazzard Mitigation Plan (SCMJHMP)
 - Programs offers up to 90% grant, normally 75% grant
 - Delaware completed the application and it was submitted on 6.1.22
 - Could take up to 1-year before award determinations are made
 - The Village received RFI from DHSES – Rail Trail Area Culvert – August 15, 2022 Formal RFI Response from DHSES
 - This request for information (RFI) identifies additional items necessary, to complete you sub application(s)
 - Please work through each item listed below, clearly label any new supporting documentation included, and complete all forms provided, prior to submitting the completed RFI
 - All items requested are due to AndreaSangrey@dhSES.ny.gov for final review no later than August 26, 2022 (10 business days from the date of this letter)
 - At the August 18 meeting the Village Board resolved to adopt a resolution to commit to the Village to provide up to the estimated 10% project cost match, if funds are awarded for the HMGP/FEMA/DHSES sub application, and authorize Village Mayor to sign the letter

- Delaware Engineering submitted the RFI response package on 8/26/22

5. DPW Site Groundwater Monitoring/DPW Garage Site Remediation

- Based on sampling results still seeing values near garage indicating contamination remains
- December 2022 sampling report indicated levels slightly lower than September 2022 for the MW-22B & MW-22A and slightly higher for MW-8
- **Next sampling to be conducted in March 2023**

6. NYSDOH Water System Inspection/Cross Connection Control Program

- **Delaware will submit a draft soon for Village Board, Village Code & Village Attorney Review**
- 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

- **February 2023 Update**
- On 9/1/22 received notice from NYSDEC that the full application is required by October 7, 2022
- NY-2A Package submitted 10/5/22 ad NYSDEC confirmed their receipt
- Background
- On 1/7/22 the Village received a SPDES Permit Request for Information for the Wastewater Treatment Facility
- On 3/1/22 NYSDEC sent a notification to remind the Village that the NYSDEC has sent the attached Request for Information regarding the Village of Liberty Wastewater Treatment Facility. The requested information is due back to NYSDEC by 4/7/22.
- A follow up email was received last on April 8 requesting an update.
- We responded on April 21 to DEC with the following:
 - Delaware is working with the WWTP to complete the required sampling, and staff is working on completing the application form – sampling was completed the week of 4/18/22.
 - Response to the Request for Information is anticipated to be ready to submit to NYSDEC by Mid-May

- NYSDEC responded on April 21 that this timeline is acceptable.
- We will continue to work with Mark to acquire the sampling results data and will summarize that data and other forms, info and get back to NYSDEC.
- May 2022 Update
 - We have received a majority of the test results from the Village and the data received has been entered into the NY-2A form
 - Some results have not yet been received from the lab and there were several parameters which used the incorrect testing method. We reviewed the list of missing data with the laboratory and we have requested sample bottles from the lab to be delivered to Village to resample for these parameters
 - We notified NYSDEC that we can't give you definite timeline of when we can expect to have the complete NY-2A Application, but we will update you once we receive the remaining test results
 - NYSDEC indicated that there was no rush on this technical review, the permit has been administratively renewed for several more years
- June Update
 - Sampling results anticipated to be back on time.

8. Liberty Ridge Development

- **Nothing new this month**
- At the May 19 meeting, developers' rep advised to consider connecting to the sewer main located on Buckley Street rather than line on West Street that flows into line behind former Yaun bldg. and Green Lane.
- Nothing new received by DE
- Consider checking flow in manholes on Buckley and downstream with Lynn.

9. PepsiCo

- **Wastewater sampling conducted in November 2022 – received from Mark Kellam from PepsiCo**
- **BOD5=8110m mg/l, COD = 11,700 mg/1, TSS 404 mg/1, pH 4.8, FOG = 54 mg/1**
- This analysis is Part of PepsiCo's ongoing efforts to design and implement an engineering solution for their waste management. This may include future wastewater treatment. The entire scope of the project is still being assessed. PepsiCo will be continuing to do analysis like this to further characterize their wastewater in the coming months.
- What are the plans for the facility?
- Will there be more buildings?
- More water needed or wastewater discharged?
- Reviewing discharge data with WWTP staff

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

- **Held a kick off meeting with Town on November 14, 2022**
- **Meeting minutes and questions for the Village will be available in a few days and we will share with the Village once available**
- **Need info from Village on water and sewer needs as well as available capacities, improvements desired/needed for short term and long term, etc.**
- **Will want to meet with Town and Village sometime in early December – what dates and times work well for Mayor and Fred and likely Lynn and Mark**

- **More soon**
- Will involve planning staff as well as Town and Village water and sewer staff
- At the September 6, 2022 meeting the Board authorized the Town Supervisor to endorse the Economic Development Water and Sewer Infrastructure Capacity Planning Study, dated August 15, 2022 to conduct:
 - Economic Development Water and Sewer Infrastructure Capacity Planning Study
 - Update to Parksville Sewer Service Alternatives Study
 - Select Grant Writing

11. Sullivan County Land Bank – North Delaware Avenue

- **Asked by Jill Weyer to look at potential use of property**
- **We understand at last meeting there was interest expressed for this to be taken over by the Village and used as low impact park – does Village favor the park plan? Or consider to residential development?**
- **Sewer and water is available at both ends of those properties correct?**
- **County also requested Delaware assist with looking at 13 more properties – will share list with the Village and keep you in the loop on our recommendation.**

12. NYS DOH – Water Supply Emergency Response Plans Update

- **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.**
- **We will work with the Village to update these**
- **The Village also received an email (11/16/2022) from the EPA regarding Certification of the ERP. The EPA requirements for the ERP differ slightly from the NYS requirements.**
- **Delaware will work with the Village to reconcile discrepancies between the Federal and State requirements to allow for the submission of the EPA certification. EPA certification is an online form.**
- **Presently, less than 5% of the water systems in NYS have certified their ERPs with the EPA.**

13. Sanitary Collection System I/I Investigations

- **Delaware had a conference call with Steve Grimm of New York Rural Water Association (NYRWA) to understand what services are offered – Smoke Testing, Camera Work, etc.**

- NYRWA was booked up for the rest of the year, but recommended that the Village call in January 2023 to schedule sewer I/I investigation for the 2023 season.
- The Village will need to define their desired area of investigations (e.g., smoke testing on/n the Main Street area)
- **The Village needs to contact NTRW soon if they want to reserve these services**
- **For smoke testing, NYRW will require three (3) personnel during testing, and the Village will need to provide the liquid smoke. There is no fee for this service.**
- **For camera work, NYRW will require three (3) personnel during work. This is a \$300/day maintenance fee, and the Village has to provide a UBS Storage Device**
- **The Village does not have municipal force to help with traffic control for 2 days**
- **We reached out to NYRW earlier this week and these are the dates that are available for investigations: 6/26 – 6/30, 7/5 – 7/6, 7/24 - 7/27, 7/31 – 8/4, 8/21 – 8/31, 9/5 - 9/7, 9/11 – 9/14, October?**
- **We can email to reserve dates, and time is of the essence, these are the only dates left since opening up on 1/2/23**

15. Church Street Culvert Repair

- Two galvanized culvert pipes by the Jeff Bank (4-foot diameter) because the bottoms are rotting out, which is causing sink holes in the Jeff Bank parking lot
- The Village desired to seek a grant for the two galvanized culvert pipes by the Jeff Bank
- There is a lot involved with culvert work – NYSDEC permits, fish passage, etc.
- Delaware plans to make a site visit on 12/15/22 to do an inspection, take photos, measure pipes, etc.
- Possible grants include NYCOM Culvert Removal, Replacement & Restoration Grant – Competitive grants for project for the replacement, removal and repair of culverts or weirs. The deadline for the application is February 6, 2023.
 - **We have reviewed the Notice of Funding Opportunity for the Culvert Removal, Replacement & Restoration Grant and do not believe that the Jeff Bank Culvert project qualifies.**
 - **The program running this grant is known as the Culvert Aquatic Organism Passage (AOP) Program and its eligibility focus is on the replacement, removal, repair and improvement of culverts or weirs that would meaningfully improve or restore fish passage for anadromous fish, such as salmon, that migrate up rivers from the sea to spawn, Particularly those species that are currently listed or “could reasonably become listed” under the Endangered Species Act (ESA).**
 - A quick search of the NYS database for that location did not return information for any listed endangered or threatened species or any habitat for an endangered or threatened species.
 - **Has there been any discussion with the Bank to consider opening up the piped area?**

16. Liberty Planning Board Review – Stewart’s Shop

- Reviewed the plan set (dated 9-27-2022) submitted to Stewart’s Shop for their proposed new facility located at 131 Mill Street (NYS Route 52)
- Prepared a list of site plans items that need to be addressed and

recommendations

17. Edgar Street Culvert (by Post Office & Liberty Pub)

- Lynn Barry notified us of a 3' x 7" crack in the asphalt/top of the culvert in roadway between the parking lot for the Post Office and Liberty Pub
- Lynn is checking with the County to see if it is a Village or a County Bridge
- We plan to make a site visit, and run a hydraulic analysis to see if the size of the culvert is adequate
- Upstream of culvert has angled wing walls, so upsizing may not be feasible unless the entire culvert is replaced (+/- 100 feet)

CONSIDER VOTE ON PROPOSED LOCAL LAW #1-2023 – AMEND VILLAGE CODE/GARBAGE

Consider Negative Declaration – Proposed Local Law #1-2023

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried declaring a Negative Declaration for Local Law #1-2023 amending Chapter 35- of the Village Code to correct some language and conform that garbage and items in Section 35-3.A may not be brought into the Village of Liberty.

Consider Vote on Local Law #1-2023 – Amendment of Code – Section 35 - Garbage

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried approving local law #1-2023 – to amend Section 35-7.A of the Village Code to correct some language and confirm that garbage and items in Section 35-3.A may not be brought into the Village of Liberty.

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	

NEW BUSINESS: DISCUSS AMENDMENT TO VILLAGE CODE 87-26

Attorney Silver said he will prepare a local law (#2-2023) for the Board to review which will bring our code into compliance with the provisions of the NY Executive Law, which provides that manufactured homes (which includes mobile homes) that are affixed to a permanent foundation and conform with the identical development specification and standards (including general aesthetic and architectural standards) applicable to conventional, site-built single family dwellings in the residential district in which the manufactured homes it to be sites shall be deemed to be a conforming single family dwelling for purposes of our Zoning Codes.

DISCUSS GRANT APPLICATIONS AVAILABLE THRU SULLIVAN 180

Mayor Stoddard said she thought Creekside Park would be an excellent project for a grant but she found out that the Town has already secured funding for this project.

Mayor Stoddard said she will concentrate on the grant for the Student Artwork and she will work with Clerk/Treasurer Zurawski to secure Flower Dollars for the summer season.

DISCUSS WATER DEPARTMEN STAFFING

Mayor Stoddard discussed the vacant Working Supervisor position in the Water Department. She said the position requires a Class D – Distribution lines license. She explained at this point she will be talking with a former Water Department employee next Wednesday and another option would be to see what JCO offers as far as running Water Departments/Plants.

DISCUSS VILLAGE PAYING FOR CDL PERMITS/LICENSES

Mayor Stoddard said the requirements for obtaining the CDL's have changed and many people are no longer interested in pursuing them. She asked the Trustees their thoughts on paying for them if we had had some type of time commitment from the employee.

The Board discussed a couple of different ideas and determined it would probably be best if it was something that be addressed in the CSEA contract.

DISCUSS ZONING CHANGES - SECOND FLOOR APARTMENTS/MAIN STREET

Mayor Stoddard brought up the Zoning on Main Street, notably the Green Building, which does not allow second floor apartments unless owner occupied. She mentioned recently there has been a shift in ownership of quite a few of the properties and an interest in allowing second floor apartments.

The Board discussed the fact that the biggest concerns are parking and garbage removal. There are not any easy answers for a zoning change and it should not be rushed into.

DISCUSSION OF TEXTMYGOV - SMART TEXTING TECHNOLOGY

The Board discussed the Proposal from TextMyGov which is a company that develops open lines of communication between local government and its residents. It allows for smart texting technology which would allow us to let citizens know if garbage was going to be delayed, if there was a water main break on a certain street or any valuable data we may want to communicate out.

The technology allows for it to be sent to only certain areas if needed or to everyone that has subscribed.

The annual cost is \$4,000, with a setup fee of \$2,000.

The Board said they would do a little more research on the subject, including talking with the Town of Fallsburg (who uses Code Red) and finding out the company that the Liberty Central School uses.

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. 10 for General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of January 1, 2023 through January 31, 2023, in the amount of \$100,429.25 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. 5 for Electrical Contract No. VL-E-G-21 for J & J Sass Electric, Inc. for the period of December 1, 2022 through January 31, 2023, in the amount of \$67,013.29 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, **with release of fund (check) contingent upon Contractor providing Eastman Associates, Inc. acceptable schedule information.**

Motion by Trustee Feasel, seconded by Trustee Aracci and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 4 for Plumbing Contract No. VL1-P-21 for A. Treffeisen & Sons LLC for the period of January 1, 2023 through January 31, 2023, in the amount of \$773.30 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 Aracci and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 6 to HVAV Contract No. VL1-H-21 for A. Treffeisen & Sons LLC. for the period of January 1, 2023 through January 31, 2023, in the amount of \$22,762.00 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.

CONSIDER CABLE INTERNET (SPECTRUM) TO WWTP ON WILLOW LANE

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried to begin the process of acquiring Spectrum Internet for the Waste Water Treatment

Plant as a direct expense net cost to the Village. This cost will be \$21,475 and Environmental Facilities Corp has confirmed that this work is eligible as long as the Village can provide justification on how it will help the plant.

**APPROVAL POST AUDIT VOUCHERS
OF BILLS**

FOR PYMT: Motion by Trustee Feasel, seconded by Trustee Aracci and unanimously carried approving Voucher #2745 to Voucher #2750 in the amount of \$313,312.13.

BILLS FOR PAYMENT

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving Voucher #2751 to Voucher #2831 in the amount of \$213,136.77.

PLANNING BOARD ESCROW

Motion by Trustee Feasel, seconded by Trustee Aracci and unanimously carried approving the following payment from Planning Board Escrow:

**Delaware Engineering - \$2,658.75
Re: Stewart Shops**

EXECUTIVE SESSION: Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried to go into Executive Session at 8:25 p.m. to discuss a personnel matter in the Police Department.

Police Chief D'Agata was invited into the meeting

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried to come out of Executive Session at 8:28 p.m.

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

THE MEETING WAS ADJOURNED AT 8:28 P.M.

RESPECTFULLY SUBMITTED,

**JUDY H. ZURAWSKI
CLERK-TREASURER**

