**REGULAR MEETING**

DECEMBER 5, 2019

# The Board of Trustees held the Regular Meeting of December 5, 2019 at

# the Village Municipal Building, 167 North Main Street, Liberty New York.

Mayor Ronald Stabak opened the meeting with the Pledge of Allegiance.

**PRESENT:** Mayor Ronald Stabak,Deputy Mayor/Trustee Robert Mir, Trustee Daniel Wright, Trustee Joan Stoddard and Trustee Victoria Ferguson. Also Present: Gay Silver, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

**ALSO** David Ohman (Delaware Engineering), Police Chief Scott Kinne, Peter Parks,

**PRESENT:** and Dr. Daisy Stern

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

**OF** carried approving the following minutes:

**MINUTES:**

WORKSESSION MEETING - November 7, 2019

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

**PONDENCE**:and is available in the Clerk’s Office.

Incoming

* Letter from NYSDEC Re: Annual Compliance Inspection 11/15/19

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

**INPUT:**

Dr. Daisy Stern – 51 Winslow Place

Dr. Stern spoke out against the use of 5G and 4G Lte on the cell phone towers and antennas. She stated with each upgrade there is more radiation, which causes extreme health damage, especially in children.

Dr. Stern said she would be willing to share the information she has on this matter with anyone on the Board that would be interested in learning about it.

**ATTORNEY** Attorney Silver said most of his comments are all related to agenda items.

**COMMENTS:**

Treasurer Zurawski said Tim Tedesco (Water Account #10-19900) returned the signed agreement and she would be forwarding a copy to him tomorrow.

**TREAS.**  Treasurer Zurawski’s written report was as follows:

**REPORT:**

* List of Current Taxes and collections thru 11/30/2019 of which there is $392,809.37 outstanding. The current taxes are 90% collected.
* List of Delinquent Taxes, which as of 11/31/19 is $393,527.02 not collected.
* Starting and Ending Central Check Numbers for November 2019
* Starting November Central Check #15221.
* Financial comparison of General, Water, Sewer and Sanitation

Treasurer Zurawski also informed the Board that there is a small decrease (Approximately 1%) in the 2020 health insurance premiums.

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

**BUSINESS: ENGINEERING:**

David Ohman of Delaware Engineering reported on the following:

1. **WWTP Upgrade**

* NYSEFC Clean Water State Revolving Fund (CWSRF) **Project #C3-5352-02-00**
* Project Financing
  + Judy has been working with Keough Consulting, and EFC finance department to submit disbursement request.
  + The only outstanding item required for disbursement is the executed contract for Municipal Solutions (financial services). This was provided on November 22.
  + EFC issued Engineering Agreement Acceptance on November 22, and disbursement should be processed.
* Professional Services Contract for Design through Construction:
* Design Phase:
* Continuing to Prepare design drawings and specs
* Communicating with equipment supplier and manufacturer’s representative regarding upgrade equipment
* Coordinating with MWBE Subcontractors
* Communicating with Village staff on project issues
* RAS pumps
* 3-pumps total, 1-broken, 1-at the end of its useful life, 1-in service. If the RAS pump currently in service fails, the WWTP would be relying on the RAS pump that is at the end of its useful life and there is no way to tell how long it will last.
* Contacted Flygt and confirmed that the pump is obsolete and spare replacement parts are no longer available.
* WWTP Staff provided information on a new style RAS pump, the same/similar to the one recently installed in the Days Inn pump station. These are smart pumps that cycle rotation to clear blockages/clogs on their own.
* At the November meeting the Village Board resolved to move forward and issue a purchase order for the one new Flygt pump and for a contractor (TAM to install).
* The new pump was delivered to the WWTP on 11/25/19
* Plan Forward
* WWTP to install new pump. Anticipated to be complete by December 13
* Replace the two remaining pumps with the new style pump under the upgrade
* MWBE Subcontracts and Related Work:
* NYSESD/NYSEFC approved Delaware MWBE utilization plan and waiver request on October 28.
* Work on MSI is complete
* Delaware has executed a sub consultant services agreement with Rasmussen Land Surveyors, PLLC to perform boundary survey limits Village parcels (WWTP and adjacent) and off adjoining NYS Route 17, in the amount of $1,800. Subcontract Services Agreement amendment for additional services will be submitted to EFC for disbursement.
* Survey work began on 12/2.
* Delaware will work to complete preparation and execution of remaining subcontracts (i.e. Atlantic Testing for Special Inspections/Geotech Evaluation/Construction phase materials testing ($15,000); with MWBE firms.
* Schedule
* Continuing with work
* End date will push due to ATAD; will have a revised schedule with the Engineering Report amendment.
* Other Design Related Items:
* Solids Handling and Disposal Options to Consider –
* At the October 17, 2019 meeting the Village Board resolved to move forward with the sludge digester process work and associated changes, the new project cost is estimated to go from $7.66 M to $11.6M.
* Moving forward with the Engineering Report Amendment to include this work. The sludge processing and associated changes will increase the project duration but should result in about the same or lower cost than the originally board approved project.
* Septage Receiving
* At the November 7, 2019 meeting the Village Board resolved to move forward with the septage receiving, the new project cost is estimated to go from $11.6M to $12.4M
* Adding Septage receiving to the project is estimated to increase the capital cost by about $800,000 depending on enclosure/building, how much septage is received, and where the system is located.
* Adding $0.8M to the project cost increases the projected rate increase by 3% or $15/year for a typical homeowner.
* With 0% loan and 25% grant and less O & M, the rates are anticipated to increase by 26-27% over the current rates versus 32% that was associated with the original project when the Village moved it forward in 2017 before we had all grant and loan info defined.
* Currently the plant has capacity now for receiving septage because plant is operating at 50% flow capacity (ADF 1MGD, Permit 2MGD)
* Septage receiving could be a source of revenue until such time as flow capacity is reached.
* The Biosolids Reactors can take 4,800 gpd to maintain 12 day HRT. The current loading is estimated to be 1,100 ppd at 5%, equivalent to 2,638 gpd. That would lease a balance of 2,162 gpd (for FOG or septage, equivalent to 900 ppd at 5% solids and 7,200 gpd at 1.5% solids that could be handled of septage.
* Normal septage disposal rates are around $0.10 per gallon
* Assume 5 – 2,500 gall loads per week, for 52 weeks/yr. at $0.10 gallon is $65,000 annually
* Based on discussions with Rebecca, the best location appears to be next to the Storm water tank – See Figure 3 with the planned septage receiving station location.
* Septage load may help plant biological treatment process and ATAD process.
* Some O & M costs associated with screening and pumping
* FOG (grease) receiving can cause operational issues with ATAD Process
* Pros
* Increased revenue for Village (<$/gal received, than septage)
* FOG creates more heat/gal if digester temperature is low
* Supplement to septage to max out digester loading
* Provides local benefit
* Cons
* Potential for FOG to be recirculated to the head of the plant if thickened with septage creating issues in the treatment process (e.g. Nocrdia filaments)
* Additional equipment cost (up to $0.5M more)
* Additional O & M (e.g. manpower, electrical , and hot water NPW/PW source, WWTP maintenance on pipe blockages)
* Tank cleaning if not emulsified with ATAD heat
* If added to ATAD with no dewatering it reduces the total capacity to ATAD to 2,100 gpd for FOG at 0.5%
* Odors from fats prior to processing
* Operations staff advised that adding septage receiving adds work at the plant without adding manpower
* Plan Forward
* Delaware to continue with base design
* Village to decide to do FOG receiving or not? Delaware believes the potential negatives may not be worth the additional income.
* Delaware will prepare an amendment to the currently approved Engineering Report to add the enhanced sludge processing and associated changes, with septage receiving but not including FOG (grease) equipment?
* Delaware will prepare an amendment to the engineering services contract to reflect budgeted engineering costs in $11.6 budget/$12.2M w/septage receiving and no FOG equipment.
* We anticipate to have this prepared for review and consideration at the January Meeting.
* The Village agreed to not adjust the financing until after bidding (e.g. bond resolution, modification of PFA)

1. **NYSDOH Water System Inspection/Cross Connection Control Program**
   * Have a draft of the CCCP- hard copy submitted today to the Village (Mayor, Trustees, Judy, Ken, Gary Silver) for review.
   * Background below:
   * November 14, 2018 NYSDOH letter summarizes October 19, 2018 inspection and requested that the Village develop a Cross Connection Control Program
   * We worked with the Village to develop a program plan and response letter – which was submitted to NYSDOH Monticello Office on March 6
   * Glenn Illing – NYSDOH responded via email on March 6 accepting the proposed plan.
   * The letter is available for review
   * Upcoming Action Items

* Delaware to refine the draft CCCP document and submit the draft to the Village for review. Invoice work under General Services Agreement.

1. **Rail Trail Area Culvert Drainage/Blockage**

* Waiting for Grant announcement in December 2019
* More background information:
* Delaware prepared the Engineering Report – at no cost to the Village – with the project scope and cost of $749,900 and submitted to Mark Blauer on July 16, 2019.
* OCR CDBG Grant application package submitted by Mark Blauer on July 22, 2019 in advance of the July 26 submission deadline.
* Planned work includes:
  + Furnish and Install New Culvert
  + Install New Headwall, Wing-walls and Improve Culvert Approach
  + Furnish and install Bank Armoring Rip-Rap Stone Downstream of the Culvert (including 3’ Buried Below the Stream Bed)
  + Furnish and Install 8” Replacement Sewer Pipe (inside Existing Culvert, Plus Transitions at Both Ends) – Approximately 150 LF
  + Fill in existing Culvert (sand, Flowable Fill, or Other)
  + Furnish and Install New Riser Section for Existing 4’ Diameter Manhole Upstream of Culvert
  + Other required work

-Relocate Existing NYSEG Utility Pole

-Furnish, Install and Remove Temporary Construction Access

-Temporarily Remove, Store, and Replace Existing Guide Rail Posts

to Allow Access During Construction

-Clearance, Brushing, and Grubbing of Rail Trail for Construction

Access

-Furnish and Install ˜100 LF x 30’ Vertical of Steel Sheeting on

Each Side of the Culvert and Remove after Construction is

Complete

* Provide and Maintain Bypass Pumping Facilities (1 Week)

5. **DPW Garage Site Remediation**

* Still seeing values near garage indicting contamination remains
* NYSDEC will keep going with quarterly monitoring until all results show compliance with water quality standards for a year or more (no real end in sight).
* The second quarter June 2019 groundwater monitoring report indicated that there was a contaminant increase at monitoring well VW-8 (212 ppb VOC’s). The other monitoring wells were within their historic values.
* September 2019 sample results showed levels in VW-8 returned to low/more historic levels.
* Still seems appropriate to consider getting the sampling to locate the limits of the remaining material sooner than later
* In addition, we want to pump more water out of Elm Street well a more comprehensive sampling plan is needed.
  + Aztech cannot perform the additional work as NYSDEC believes it would be a conflict so some other firm will need to do it.
  + We can pursue this if desired by the Village.
* Also, right now it looks like there is more stuff to clean up out there
* Some plan forward options:
  + Continue with NYSDEC quarterly monitoring and no more cleanup – status quo
  + Continue with NYSDEC quarterly monitoring and ask NYSDEC to advise what else is being contemplated to accomplish more cleanup
  + Develop Village plan to investigate the extent of the remaining contamination? Any desire to do this?
  + One of the above and look at what is needed to be able to pump more water
* At May 2019 meeting, the Village decided to seek DASNY SAM grant assistance for conducting a site investigation to better identify remaining contamination under, up gradient and near the DPW garage.
* Rough cost to do the investigation should be about $50,000 - $75,000. We will get something around to submit as a request into DASNY.
* DPW Garage Relocation
* If sampling does not show that the contamination is principally under the garage, the most time efficient process to get rid of remaining contamination under the garage would likely be to demolish the garage to provide direct access for cleanup followed by about one year of sampling to confirm it is cleaned up
* This would require relocation of the DPW garage and associated items (salt storage, etc.) to a new facility – possibly on Willow Avenue by the current cold storage and fueling station.
* Village thoughts on this?
* We would work with the Village to seek funding to assist with this work if this is the desired plan
* Tiger’s Den Monitoring Well Decommissioning
* We haven’t received a response from the DEC about the proposed monitoring well decommissioning. They may have lost interest in it for now? We’ll let you know if they get us answers.
* More Background:
  + NYSDEC has asked Aztech Environmental (AE) to look at the monitoring wells at the Tigers Den site and make a recommendation about which monitoring wells (for site contamination) to decommission.
  + A few of the wells are in the area between the Tiger’s Den site and the Village’s production well. The NYSDEC wanted AE to reach out to the Village and ask if the Village would like to have a few of these monitoring wells not decommissioned in case the Village may want to use them in the future.
  + The subject monitoring wells we are considering are MW-13s, MW-13D, MW-14 and MV-17. The well locations are depicted on a map.
* Questions asked by Delaware
  + If you don’t decommission these wells, would the Village have access to them? And if so, for how long?
  + Would the village assume any liability because they are still open?
  + Would the Village be responsible for closing them out?
* AE believes that it is likely the wells will be decommissioned if the Village determines they don’t have a need. AE emailed Keith Browne and Brian Weeks at the DEC to get affirmative answers to your questions. AE let Delaware/the Village know what they say.
* Does Village want to request that NYSDEC keep the wells (don’t decommission now) for possible future use by the Village?
* If we decide to pump at higher rates, would it may be prudent to monitor these wells to see if they are contributing? They would be down gradient of the well.

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

* Have $100,000 SAM grant for well improvements
* At this time the Village is not planning to pursue a WIIA grant (60% possible) for this work and wants to seek SAM grants for the DPW garage site remediation
* The Village plans to apply the $100,000 towards electrical improvements and a possible new generator
* We conducted a site visit in May and are developing a work and cost spreadsheet with possible upgrades ; Village decided to go with Option 1 - **upgrade the electrical service estimated to = $136,000.**
* **Judy submitted the cost summary to DASNY in October**
* DASNY requesting more information about the change in scope and cost from the Village; we prepared a response to the DASNY questions and provided to Judy on November 8.

7. Lily Pond Road Bridge/Waterline

* Need to discuss with SCDPW to keep the line on the bridge and generate an agreement.

**CONSIDER CONTRACT WITH ALLEES SIGN CO.**

Attorney Silver said the contract has been completed and he is waiting for a response from Allees Sign Company.

**DISCUSSION OF VILLAGE CODE – CHAPTER 35/SANITATION**

Trustee Stoddard said they have been reviewing the Code and will be sending some information to Attorney Silver to address.

**CONSIDER CODE BOOK UPDATE**

Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously carried to purchase the Premium eCode 360, including PubDocs Module for $1,195. This will allow our Code Book to be on-line and linked to our website. The maintenance fee for this service is an annual recurring fee of $1,195. The fee covers annual licensing, web hosting, posting of new legislation between regular Code supplements and the PubDocs Module.

Motion by Trustee Ferguson, seconded by Trustee Mir and unanimously carried to purchase one copy of the Village of Liberty Code Book in the new 8.5 x 11 inch size. The cost of this will be $980.00.

**CONSIDER TWO OFFERS ON KODIAK TRUCK**

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving the offer made for the surplus 1990 Kodiak Truck in the amount of $200 by Joshua Casiano.

This truck was previously put out to bid and had received no bids.

The only other offer received on the truck was $50.00 from Michael Houghtailing.

**NEW CONSIDER TAXI LICENSE – ABC LIMOUSINE**

**BUSINESS:**

**RESOL. #** Motion by Trustee Mir, seconded by Trustee Stoddard and unanimously

**76-2019:** carried approving Resolution #76-2019.

WHEREAS, the applications for taxicab licenses (also known as Taxicab permits, such terms being intended to describe the license or permit described as a taxicab permit in the definitions provision in Article 1, Section 75-1 of Chapter 75 of the Village Code), having been submitted by the attached taxi company’s pursuant to the Village Code, such as Sections 75-1 75-1.1, and 75- 2 of the Village of Liberty Village Code; and

WHEREAS, the Village Code provides that the existing taxicab permits expire annually on May 31; and

WHEREAS, all permits for taxicab licenses are due to expire June 1, 2020;

WHEREAS, three medical medallions has been reviewed by the Village of Liberty Police and is now pending before the Village Board; now therefore be it

RESOLVED, that the Village Board of the Village of Liberty hereby issues three medical taxicab permit (also known as a Taxicab license) for the annexed applicants (said taxicab license not to be confused with the taxicab driver’s license issued under Article II of Chapter 75 of the Village Code); and be it further

RESOLVED, that for reference purposes, the three medical medallions are for:

ABC Limousine

**CONSIDER LIBERTY ELKS BPOE – GAMES OF CHANCE LICENSE**

Motion by Trustee Stoddard, seconded by Trustee Ferguson approving the Games of Chance License for Liberty Elks BPOE.

This license is for the 2019 year and will run from January 1, 2020 – December 31, 2020.

Mayor Stabak disclosed, for the record, that he is a member of the Elks, but derives no financial remuneration from the organization.

**CONSIDER EVENT PERMIT – SANTA EXPRESS 12.8.18**

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving a Parade Permit for the Santa Express on Saturday, December 7, 2019 from 4:00 p.m. – 7:00 p.m.

This event is sponsored by the Liberty Chamber of Commerce.

**CONSIDER JANUARY 2020 MEETINGS**

Motion by Trustee Stoddard, seconded by Trustee Mir and unanimously carried to have the Regular Meeting on Thursday, January 16, 2020.

The Worksession Meeting for January is cancelled.

**PUBLIC** There were no comments from the Public.

**COMMENT:**

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

**COMMENTS:**

Mayor Stabak said after meeting with Senator Metzger today, who is very pro LED lighting, he will look into the LED lights with the New York Power Authority. He said the Senator discussed funding that is available.

Mayor Stabak said he had a couple of personnel issues for Executive Session.

Mayor Stabak wished everyone a happy holiday season.

Trustee Wright – No Comment

Trustee Stoddard said she attended the Grand Opening for the Ahavas Urgent Care facility. She said it is a very nice addition to the community.

Trustee Ferguson said she discussed the Village Land Bank properties with Jill and gave a list of the properties to Ken Hessinger so he can monitor the water to each of them.

Trustee Mir – No Comment

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

**OF BILLS**

**FOR PYMT:** Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving Post Audit Voucher #26-486 to Voucher #26-492 in the amount of $544,248.43

BILLS FOR PAYMENT

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving Voucher #26-493 to Voucher #26-562 in the amount of $636,726.50.

Wastewater Treatment Plant Upgrade CWSRF Project C3-535-02-00

Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously carried approving the following payment on the Wastewater Treatment Plant Upgrade CWSRF Project C3-535-02-00:

Delaware Engineering - $11,009.40

District Attorney Account

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving the following bills for payment from the District Attorney Account:

Catskill Hudson Bank - $3,152.00 (Brite)

Everyday Apparel - $48.00

Federal. Fort. Account

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

Catskill Hudson Bank - $1,799.94 (Digital Buyer.com)

**SIGN GRANT**

Motion by Trustee Stoddard, seconded by Trustee Mir and unanimously carried approving the following bills for payment from the Sign Grant:

Find Hand Signs - $1750.00

**FLOWER FUND**

Motion by Trustee Ferguson, seconded by Trustee Stoddard and unanimously carried approving the payment of $1,000 from the celebrations account to be paid to Monticello Greenhouses for the 2019 seasonal flower baskets.

The balance remainder will be paid by Mayor Stabak and Trustee Stoddard.

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

**SESSION:** carried to go into Executive Session at 7:53 p.m. to discuss an employment

Matter in the D.P.W. and Police Department. Police Chief Kinne was invited into the session.

Motion by Trustee Ferguson, seconded by Trustee Stoddard and unanimously carried to leave Executive Session at 8:25 p.m.

**CONSIDER PROVISIONAL APPOINTMENT – POLICE DEPARTMENT**

Motion by Trustee Mir, seconded by Trustee Wright and unanimously carried authorizing Police Chief Kinne to make a provisional appointment to the rank of sergeant effective January 1, 2020.

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

**THE MEETING WAS ADJOURNED AT 8:26 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI**

**CLERK-TREASURER**

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