

## **WORKSESSION MEETING**

**NOVEMBER 18, 2021**

The Board of Trustees held the Worksession Meeting of November 18, 2021 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 Joan Stoddard and Trustee Robert Mir. Also Present: Attorney for the Village, Gary Silver and Judy Zurawski, Clerk/Treasurer.

**ABSENT:** Trustee Daniel Wright and Trustee Ernest Feasel

**ALSO PRESENT:** Police Chief Steven D'Agata, David Ohman, Tara Vasko, Rob Worden and James Gordon (arrived at 7:25 p.m.)

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

### **REGULAR MEETING – November 4, 2021**

**CORRESPONDENCE:** Mayor Stabak said the following correspondence has been received and anyone can request copies.

- ❖ E-Mail from Jennifer Flad Re: Sullivan County I.D.A.
- ❖ NYCOM Advocacy Update 11.08.21

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

David Ohman of Delaware Engineering reported on the following:

#### **1. WWTP Upgrade**

Board Action Required at Tonight's meeting:

- Mayor to sign WWTP Phase 2 WIIA and CWSRF applications
- Pickup certified copy of resolution passed on October 13, 2021 to submit WIIA application from Judy

#### **Update/Review of Project Progress**

- Design work of base contract with no sludge processing elements included
  - The new electrical building and a new mechanical screen (upstream of the fine screen building) have been added.
  - An allowance has been added to fix up the existing belt press
  - **The new belt press is included in the Phase 2 budget but has been added as a Bid Alternate to Phase 1 and can be considered by the Board at bidding**
    - the cost for the new press will likely exceed the current budget but having a bid number will allow for the Village to understand a current cost and consider options
    - Options:

- If it can be accomplished within the current budget – proceed
- If cost exceeds budget, review eligibility for financing with EFC and consider modifying PFA with EFC to include this work and increase bond resolution if needed
- Continue to keep in Phase 2
- Going with a Phase 1 (base contract) and Phase 2 (sludge) contract will allow some work to proceed while Village applies for more grant funding.

**For the Base Project – Phase 1:**

- Out to bid now
- Pre-bid meeting held on 11/5
- Addendum No. 1 issued 11/12/21 responding to prospective bidders questions – nothing substantial relative to cost or scope
- Bid opening 11-19-21 at 2 p.m. at Village Hall
- We'll review and tabulate bid results and provide award recommendations for consideration at the next Board Meeting (12/2/21)
- Excerpt from the Revised Anticipated Project schedule below:

September 22	<b>Village received NYSEFC Design Approval to go to bid</b>
September 22 – October 15, 2021	Finalize documents for bidding of Construction Contracts
October 14, 2021	<b>Village Board Meeting</b>
	<b>Village Board Authorized going to bid</b>
October 15, 2021	Delaware to provide Village Clerk with final Bid Advertisement
October 22, 2021	Contract Documents for Bidding were uploaded to the Electronic Plan Room
October 22, 2021	Legal Notice to Appear in the Village's Official Newspaper
November 5, 2021	Pre-Bid Meeting Held at 10 AM at Village Municipal Building with walkthrough/site visit to WWTP
November 18, 2021	<b>Village Board Meeting</b>
	<b>No Action required</b>
November 19, 2021	Bid Opening at the offices of the Village Clerk until 2 PM
November 19 – December 1, 2021	Delaware to complete Bid Review and Award Recommendation for the December 2, 2021 Board Meeting
December 2, 2021	<b>Village Board Meeting</b>
	<b>Review bid recommendations and plan to award Construction Contracts</b>
December 2021	Issue Notice to Proceed
December 2021 – May 2023	Construction to Substantial Completion
February 2023	Phase 2 Issue Notice to Proceed/Commerce Construction
April 2023	Construction Completion (Final) and Project Closeout
April 2023	Long Term Loan Closing
December 2023	Phase 2 Construction Completion

- **For the Enhanced Sludge project – Phase 2**
- **NYS WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) Grant Opportunity**
  - WIIA grant application almost ready to go in – deadline to upload is 11/22
  - Will also be submitting the CWSRF application
  - We are on track to get that uploaded before the deadline
  - Items yet to do:
    - Working with Judy on final info
    - Copy of WWTP operations agreement
    - Certified copy of the board resolution to submit the application (pick up from Judy at Board Meeting)
    - Mayor to sign page 9 on the WIIA and Page 13 on SRF application (will bring copies to sign at the meeting)
- Revised Anticipated Project Schedule; excerpt below

<b>Project Schedule</b>	
September 21, 2021	NYSEFC announced grant funding for clean and drinking water projects during the 2021-22 state fiscal year. The deadline to submit your application is 5:00 p.m. on Monday, November 22, 2021.
September 2021	NYSEFC released the CWSRF DRAFT IUP for FFY 2022. The Phase 2 project is listed on the annual list with a budget of \$8.2M, with a score of 1,049 points and a base project score of 49 points (Hardship subtracts 1,000 bonus points when first phase closed) The Hardship Subsidy Line for base score is 36 pts Project is noted as “H Projects that may be eligible for hardship” Delaware anticipates that the Village will receive a notice of hardship eligibility from NYSEFC in December 2021.
October 14, 2021	<b>Village Board Meeting</b>
	Village Board Resolution Authorizing Submission of the NYSEFC WIIA Grant Application
October 7 – November 19, 2021	Delaware Engineering to work with Village Clerk to Complete NYSEFC WIIA Grant Application (includes application for finance)
November 18, 2021	Village Board Meeting
November 19, 2021	Submission of the NYSEFC WIIA Grant Application
November 22, 2021	NYSEFC Deadline to submit WIIA Grant Application
December 2021	Anticipated Hardship Determination from NYSEFC (Receipt of hardship eligibility notice)
December 2021	Phase 1 Construction to begin (NTP)
January 2022	NYSEFC approval of ER (?)
March 2022	Announcement of NYSEFC WIIA Grant Awards
April 2022	Delaware submits engineering services contact amendment for design through construction services for Phase 2 work for Village consideration
May – August 2022	Design & submit project plans and specifications to NYSEFC for review and approval
September 2022	Close on NYSEFC Short Term Financing (Bridge Loan)/ Project Finance Agreement Execution – reimburse accounts for planning and design services costs
November 2022	Receive NYSEFC Design Approval

November 2022 – January 2023	Bid/Award Construction Related Contracts
February 2023	Issue Notice to Proceed/Commence Construction
February 2023 – June 2023	Construction
April 2023	Phase 1 Construction Completion

- More info on WIIA FYI – NY Water Infrastructure Improvement Act (WIIA) Grant Opportunity
  - The New York State Environmental Facilities Corporation (EFC) is offering \$400 million in grants for clean and drinking water projects during 2021-22 state fiscal year
  - WIIA Clean Water Projects
    - An applicant with an eligible clean water project may receive a 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 newt eligible project costs
  - The deadline to submit your application is 5:00 p.m. on Monday, November 22, 2021
  - EFC will evaluate all applications for projects received by the deadline based on factors including protection of public health and water quality; median household income; governmental and community support; consideration for Environmental Justice Areas; and readiness of the project to proceed expeditiously
  - Available grant funds may not be significant to offer grants to all eligible applicants
- The two items that needed to be done and submitted before November 22, 2021 include:
  - Resolution that the Village Board resolves to authorize submission of the New York Environmental Facilities Corporation's Water Infrastructure Improvement Act Grant Application to NYSEFC – Completed at October 13, 2021 meeting
  - Complete and submit the WIIA Grant Application and acceptable SRF Financing Application
    - Working with Judy in final info
      - Copy of WWTP operations agreement
      - Certified copy of the board resolution to submit the application
      - Mayor to sign page 9 on the WIIA and Page 13 on SRF application (will bring copies to sign at the meeting)
      - Anticipate upload on November 19
- 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 SEQR 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 IUP 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 to sign at the September 17 meeting, and submitted to NYSEFC prior to September 21, 2020 deadline to finalize the IUP and get on the annual list for financing.
  - NYSEFC released the CWSRF Final Intended Use Plan (IUP) for FFY 2021. The Phase 2 project is listed on the annual list 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.

## ● **Contracts**

### 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.
- Now that a plan forward has been agreed upon (i.e., to proceed with only Phase 1 at this time with no enhanced sludge/new belt press or related work), we should hear something soon and make this eligible for reimbursement.

### Sludge Handling WWTP Upgrade Project

- At the October 15, 2020 meeting, the Village Board resolved to authorize the Mayor to endorse the Professional Services Contract for Planning phase work in

the amount not to exceed \$24,900. Accepted by the Board and forwarded to NYSEFC on October 21, 2020.

- Based on the Feb 24, 2021 call with NYSEFC, NYSEFC will not be approving this in the near term as there is no Project Financing Agreement in place and the project will now be on hold.
- When the Village decides to move forward with some or all of Phase 2, Delaware will submit engineering services contact amendment for design through construction services, following the Announcement of NYSEFC WIIA Grant Awards, if the grant application is successful.

### **3. WWTP Grit Pump Replacement Project**

#### **○ Tonight's meeting:**

- No action required
- Waiting for parts to arrive
- Working thru paperwork with NYSEFC

#### **○ Background:**

- At the July 15, 2021 Department Head meeting, Mark Kellam notified the Village that one of the grit pumps had failed beyond repair.
- The current pump is operating without redundancy/backup and is the same age as the pump that failed. The pumps are obsolete and no repair/replacement parts are available. If the one remaining pump fails the plant operations would be impacted as grit accumulates in the influent channel reducing available hydraulic volume and possibly passing into other downstream processes
- The work to replace these pumps and associated piping, valves, etc. is included in the planned Phase 1 WWTP Upgrade.
- The Village has decided to move forward with the replacement of the two grit pumps in advance of the rest of the Phase 1 WWTP Upgrade Project to ensure that the grit system and plant can continue to operate while the rest of the upgrade moves forward.
- NYSEFC has confirmed that this work, if completed separately, would be eligible for reimbursement under the project providing that EFC program requirements are incorporated in the procurement process.
- Work is being done in 3 parts:
  - Direct Purchase to supply 2 new Grit Pumps
  - Direct Purchase to supply Piping, Valves and Appurtenances
  - Direct contract with contractors to remove existing and install new grit pumps and appurtenances.
- Based on supply of piping and valves, work could begin in mid-December 2021

#### **○ Grit Pumps Supply**

- PO issued
- At the September 2, 2021 meeting, the Village Board resolved proceed with a purchase order – including NYSEFC bid packet requirements - to Siewert Equipment for the supply of two new pumps associated with the grit system, per the September 1, 2021 quote, for a not to exceed price of \$24,947.
- Anticipated ship date November 18, 2021

#### **○ Piping and Materials Supply**

- PO Issued
- At the September 16, 2021 meeting, the Village resolved to authorize the Village Clerk to proceed with a purchase order – including NYSEFC bid packet

requirements - to Schmidt's Wholesale for the supply of piping and materials associated with the replacement of the WWTP grit pump system, per the September 16, 2021 quote, for a not to exceed price of \$14,394.97.

- **Pump and Piping Replacement/Installation by Contractor**
  - PO issued
  - At the October 14 meeting the Village resolved the Village Clerk to proceed with issuance of a purchase order – including NYSEFC bid packet requirements – to TAM Enterprises Inc. for the work associated with removal of existing and installation of new Grit Pumps and appurtenances, per the attached October 6, 2021 quote for not to exceed price of \$49,898.00.
- **Work with NYSEFC**
  - Purchase Orders and RFP including NYSEFC Bid Packet (fully executed contracts) sent to NYSEFC for review and approval on November 16, 2021
  - Once approved, invoices for completed work should be submitted with Disbursement Requests and we will review for eligibility & disbursement
- **Cost Summary**

Item	Cost	Remarks
<b>Construction</b>		
Grit Pumps	\$24,947.00	PO issued, anticipated Shipment 11/18, delivery 12/2
Piping and Materials	\$14,394.97	PO issued, anticipated delivery 12/01/21
Pump and Piping Replacement	<u>\$49,898.00</u>	Pending
Subtotal POs	\$89,239.97	
<b>Other</b>		
Engineering	TBD\$	T&M, Amendment pending
Contingency (10%)	NA	
Total to date	\$89,239.97.	As of 10/08/2021

- **Follow up Work:**
  - As the Village has decided to proceed with pump and piping replacement work now, Delaware will plan to provide oversight for the installation and startup services, and certify installation as required by NYSEFC.
- **Engineering Work and Costs**
  - At the September 2, 2021 meeting the Village Board authorized Delaware Engineering to provide services to assist the Village to replace the grit pump system in advance of other planned Phase 1 upgrade work, log time and costs now, and prepare an amendment to the Phase 1 professional services contract once the scope and costs for the planned work are more refined.
    - The amendment quote phase work is anticipated to be fully eligible for inclusion with the Phase 1 project cost.
  - Unless otherwise desired by the Village, we will continue to log costs and time and look to provide an amendment before year end.

#### 4. Lily Pond Road Bridge/Waterline

- Based on recent communications with the County, the bridge project construction is slated to begin first quarter 2022.

- The Village waterline located on the bridge will need to be temporarily relocated early in construction.
  - So, we need to get this work designed, approved by NYSDOH and out to bid by the end of the year.
  - At the September 2 meeting the Village Board resolved to authorize Delaware Engineering to proceed with design of the Lily Pond Road bridge waterline relocation improvements to allow for public bidding of the work this fall/winter on a time and materials basis using the General Service Contract provisions
    - Once the design is complete and approved by NYSDOH, we can assess how much more engineering will be needed to follow up with construction phase services.
  - Met in October 2021 with a prospective contractor (Howard Osterhoudt) and Ken H to confirm desired temporary and final water line work
  - Communicating with the County DPW on temporary and permanent design
  - **Current Plan:**
    - Phase 1 – Install temporary water line
    - County installs new bridge
    - Phase 2 – Install new waterline on the new bridge
  - **Current design drawings are available**
    - G-1 EX SITE PLAN AND TEMPORARY WATER LINE CONSTRUCTION
    - G-2 PROPOSED SITE PLAN AND NEW WATER LINE
    - G-3 NEW WATER LINE DETAILED VIEW
    - Plan to submit to NYSDOH for design approval next month.
  - **Next steps:**
    - Work with Gary Silver to secure easement – looks like for one property owner
    - Finalize design details with County DPW
    - Develop project cost estimate and timeline
    - Submit NYSDOH for design approval
    - Proceed to bid in December/January following NYSDOH approval
- 5. Elm Street Wellfield/Electrical Improvements**
- 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.
  - In order to add this in, DASNY has requested additional information, (September 20, 2021 DASNY email)
  - We will work with Judy to get the information requested.
- 6. DPW site Groundwater Monitoring/DPW Garage Site Remediation**
- September 2021 sampling report indicated levels higher than March and June 2021 for the MW-8
  - Next sampling to be conducted in December 2021
  - Based on sampling results still seeing values near garage indicating contamination remains
  - September 2021 report is available
  - Sent email to NYSDEC and Aztech on February 20, 2019 requesting an update on cost to date for remediation and an estimate for quarterly sampling work, no response
  - 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)

**UPDATE ON 157 SOUTH MAIN STREET**

The Board said this item will remain **tabled** until the foreclosure process can take place.

**UPDATE ON PROPOSED LOCAL LAW UPDATE – SANITATION/RECYCLING CODE**

Mayor Stabak said he would review the law and forward his changes to Attorney Silver.

Attorney Silver said once he receives everyone's input he will draft up a proposed law.

**NEW BUSINESS: TARA VASKO – 59 LIBERTY STREET**

Tara Vasko (59 Liberty Street) approached the Board regarding an issue she experienced at her home on November 2<sup>nd</sup>. She said she came home to find water gushing up out of the basement toilet flooding the basement. She was able to get a plumber the next day that spent several hours snaking the line and determined the clog was not from within 100 yards of her residence therefore notifying the Village Water Department. The Village responded immediately and did extensive work, finding soda bottles in the line (which only serves two homes).

Tara Vasko said she is seeking reimbursement for her plumbing bill from Silverman Mechanical in addition to the cost of ServePro's cleaning service. She had submitted the claim to her own homeowners insurance and was denied as they determined the damage was caused by a blockage in the municipal system.

The Board said the claim will be submitted to the Village's insurance carrier.

**CONSIDER CLERK FOR SPECIAL ASSIGNMENT IN CODE ENFORCEMENT**

Motion by Trustee Stoddard, seconded by Trustee Mir and unanimously carried to allow Code Enforcement Clerk Jasmine Bullaro to work full time (35 hours a week) for a period of four weeks to work on a Special Assignment dealing with Fire Inspections.

The assignment will start on November 29, 2021.

**DISCUSSION OF CURRENT ISSUES**

Mayor Stabak discussed the following issues with the Board:

**COURT FEES**



Mayor Stabak said he has been having conversations with the current Town Justice who has informed him it is up to the municipality to have a system in place to collect court fees imposed if they are not paid.

Police Chief D'Agata will be looking into the matter and will begin with a discussion with NYCOM.

### **CANNABIS/MARIJUANA REVENUES**

Mayor Stabak said now that cannabis is legal in New York State he would like to see the Village reap some revenues (possibly up to 3%) from dispensary sales. He said the regulations he would like to see is zoning (where they can be located) and a possible local law that restricts smoking in certain public locations.

Police Chief D'Agata will be researching the issue and reporting back to the board.

### **APPROVAL BILLS FOR PAYMENT OF BILLS**

**FOR PYMT:** Motion by Trustee Stoddard, seconded by Trustee Mir and unanimously carried approving Voucher #1409 to Voucher #1501 in the amount of \$849,796.67.

**EXECUTIVE SESSION:** Motion by Trustee Stoddard, seconded by Trustee Mir and unanimously carried to go into Executive Session at 7:44 p.m. to discuss contract negotiations. Police Chief D'Agata was invited into the meeting.

Motion by Trustee Stoddard, seconded by Trustee Mir and unanimously carried to come out of Executive Session at 8:57 p.m.

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

**THE MEETING WAS ADJOURNED AT 8:57 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI  
CLERK-TREASURER**