

REGULAR MEETING

DECEMBER 2, 2021

The Board of Trustees held the Regular Meeting of December 2, 2021 at the Village Municipal Building, 167 North Main Street, Liberty New York. Deputy Mayor Stoddard opened the meeting with the Pledge of Allegiance.

PRESENT: Deputy Mayor/Trustee Joan Stoddard, Trustee Robert Mir and Trustee Ernest Feasel Also Present: Judy Zurawski, Clerk/Treasurer.

ABSENT: Mayor Ronald Stabak, Trustee Daniel Wright and Attorney for the Village Gary Silver

ALSO PRESENT: Police Chief Steven D’Agata and David Ohman (Delaware Engineering)

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

WORKSESSION MEETING – NOVEMBER 18, 2021

CORRESPONDENCE: Deputy Mayor Stoddard said that no correspondence has been received.

PUBLIC INPUT: Deputy Mayor Stoddard opened the meeting to comments from the Public. There were no comments from the Public.

ATTORNEY COMMENTS: Attorney Silver was not in attendance at the meeting

TREAS. REPORT: Treasurer Zurawski said her written report would be available at the next meeting.

TABLED BUSINESS: UPDATE ON 157 SOUTH MAIN STREET

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

NEW BUSINESS: DELAWARE ENGINEERING – WWTP UPGRADE PROJECT – CWSRF PROJECT BO. C3-5352-02-00

David Ohman reported on the following:

- 1. Summary of Bids

- a. Bids were received for the WWTP upgrade Project on November 19, 2021
- b. The total for all four prime construction contracts was approximately \$800,000 higher than budgeted for the base bid work and the bid alternate work for the new sludge belt press would add another \$860,000
- c. The SRF Financing Application Project Budget and Construction Cost Summary contain a summary of the bids received for the base bid work and other project costs.
 1. A project contingency of \$668,741 was included in the project budget. However, some contingency may be needed during construction for this type of project so we do not recommend expending the contingency for the award of the construction contracts.
- d. Based on our communications to date with NYSEFC
 1. We believe NYSEFC plans to provide more 0% loan to cover the higher bid costs
 2. A conference call is desired with the Village to discuss the plan forward (waiting for NYSEFC)
 3. Possible plan forward:
 1. Award the construction contracts as bid at cost greater than the PFA and do Supplemental Bond Resolution with effective date commencing following permissive referendum.
 2. Complete a majority of construction with the \$7.7M in short term funds that are in place under the current PFA
 3. When final construction costs can be reasonably projected near the end of construction and/or short term funds become limited, NYSEFC and Village can modify the PFA to cover all project costs.
- e. Based on the communications with Gary Silver and Bond Counsel, Tom Myers
 1. The Village can pass a supplemental bond resolution tonight that would authorize additional expenditure, understanding that no contract (i.e. for construction contracts) would become effective until after the 30 day permissive referendum.
 2. Two supplemental bond resolutions forthcoming from Bond Counsel.

2. Rate Impact Summary

- a. The rate if the Village agrees to move forward with base bid only work and increasing the budget to 8.5 M, the rate for a typical use is estimated to be \$709/year; \$109 more than the current charge and \$13/year higher than at the original \$7.7 budget.
- b. If the Village agrees to move forward with base bid and the bid alternate work for the new sludge dewatering press and increasing the budget to \$9.4M, the rate for a typical user is estimated to be \$724/year; \$124 more than the current charge and \$28/year higher than the original \$7.7 budget.

3. Questions/Issues

a. Village

1. Does the Village desire to continue with planned work at a cost greater than the budget?
2. Does the Village desire to add in the Bid Alternate work to do the new belt press work now? (\$763K General \$ \$96K Electrical = \$859K), increasing budget to \$9.4M and would decrease future Phase 2 costs.
3. Does the Village want to proceed with Supplemental Bond Resolution, and if so, in what amount?

b. NYSEFC

1. Confirm NYSEFC would provide additional 0% loan funds to cover base bid costs
2. Confirm NYSEFC would provide 0% loan funds to cover base plus bid alternative costs
3. Understand from NYSEFC if all base bid work must be completed (as set forth in approved PER and design) or could work be scaled back now and not done or put into Phase 2

c. Other Issues/Questions/Comments

1. Bidding Pricing – Goal would be to avoid rebidding
 - a. For contract documents, bid pricing will be held for 45 days after the bid (12/28/21)
 - b. Would they hold their bid pricing beyond this? TBD
2. Can we proceed to award the project before bids expire contingent upon confirmation from NYSEFC that more 0% loan will be provided and subject to no more issues from the permissive referendum for the Supplemental Bond Resolution.
 - a. Village has \$7.7M per the current Phase 1 Bond Resolution now and allow bids to be awarded before 12/28/21
 - b. Still reviewing bids for General and Electrical contracts

4. Plan Forward/Possible Options

- a. What action/plan forward would the Village Board like to consider tonight?
- b. Possible options to move forward
 1. Plan to do just the n=base bid work and increase the budget to \$8.5M?
 2. Plan to also do the bid alternate work (sludge belt press) and increase the project budget to \$9.4 M?
 3. Proceed with Supplemental Bond Resolution for wither \$8.5M or \$9.4M and get permissive referendum clock started
 4. Plan to award bids for construction contracts, at the 12/16/21 meeting subject to positive response from NYSEFC and with contingency, that contracts will become effective subject to and after the permissive referendum.
 5. Call/zoom meet with NYSEFC prior to the 12/16/21 meeting and confirm that they would provide more 0% loan for cost

increase to \$8.5M and/or to \$9.4M (to add sludge belt press) and confirm plan forward with them.

CONSIDER BOND RESOLUTION – WWTP UPGRADES - \$7,700,000

RESOL.# Motion by Trustee Feasel, seconded by Trustee Mir and unanimously
47-2021: carried approving Resolution #47-2021.

A Resolution authorizing, Subject to Permissive Referendum, The issuance of an additional \$1,700,000 Bonds of the Village of Liberty, Sullivan County, New York, to pay the increased cost of Phase I WWTP Upgrades in and for said Village.

WHEREAS, the Board of Trustees of the Village of Liberty, Sullivan County, New York previously approved Phase I WWTP upgrades, in and for said Village of Liberty, Sullivan County, New York (the “Village”), including incidental costs in connection therewith, at a maximum estimated cost of \$7,700,000; and

WHEREAS, it has now been determined that the maximum estimated cost of such capital project has increased by \$1,700,000 over the previous authorized; and

WHEREAS, It is now desired to authorize the issuance of an additional \$1,700,000 bonds of said Village for such purpose to pay a portion of the cost thereof,

NOW, THEREFORE, RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Liberty, Sullivan County, New York (the “Village”), as follows:

Section 1. For the specific object or purpose of paying additional costs of Phase WWTP upgrades, in and for said Village of Liberty, Sullivan County, New York, there and hereby authorized to be issued an additional \$1,700,000 bonds of the Village of Liberty, Sullivan County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of such \$9,400,000 maximum estimated costs is as follows:

- (i) by the issuance of \$7,700,000 bonds authorized pursuant to a bond resolution dated March 12, 2018; and
- (ii) by the issuance of an additional \$1,700,000 bonds of said Village hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision

4 of paragraph A of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Liberty, Sullivan County, New York, are hereby irrevocably pledged for the payment of the principal of and interest in such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to Authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes is hereby delegated to the Village Treasurer, the Chief Fiscal Officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The Village Treasurer is hereby further authorized, at his (Her) sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

- 2) The provisions of law which should be compiled with at the date of publication of this resolution are not substantially complied with,
and an action, suit, or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village, for such purpose, together with a notice of the Village Clerk in substantially form provided in Section 81.00 of the Local Finance Law.

Section 11. This resolution is adopted subject to Permissive Referendum

DISCUSSION OF HEALTH INSURANCE OPTIONS

Deputy Mayor Stoddard said Judy Zurawski and herself met with David LaVoie, who is a representative for MVP Health Insurance. She said it is a plan that is worldwide and actually offers four tiers of rates, rather than the two that the Empire Plan offers.

The Board said they are interested in learning more about the MVP health insurance plan and asked that a Worksession be set up with the employees as well as the Board so it can be presented to them.

Police Chief D'Agata also asked if he could be provided with the booklets so that his department could review the coverage before the meeting.

Clerk-Treasurer Judy Zurawski said she would coordinate a meeting as well as provide the department with the booklets.

PUBLIC COMMENT: Deputy Mayor Stoddard opened the meeting to comments from the Public

There were no comments from the public.

TRUSTEE COMMENTS: Deputy Mayor Stoddard opened the meeting to comments from the Board.

Trustee Feasel discussed Sanitation and Recycling and said he would reach out to D.P.W. Supervisor Lynn Barry to discuss recycling issues with him.

Trustee Mir discussed a recent issue at the Waste Water Treatment Plant that involved the JCO Company that is helping to maintain the plant.

Trustee Stoddard said that she had a quick matter for Executive Session involving Contract Negotiations.

**APPROVAL POST AUDIT VOUCHERS
OF BILLS**

FOR PYMT: Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried approving Post Audit Voucher #1502 to Voucher #1506 in the amount of \$294,519.86.

EXECUTIVE SESSION: Motion by Trustee Mir, seconded by Trustee Feasel and unanimously to go into Executive Session at 7:43 p.m. to discuss contract negotiations. Police Chief D'Agata was invited into the session.

Motion by Trustee Feasel, seconded by Trustee Mir and unanimously carried to come out of Executive Session at 8:00 p.m.

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

THE MEETING WAS ADJOURNED AT 8:00 P.M.

RESPECTFULLY SUBMITTED,

**JUDY H. ZURAWSKI
CLERK-TREASURER**

