

## REGULAR MEETING

**January 14, 2019**

The Board of Trustees held the Regular Meeting of January 14, 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 Corinne McGuire and Trustee Daniel Wright. Also Present: Gary Silver, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

**ABSENT:** Trustee Sal Cracolici

**ALSO PRESENT:** David Ohman (Village Engineer), Police Chief Scott Kinne, Vicky Ferguson Joan Stoddard, Kassandra O'Brien, Troy Johnstone, Michael Lawler and Sarah Lawler.

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

REGULAR MEETING - December 10, 2018

**CORRESPONDENCE:** Mayor Stabak said the correspondence for this meeting is available in the Clerk's Office

Incoming

- ✦ Letter from NYS DMV Re: Government Plates 12.21.18
- ✦ Letter from NYS Homeland and Community Renewal
- ✦ Letter from SC Office of Sustainable Energy Re: Plastic Bags 11.19.18

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

Sean Zigmund (Town of Liberty)

Mr. Zigmund said he feels that the smart radio read water meters are reading inaccurate and causing people to have higher gallons of usage than actually used. He said he is seeing a pattern throughout the Town and in speaking with Village residents they are also concerned about their usage.

Mayor Stabak said he can FOIL whatever information we may have about the initial set up of the meters to do research on the matter.

Michael Lawler (299 West Street)

Mr. Lawler addressed the board about the drainage issue on his property and asked if there is any resolution to the matter.

Mayor Stabak said Delaware Engineering is currently working on plans for a solution to this issue.

Mr. Lawler also asked about the snow plow schedule.

Mayor Stabak said in off hours it is the Police Department that calls out the D.P.W. for plowing if it is needed.

**ATTORNEY** Attorney Silver discussed the Mazzei matter and the motion to dismiss the **COMMENTS:** case.

### CONSIDER ATTORNEY SILVER IN MAZZEI CASE

Motion by Trustee McGuire, seconded by Trustee Wright and unanimously carried to have Attorney Silver represent us in the matter of Claimant Ettore Mazzei.

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

- ❖ List of Current Taxes and collections thru 12/31/2018 of which there is \$456,253.49 outstanding. The current taxes are 90% collected.
- ❖ List of Delinquent Taxes, which as of 12/31/18 is \$539,824.22 not collected.
- ❖ Starting and Ending Central Check Numbers for December 2018
- ❖ Starting December 2018 Central Check #14395
- ❖ Financial comparison of General, Water, Sewer and Sanitation

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

David Ohman of Delaware Engineering reported on the following:

#### 1. Clarifier 2 OCR CDBG Grant

- Application submitted at the end of July for reconstruction of the wastewater treatment plant Clarifier No. 2 for the budget of \$749,200
- 2018 CFA Awards were announced 12/18/18. **This project was not selected for award.**
- However, this work is included in the planned upgrade that is planned to be financed by NYSEFC.

#### 2. DPW Garage Site Remediation

- Have excerpts from September and December 2018 sampling reports attached.
- Not much different

- Still seeing values near garage indicating contamination remains
- Next Sampling to be in March 2019
- NYSDEC will keep going with quarterly monitoring until all results show compliance with water quality standards for a year or more.
- 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
  - One of the above and look at what is needed to be able to pump more water

### 3. Elm Street Well and Lead and Copper Compliance

- Village has had copper concentrations exceeding the action level I Spring 2017 and needed to come up with and submit a plan to address this to NYSDOH by December 31, 2017.
- Prepared and submitted a letter package to NYSDOH on January 3, 2018 (see attached) summarizing the Village's recommendation for corrosion control/compliance with lead and copper action levels.
- Plan recommends continued use of blended phosphate at the current higher dose which has not affected WWTP compliance with phosphorous or any other water system issues. This is instead of undertaking improvements at the Elm Street well to add PH control and other needed improvements (July 2017 preliminary estimate of \$517,000)
  - If we increase water pumping at Elm Street it is likely that the building modifications/improvements to allow for alkalinity addition will be required.
- NYSDOH has had one year to review the plan and advise of acceptance or the need for further work/study.
- No formal letter from NYSDOH yet regarding the recommended plan forward to continue to add phosphate but most recent sampling conducted in May 2018 indicated continued compliance through chemical addition.
- Have a \$100,000 SAM grant for well improvements
- Does the Village want to pursue electrical improvements and a new generator set up and apply the \$100,000 towards?
- NYSDOH Response:

- The Village has not received any NYSDOH response to the Village's recommendation for corrosion control/compliance with lead copper action levels: November 14, 2018 inspection letter references the continuing use of chemical to maintain lead and copper levels below the action level but no other comments specifically responding to the January 3, 2018 Village letter.
- Does the Village want to pursue a WIIA grant (60% possible) for this? We could make this about a \$1 Million project so the Village would need long term financing on about \$400,000. May be able to get 0% hardship financing too.
- We would need to do an Engineering Report and SEQR (\$25,000 now) and a bond resolution in March 2019 to be ready for the application deadline in July 2019.

Financing:

- 30 year financing at 3.5% on \$400,000 = annual debt service of about \$23,000
- 30 Year on 0% for \$400,000 = annual debt service of about \$15,000
- Could water budget handle this?

#### **4. WWTP Upgrade**

- **NYSEFC Clean Water State Revolving Fund (CWSRF) Project #C3-5352-02-00**
  - The Village received NYSEFC letter on December 20, 2017 indicating that the project is eligible for 0% interest loan (no grant)
  - In June 2018, Delaware worked with the Village to complete the full CWSRF Hardship application to allow NYSEFC to determine if project is eligible for the 25% hardship grant in addition to 0% Hardship Loan.
  - The full CWSRF Hardship application and supporting documentation was sent via email/upload to NYSEFC on June 27, 2018.
  - Delaware sent via email/uploaded the NY Water Grant (WIIA) application and supporting documentation to NYSDEC on August 31, 2018 and Confirmation of Receipt has been received.
  - In late November 2018 Governor Cuomo announced awards for more than \$49 million in grants for Water Infrastructure Improvements in the Southern Tier, and the Village Waste Water project was selected for award.
  - Total Estimated Project Cost from PER: \$7,656,889
  - From Grant Award
    - Total Estimated Project Cost from PER: \$7,656,889
    - From Grant Award: - \$6,457,089

Estimated Grant Award: \$1,614,272 (included in Estimated Project Cost)

- Communicating with NYSEFC to review cost/funding breakdown and seeking to get NYEFC to restore full project cost with \$300,000 more in grant
- The Village received from NYSEFC a notice that the Village has been awarded a NYS WIIA grant for the WWTP project and Acknowledgement and Acceptance of WIIA Grant Award.
- Delaware worked with Judy and the Mayor to fill in the project milestone dates, and sign the acceptance, and return to NYSEFC on December 3, 2018.
- The Village received MWBE Work Plan Request from NYSEFC
- Confirm Minority Business Officer (MBO) by signing electronically and returning to the MWBE Representative via email. We have this prepared just need Judy to sign. This item is also listed on the Items Required for Project Finance Agreement execution and closing below.
- The Village received a follow-up letter that lists all missing items to complete the project financing agreement with a deadline of January 18, 2019.
  1. Engineering agreement
    - For Planning – Executed, ready to Submit
    - For design (and construction) services – Preparing now, Pending Village Board Approval.
  2. MWBE utilization plan for the above Design services – Pending Eng. Agreement for Design Services
  3. MWBE work plan and MBO – Drafted
  4. Copy of sewer debt exclusion approval from OSC – Judy working on w/Bond Counsel
  5. Clarification of net interest – Provided via e-mail; plan to resubmit with the rest of the items
  6. Completed Smart Growth Assessment Form – Provided via e-mail, plan to resubmit with the rest of the items.
- We are preparing the contract for engineering services for village this month with desire to execute it the very soon so that we can start design.
- Updated project schedule, attached
- Close on project financing with NYSEFC (anticipate 6 – 10 months processing time with NYSEFC due to their backlog of projects)
- We recommend that the Village consider at the January 2019 meeting a one-year non-callable BAN in the amount of about \$700,000 (will refine before next

meeting) to pay for design and preconstruction costs until the Village is able to close on NYSSEFC financing (likely in the summer of 2019) and begin to use EFC money directly.

- The PER Detailed Project Cost Estimate included a line item for Short Term Financing (\$1.26 M BAN for 2 years @ 4%).
- Interest equal to \$100,500
  - The actual cost can be included in the EFC financing package

#### 5. Columbia Street Sewer Main Failure

- Site restoration of Private Properties
  - Nieves agreement completed and settled
  - Cronk agreement completed and settled
  - Salonich:
    - Mr. Salonich forwarded an estimate for \$4,850 and this was attached to contract and sent to Mr. Salonich by Judy on December 20, 2018 for execution.
    - Agreement complete using estimate provided by his contractor.

#### 6. NYSDOH Water System Inspection

- November 14, 2018 NYSDOH letter summarizes October 19, 2018 inspection
- Indicates Village needs to adopt a cross connection control program
- Need to respond to NYSDOH by January 13, 2019 indicating intentions to address the matter.
- We believe this will require the Village to develop a Cross Connection Control Program; with initial work preparing a CCCP document based on the NYSRWA template and NYSDOH requirements.
- Preparing a letter to go back to NYSDOH
- New list of previously identified water users covered by cross connection regs (Ken and Alice)

#### 7. NYSDEC Reconnaissance Inspection (Illicit Discharge)

- December 12, 2018 NYSDOH letter summarizes November 18, 2018 inspection (attached)
- This inspection was conducted in response to the illicit discharge of petroleum product into the sewer system and its impact on the wastewater treatment plant (WWTP).

- Indicates Village needs to adopt a long term plan to educate residents on illicit discharge detection and elimination.
- Need to respond to NYSDEC by January 14, 2019 indicating intentions to address this matter.
- Worked with Rebecca and generated a response with the Plan and submitted to the Village on January 10, 2019 for signing. Judy to mail out to Dayo and send Delaware a scanned copy so that we can forward via email to Dayo at DEC.
- Copy of letter and plan is attached
- Requested DEC advise if the plan is acceptable.
  - If it is the Village will prepare a mailer to go out with sewer and water bills twice a year.

#### 8. Delaware Engineering General Services Contract

- General Services contract effective January 1, 2019 thru December 31, 2019 for Village consideration
- This provides a formal mechanism for the Village to retain Delaware to provide professional services for small projects/work items (e.g. Planning Board review, response to NYSDOH and NYSDEC, etc.) without having to have a contract each time. Good to have in place for auditors also.
- Village assigns us work; we either agree to a set price or do on T & M basis. Our monthly invoice will identify each work item and provide a cost summary.
- This contract matches that executed in 2018, including revisions/rider set forth by Village Attorney in 2017 except that the rate schedule has been updated (to 2019) and dates have been updated for calendar year 2019.
- If the contract is acceptable to the Village as written, and the Village desires to go forward with the contract, then we recommend that the Village Board authorize the Mayor to endorse the 2019 General Services Contract with Delaware Engineering, DPC, dated January 10, 2019.

#### 9. Rail Trail Area Culvert Drainage/Blockage

- Will get with Peter Parks to investigate possibility of creating a new rail trail drainage pipe crossing.

#### **UPDATE ON CDBG LOANS**

Attorney Silver said there was nothing new to report.

**CONSIDER LOCAL LAW #1-2019 - REPEAL OF LOCAL LAW #7-2003/GEOTHERMAL HEATING/COOLING SYSTEMS**

**Negative Declaration - Proposed Local Law #1-2019**

Motion by Trustee Wright, seconded by Trustee Mir and unanimously carried declaring a Negative Declaration in the matter of proposed Local Law #1-2019 – to repeal § 84.5.1 of the Code of the Village of Liberty.

**Vote on Proposed Local Law #1-2019**

Motion by Trustee Wright, seconded by Trustee McGuire and unanimously carried approving Local Law #1-2019 – which repeals § 84-5.1 of the Code of the Village of Liberty.

This law was put to a vote, which resulted as follows:

DEPUTY MAYOR/TRUSTEE MIR	-	YES
TRUSTEE WRIGHT	-	YES <u>APPROVED</u>
TRUSTEE MCGUIRE	-	YES
MAYOR STABAK	-	YES

**UPDATE ON E-MAIL FROM ATTORNEY SILVER RE: LIBERTY CENTRAL SCHOOL DISTRICT**

The Village has retained Tony Siciliano to perform a survey of the sewer lines of the Village located on the real property of the Liberty Central School District, as required by the License and Access Agreement between the Village and Liberty Central School District dated October 26, 2017. The surveyor will create a metes and bounds description of the location of the permanent easement to be granted by Liberty Central School District to the Village for the sewer lines, and the Village would like the easement to be 20 feet in width, with the sewer line located in the middle (i. e. 10 feet of easement on each side of the sewer line). The Village and Liberty Central School District will then enter into a permanent easement agreement incorporating the metes and bounds description and also providing how the Village can go onto other portions of the Liberty Central School District real property under to access the easement, if necessary.

Mayor Stabak said he has met with Mr. Siciliano and asked for a price quote. He also provided him with a map so that the work can be completed. He said they would check with Mr. Siciliano to see the status of the project.

**NEW BUSINESS:**

**DISCUSSION AND CONSIDERATION OF DOVE TRAIL AGREEMENT**

Motion by Trustee McGuire, seconded by Trustee Wright and unanimously carried approving the ratification of the Dove Trial Agreement and



authorizing the Mayor to commission an artist for a design providing the amount falls within the procurement policy guidelines.

Motion by Trustee McGuire, seconded by Trustee Wright authorizing Treasurer Zurawski to apply for the \$500.00 Renaissance Grant that is available for this project.

The Mayor said the Town of Liberty has found a vendor that will put in the concrete pad needed for \$300.00.

Mayor Stabak also said we will need a design for the Dove.

**CONSIDER RATIFICATION OF SAM GRANT #6305 - GENERATORS**

Motion by Trustee Wright, seconded by Trustee McGuire and unanimously carried ratifying SAM Grant #6305 and authorizing Attorney Silver to write the Opinion of Counsel letter to be submitted to DASNY so the Village many receive the funding for the project.

**CONSIDER EMPIRE STATE THEATRE GRANT WITH CATSKILL HUDSON BANK**

Bruce Davidson, through his company Village of Liberty Theatre of the Arts LLC) is seeking a loan from Catskill Hudson Bank for the restoration improvements to the Liberty Theatre. Catskill Hudson Bank is requesting an agreement with the Village that the Village will turn over the Empire State Development Grant Funds for this project (to the extent of the amounts advanced by the Bank to Davidson's company) to Catskill Hudson Bank when the grant proceeds are received by the Village.

Motion by Trustee Wright, seconded by Trustee McGuire and unanimously carried authorizing Attorney Silver to work on the above referenced agreement once it is confirmed that the Village can pay the funds to the Bank. They also authorize Mayor Stabak to execute the agreement as soon as it is deemed acceptable.

**CONSIDER PROPERTY TAX AGREEMENT – LAND BANK WITH VILLAGE OF LIBERTY**

Motion by Trustee Wright, seconded by Trustee McGuire and unanimously carried approving the Property Tax Agreement - Sullivan County Land Bank Corporation with the Village of Liberty dated January 14, 2019 and authorizing Mayor Stabak to execute the Agreement on behalf of the Village of Liberty.

In this agreement the Land Bank will pay the Village \$37,055.30 in taxes that are not wiped out by the tax foreclosure proceedings.

Mayor Stabak said they Land Bank is doing good by removing blighted houses in the Village and the cost of the removal of these buildings far outweighs the penalties and interest that are waived on these properties.

**CONSIDER APPOINTMENT OF VICKY FERGUSON TO LAND BANK COMMITTEE**

Motion by Trustee Mir, seconded by Trustee McGuire and unanimously carried approving the appointment of Vicky Ferguson to the Sullivan County Land Bank Corporation Committee.

Vicky Ferguson will fill the position formerly held by Peter Gozza, who has resigned from the committee to accept an employment position in California.

**CONSIDER GENERAL SERVICES CONTRACT WITH DELAWARE ENGINEERING**

Motion by Trustee Mir, seconded by Trustee Wright and unanimously carried approving and authorizing Mayor Stabak to endorse the 2019 General Services Contract with Delaware Engineering, DPC, dated January 10, 2019.

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

There were no comments from the Public.

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

Mayor Stabak - No Comment

Trustee Wright - No Comment

Trustee Mir - No Comment

Trustee McGuire - No Comment

**APPROVAL OF BILLS FOR PYMT:** Motion by Trustee McGuire, seconded by Trustee Wright and unanimously carried approving Voucher #24-590 to Voucher #24-681 in the amount of \$198,239.52.

**POST AUDIT VOUCHERS**

Motion by Trustee McGuire, seconded by Trustee Wright and unanimously carried approving Post Audit Voucher #24-584 to Voucher #24-589 in the amount of \$285,423.63.

**GROSSINGER ESCROW ACCOUNT**

Motion by Trustee McGuire, seconded by Trustee Wright and unanimously carried approving the following bill for payment:

Gary D. Silver - \$394.50

**CDBG ACCOUNT**

Motion by Trustee McGuire, seconded by Trustee Wright and unanimously carried approving the following bills for payment:

Gary Silver - \$168.38 Re: Galant  
Gary Silver - \$ 90.00 Re: IShot

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

**THE MEETING WAS ADJOURNED AT 8:40 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI  
CLERK-TREASURER**