**INTRODUCTION AND SWEARING IN OF NEW POLICE OFFICERS**

Police Chief D’Agata welcomed four new police officers into the Village of Liberty Police Department. These four officers replace vacancies created by recent retirements and resignations. The ceremony tonight is to take an oath in front of their family and friend swearing and promising to protect both the lives and safety of the residents and visitors to the Village of Liberty as well as their constitutional rights afforded to them.

Mayor Stabak administered the oath to the four officers

**Officer Larrie Williams**

**Officer Christopher Orlando**

**Officer Andres Arestin**

**Officer Breann Jones**

**REGULAR MEETING**

JUNE 3, 2021

# The Board of Trustees held the Regular Meeting of June 3, 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**,** Trustee Joan Stoddard, Trustee Daniel Wright, Trustee Robert Mir and Trustee Victoria Ferguson. Also Present: Attorney for the Village, Gary Silver and Judy Zurawski, Clerk/Treasurer.

**ALSO** Police Chief Steven D’Agata, David Ohman, Wendy Ayuso, James Ayuso,

**PRESENT:** Edward Lopez, Harmony Rolland, Melissa Pena, Gary Putter (Sureway Taxi)

and James Gordon.

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

**OF** carried approving the following minutes:

**MINUTES:**

WORKSESSION MEETING – May 20, 2021

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

**PONDENCE**:and anyone can request copies.

* NYCOM Advocacy Update 5.25.21
* Memo from SC Department of Solid Waste Re: Roadside Litterpluck

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

**INPUT:**

Orchard Street Residents

Several residents of Orchard Street came to discuss a parking issue they have been experiencing.

Due to the concerns of the Department of Public Works the Village is considering a couple of options including a 30 foot No Parking Area or a possible parking lot with land that can be acquired from the Land Bank.

The Board said they will review the situation.

Gary Putter – Sureway Taxi

Gary Putter discussed the current Village Taxi Code and what he feels are flaws in the code. He discussed the amount of medallions that the Village offers as well as the unlimited medical licenses. In his opinion he feels the medallions should be scaled back to twenty (currently at thirty) and medical licenses should not be unlimited.

The Board said they felt that the medical licenses are state regulated and they cannot limit them. Gary said he did not believe that to be correct. The Board asked Chief D’Agata to look into this matter.

Motion by Trustee Mir, seconded by Trustee Stoddard and unanimously carried to discuss a possible three month moratorium on issuing taxi licenses so the Board could review the code.

After a discussion the Board decided that a moratorium would not be the answer, as Mr. Putter has not submitted his licenses for the 2021-22 year.

Trustee Mir withdrew his motion.

**ATTORNEY** Attorney Silver said his comments are limited to agenda items.

**COMMENTS:**

**TREAS.** Treasurer Zurawski said she is closing out the fiscal year and will have a report

**REPORT:** once is it is completed.

Treasurer Zurawski said the new credit card system has been installed and residents can pay with a credit card or check right on the tax lookup website.

Flower Fund

Treasurer Zurawski discussed the Flower Fund and the possibility of asking businesses for donations to help defray the cost.

Trustee Ferguson said she would like to discuss the issue with a community group.

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

**BUSINESS:ENGINEERING:**

David Ohman of Delaware Engineering reported on the following:

1. **WWTP Upgrade**

* Tonight’s meeting:
* No Action required at tonight’s meeting or in the near future by the Board
* Update/Review of Project Progress
* Proceeding with design of base contract with no sludge processing elements included.
* The new electrical building and a new mechanical screen (upstream of the fine screen building) has been added
* An allowance will be added to fix up the existing belt press
* The new belt press has been moved to Phase 2 and 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 and 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:
  + - Revised and resubmitted the approved Engineering Report (with tracked changes) on October 30, 2020 to remove sludge related work as possible to allow other work to proceed.
    - No Comments back from NYSEFC yet
    - On February 24, 2021 call NYSEFC said they would complete review of the ER amendment with plans and specs submission
    - Ultimately revising the Project Finance Agreement
    - Design (plans and specs) and Revised Engineering Report submitted for NYSEFC review on May 24, 2021 and to NYSEFC review on May 24, 2021 and to NYSDEC on May 26, 2021
    - NYSEFC has indicated that it will be 30 – 45 days to conduct their review and provide comments
    - The Village was provided with two copies of the plans, specs and engineering report amendment.
    - Excerpt from the Revised Anticipated Project Schedule below
* For the Enhanced Sludge project – Phase 2
  + - The State WIIA Grant Funding program is anticipated to be returning this year!!! Time line not yet defined.
    - Village agreed at the March 4, 2021 meeting to stop any further work on Phase 2 pending the opportunity for more grant funds – we will remain on hold for the near future
    - More history below:
    - On January 6, 2021 the Village received notice that Phase 2 (Sludge Handling) of the Village’s WWTP project will not quality for 0% Hardship financing, as the base project score is below the Hardship Funding Line in the 2021 IUO and is not eligible for a 0% loan
    - Based on the teleconference with EFC on February 25, 2021, we believe that the Village will hold off moving forward with this project at this time and see if other grant opportunities present themselves this year. NYSEFC has advised the Village that this project will remain eligible for additional interest free financing (30 – year 0% loan), but no additional grant, under the Phase 2 project for the foreseeable future.
    - The path forward for this project will be determined based on availability of grant funding in late 2021. An engineering report has been prepared. The CWSRF intended use plan listing will be updated in the near future and submitted to NYSEFC.
    - Revised Anticipated Project Schedule attached, except below

**Other Background/History Information:**

* Put in a new Project Listing (PLUS) in April 2020 for $8.2M – update in 2021 once the form update is requested by EFC.
* Completed the 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 annual list for financing.
* Prepare a new Smart Growth Form and submitted to NYSEFC on September 18 – Reviewed with the 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.
* NYSDEC 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, above the Hardship Subsidy Line (56 pts) with a score of 1,049 pts. (this could change once ER submitted in September 2020 is scored).
  + - Funding Application (CFA program) including the WIIA Grant funding up in the air right now – nothing set for this year.
    - On January 6, 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 the 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 the 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 February 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.

1. Delaware River Basin Commission (DRBC) WWTP docket expired

* We will contact DRBC advising them that the Village intends to do Phase 1 work only at this time and see what their plan forward is.

More History below:

* Worked with Judy to submit completed Cover Letter, Application, and Applicants Statement – Project Review Fee form and check to: Delaware River Basin Commission, PO Box 7360, 25 Cosey Road, West Trenton, NJ 08628-0360, electronically submitted with confirmation on 12/8/2020 and delivered hard copy on 12/9/20.
* The Village has received the Notice of Applications Received (NAR) from DRBC, attached. This notice indicates that the project is currently under review by the Commission Staff in consultation with other public agencies. Individuals or organizations having a special interest in this project or information related to the project impacts are incited to submit written comments
* DRBC has recommended that since they have a renewal application in house they hold the current docket in administrative continuance until it can be amended with accurate details regarding the phased upgrades, then we can issue the docket once thereafter including all of the details of the phased upgrades.

1. Lily Pond Road Bridge/Waterline

* Working on the design now – draft drawings attached
* Based on the February 3, 2021 email with SCDPW’s Roman DiCio:

“Technically the bridge is still scheduled for this year but it may get pushed until next year”

* Next Steps:
* Refine temporary and permanent design concepts with Village and County
* Confirm ROWs and easements available and/or needed – looks like only property now
* Develop project cost estimated and timeline
* Get design done and forward to NYSDOH for review and to NYSDEC for streambank disturbance permit piggy backing on County’s permit

1. NYSDOH Emergency Response Plan

* Village received the attached Notice of Violation NYSDOH letter requiring an updated ERP be submitted within 45 days of April 26, 2021 (i.e., June 9, 2021)
* We had prepared the ERP back in July 2018 which does not appear to be sent to NYSDOH
* Since that is almost 3 years old, we worked with the Village to update the ERP and Vulnerability Assessment documents and overnight delivery sent to NYSDOH Monticello on June 1, 2021. Delivery confirmed on June 2, 2021
* Two copies of the documents have been given to Judy. One to stay at Village Hall in file storage and one to go to Water Plant.

1. Rail Trail Area Culvert Drainage/Blockage

* FEMA BRIC program:
  + The County’s January 2021 Hazard Mitigation Plan, including information on the Village’s Rail Trail Culvert/Sanitary Sewer work, was determined to be not eligible for this round of funding and therefore the FEMA BRIC Program has been eliminated as a viable funding option

* 2020 CDBG Application
* Application submitted – but not awarded
* Recommended resubmitting the same project – due in by July 20, 2021
* Mark Blauer requesting Board authorize a public hearing for the project at the next Board meeting on June 17 and advertise in the Democrat using Mark’s legal notice
* Recommend contacting NYSOCR to request an exit interview – see Mark’s email and publication attached.
* We also recommended touching base with County Planning and Jackie our RECD rep to push the need for the project.
* More history below:
* Village will pursue almost $1M in grant funding for the Rail Trail Project.
* At the February 18, 2021 meeting the Village held a public hearing for the delayed 2020 Application
* The Engineering Report has been prepared and submitted to Mark Blauer at no cost to the Village – copy to be provided to the Board with the March 2021 meeting handout.
* The application and engineering report was uploaded on or before the March deadline
* Plan forward:
* Delayed 2020 CDBG Application – More Background Information
* Submitted full application prior to March 5, 2021
* Then await the determination of funding form OCR (June – July 2021)
* More Background/Historic Information on CDBG grant program
* Last summer, the Village, encouraged by the exit interview held with OCR, conducted the public hearing to get it out of the way
* On Thursday, January 14th OCR held a webinar about the delayed 2020 CDBG grant application process and announced the opening of the 2021 NYS Community Development Block Grant Program.
* Applications for Public Infrastructure, Public Facility and Community Planning projects will be accepted until 4:00 p.m. on Friday March 5, 2021
* OCR also announced that hearings held before January 1, 2021 would not count as valid and only hearings conducted in 2021 would be counted.
* Blauer Associates has worked with Judy to work out timing of the advertisement and hearing relative to the March 5, 2021 deadline for delayed 2020 CDBG grant application and in order to meet the deadline
  + - Blauer Associates recommends that the legal notice, with at least 7 days advance notices, should appear on February 2, 2021 for a Public Hearing that was held February 18, 2021
  + Approved (or at least draft) minutes of the hearing will need to be provided to Blauer Associates to be included with the 2020 CDBG grant application.
  + At the January 28, 2021 meeting, the Village board resolved toward resolve to:
    - Authorize Blauer Associates to update last year’s application and Delaware to update last year’s engineering report and submit both documents to OCR for the delayed 2020 CDBG application on or before the March 5, 2021 deadline.
    - Authorize to schedule a hearing, for the delayed 2020 CDBG application to occur at the February 18 Village Board meeting, and authorize the Village Clerk to submit the legal notice to appear in the Tuesday, February 2 edition of the Village’s official newspaper.
    - At the February 18 meeting the Village held a public hearing for the delayed 2020 Application.
    - The engineering report has been submitted to Mark Blauer’
    - The application and engineering report will be uploaded on or before the March 5 deadline by Mark Blauer.

1. DPW Garage Site Remediation

* **Per March 2021 sampling report: Levels slightly higher than December 2020.**
* **Next sampling to be conducted in June 2021**
* Based on June 2020, September 2020 and December 2020 sampling, still seeing values near garage indicating contamination remains
* Excerpts from Report for March 2021 as follows:

Observations of the laboratory analytical results are below:

* MTBE was not detected in any of the sampled monitoring wells at concentrations greater than the laboratory reporting limits.
* No analyzed VOC’s were detected at concentrations greater than the laboratory reporting limit at monitoring wells MW-19, VW-6, VW-7 and VW-8. These monitoring wells are located between the Village Garage and the production well and indicate that VOCs have not reached the production well.
* Total VOC concentrations increased at monitoring well MW-22A from 12 parts per billion.
* Total VOC concentrations increased slightly (by less than 5 ppb) at monitoring well MW-22B and VW-8. None of the compounds detected at monitoring well MW-22B and VW-8 were at concentrations greater than drinking water standards.
* Six (6) VOC compounds were recorded above the drinking water standard at MW-22A. Monitoring wells MW-22A and MW-22B are located approximately 10 to 15 feet south of the remedial excavations that were performed in November 2016 and approximately 380 feet north of the production water well. When compared to historic values, the concentrations in these wells have been steadily decreasing.

Discussion/Recommendations

Quarterly sampling and analysis of select monitoring wells should continue. The next monitoring event is scheduled for June 2021.

* Sent email to NYSDEC and Aztech on February 20, 2019 requesting an update on cost 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).
* The second quarter June 2019 groundwater monitoring report indicated that there was a contaminant increase in monitoring well VW-8 (212ppb VOCs). 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, if 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
* One of the above and look at what is needed to enable to pump more water
* At February 2020 meeting, the Village decided to seek DASNY SAM grant assistance for conducting a sampling plan site investigation to better identify remaining contamination under, up gradient and near the DPW garage.
* Use $125,000 as a target cost
* We could work on this if desired by the Village
* 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 Lane by the current cold storage and fueling station.
* We would work with the Village to seek funding to assist with this work if this is the desired plan

1. Tiger’s Den Monitoring Well Decommissioning

* No new information
* 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 Information

* On October 7, 2020 DEC requested latest sampling results and water production of the Elm St. municipal well.
* The water department provided data on October 9, 2020
* Delaware summarized and returned the requested information via email on November 2, 2020; we copied the Water Department, Mayor and Judy on the email to the DEC.

1. Elm Street Wellfield and Lead and Copper Compliance/Electrical Improvements

* We believe all required items have been forwarded to the DASNY contact for the $100,000 grant and their move is to get contract paperwork back to the Village.
* More Background/Historic Information
  + DASNY letter dated 12/1/20 and associated paperwork attached that approves the scope change for the $100,000 to be applied to electrical improvements.
* The paperwork requested to be returned within 30 days was submitted to DASNY on December 24, 2020.
* SEQR
  + At the December 3 meeting the Village Board resolved to declare itself lead agency for Electrical Improvements at the Elm Street Well house.
  + Based on review of the proposal, it has been determined that the project meets the criteria for a Type II Action and no further review would be necessary.
  + At the January 7 meeting the Village adopted a resolution identifying the Elm Street Well Field Electrical Improvements as a Type II Action under SEQR
* Resolution to commitment to provide balance of funds necessary to complete the project
* At the January 7 meeting the Village adopted a resolution to commit to provide balance of funds necessary to complete the project.
* We sent certified copies of the resolution to Amanda on 1/27/21
* Amanda responded that if any additional information is needed she will be in touch

1. NYSDOH Water System Inspection/Cross Connection Control Program

* No Change from last month

1. Lily Pond Filtration Plant NYSDEC Environmental Best Practices Permit Application

* Based on emails from NYSDEC permit staff, the Village needs to complete SPDES NY-2C application and confirm information provided in the 2017 NY-2A application for the outfall.
* Desired within one month
* We can work with Dave Harman and Ken Hessinger to pull this together.
* Does the Village have adequate water funds to provide some payment to us if we all agree to do the work under the General Services contract (time and materials based)
* We expect the level of effort to not exceed $5,000

1. Consolidated Funding Applications (CFA) Program for 2021

* Need to be submitted by July 30, 2021
* Various programs listed on the attached Delaware Engineering summary – provided for your information.
* Includes CDBG grant for the Rail Trail.

**CHILDRENS HOME – NORTH MAIN STREET/UPDATE**

Attorney Silver said he will be making a draft of the language for the Board to review in the form of a proposed local law. Once the Board has reviewed it and finds it acceptable a Public Hearing may be set at the Worksession scheduled for June 17th.

**UPDATE ON 157 SOUTH MAIN STREET**

Police Chief D’Agata said he discussed the matter with Kathy from the Sullivan County Treasurers Office who stated the building will be in the September foreclosure process.

Trustee Ferguson said that there are no RUSt grants available this year.

Trustee Stoddard said she spoke with Assemblywoman Gunther’s office and the person that would have knowledge on any types of grants available will not be in until Tuesday (June 8th).

The Board discussed contacting retired Code Enforcement Officer Pam Winters, as she had stated in the past, there was a possible buyer for the building.

Mayor Stabak said he would contact Senator Martucci to discuss any available funding.

**ORCHARD STREET PARKING ISSUE**

The first step the Board would like to take with this issue is to see if the No Parking area could be reduced.

Chief D’Agata will discuss with D.P.W. Supervisor Lynn Barry and report back to the Board.

**NEW** **CONSIDER SETTING PUBLIC HEARING FOR 2021 CFA FUNDING**

**BUSINESS:APPLICATION**

Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously carried to hold a Public Hearing on Thursday, June 17, 2021 at 6:55 p.m. to consider applying for one or more applications through the Consolidated Funding Application process for NYS Office of Community Renewal program for 2021 funds for either Public Infrastructure, Public Facilities and/or Community Planning.

Due to the current pandemic, social distancing and masks will be required.

**CONSIDER TAXI LICENSES – 2021/22**

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

**33-2021:** carried approving Resolution #33-2021

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, 2021;

WHEREAS, three taxi licenses have been reviewed by the Village of Liberty Police and are now pending before the Village Board; now therefore be it

RESOLVED, that the Village Board of the Village of Liberty hereby issues taxicab permits (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 licenses/permits are for:

We Care - 15, 21, 22, 23

**CONSIDER MUNICIPAL ROADWIDE LITTERPLUCK CLEANUP 2021**

After a discussion, the Board decided that they were lacking in human capacity to participate in the Roadside Litter pluck Cleanup.

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

**COMMENT:**

James Gordon – Lake Street

James Gordon (Lake Street) asked Mayor Stabak if the Worksession scheduled for June 17th will be his last meeting.

Mayor Stabak said he was not certain of his resignation date yet.

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

**COMMENTS:**

Trustee Ferguson said the Land Bank is working with NYS Greenworks and there will be some seminars that can be attended to qualify and apply for $75,000 worth of grants.

Trustee Stoddard said she had a matter for Executive Session

Trustee Mir said he had a matter for Executive Session

Trustee Wright – No Comment

Mayor Stabak – 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 #953 to Voucher #958 in the amount of $288,520.99.

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

**SESSION:** to go into Executive Session at 9:40 p.m. to discuss contract negotiations, to receive Attorney Advice and a personnel matter in the Code Enforcement Department. Police Chief D’Agata and Clerk/Treasurer Judy Zurawski were invited into the meeting.

Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously carried to come out of Executive Session at 10:42 p.m.

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

**THE MEETING WAS ADJOURNED AT 10:43 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI**

**CLERK-TREASURER**

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