

## **WORKSESSION MEETING**

**SEPTEMBER 15, 2022**

The Board of Trustees held the Worksession Meeting of September 15, 2022 at the Village Municipal Building, 167 North Main Street, Liberty New York. Mayor Joan Stoddard opened the meeting with the Pledge of Allegiance.

**PRESENT:** Mayor Joan Stoddard, Deputy Mayor/Trustee Robert Mir, Trustee Ernest Feasel and Trustee Eveleese Lake. Also Present: Gary Silver, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

**ABSENT:** Trustee Daniel Wright

**ALSO PRESENT:** Police Chief Steven D'Agata, David Ohman (Delaware Engineering), Dan Fagnani (Delaware Engineering), Abraham Weberman, Morty Heimlich, Ari Halper and students from Liberty High School Government Class.

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

### **REGULAR MEETING - SEPTEMBER 1, 2022**

**CORRESPONDENCE:** Mayor Stoddard said the Village has sent the following correspondence.

Outgoing

- ❖ Letter to C. Keaveney Re: Adopt-A-Street 9.2.22

**TABLED BUSINESS:** **DELAWARE ENGINEERING – UPDATE ON PROJECTS**

David Ohman and Dan Fagnani of Delaware Engineering discussed the following projects with the Board:

**1. Lily Pond Road Bridge Waterline**

- Consider Invoices for Payment for approval
- WWTP Temporary Watermain Invoices
  - C & M #1 – Temporary Watermain HDPE Pipe = \$2,168.00
  - Osterhoudt – Temporary Watermain Installation = \$24,715.44
- WWTP Temporary Watermain Invoices
  - C & M #1 – Permanent Watermain Pipe & Materials = \$32,667.50
- The temporary water main has been installed and was put into service on 8/22
- The existing Watermain (Lily Pond Road Bridge Crossing) was cut and capped on 8/24
- The County remobilized on Monday 8/22 to begin demolition of the existing Watermain and remaining bridge deck

- Permanent Watermain materials were delivered on 8/31
- Installation of permanent Watermain pending completion of County Bridge work
- Payments to Vendors & Contractors
- Temporary Watermain Invoices
  - C & M #1 – Temporary Watermain HDPE Pipe = \$2,168.00
    - We have reviewed the invoice and agree Unit Price and Extended Pricing
    - We recommend that the Village resolve to authorize the Village Clerk to process payment to C & M for the Temporary Watermain HDPE Pipe Invoice #R145547 in the amount of \$2,168.00
    - **Therefore, should the Village agree with our recommendations, then we recommend the following:**
      - **The Village hereby resolves to authorize the Village Clerk to proceed to process payment to C & M for the Temporary Watermain HDPE Pipe Invoice #R145547, in the amount of \$2,168.00, as requested by the vendor.**
  - C & M #2 – Temporary Watermain Materials including returned items – Pending
  - Vari-Tech – Temporary Watermain HDPE Pipe – Pending
  - Osterhoudt – Temporary Watermain Installation - \$24,715.44
    - We have reviewed the invoice and agree Unit Price and Extended Pricing
    - We agree with the level of work completed. As such, we recommend that the Village Clerk to proceed to process Payment Application to H. Osterhoudt Excavating, for the Temporary Watermain Installation Work Invoice #123024-P, in the amount of \$24,715.44, as requested by the contractor.
    - **Therefore, should the Village agree with the recommendation, we recommend the following:**
      - **The Village hereby resolves to authorize the Village Clerk to proceed to process Payment Application to H. Osterhoudt Excavating for the Temporary Watermain Installation Work Invoice #123024-P, in the amount of \$24,715.44, as requested by the contractor.**
- Permanent Watermain Invoices
  - C & M #1 – Permanent Watermain Pipe and Materials = \$32,667.50
    - We have reviewed the invoice and agree Unit Price and Extended Pricing
    - We recommend that the Village resolve to authorize the Village Clerk to process payment to C & M for the Temporary Watermain Materials Invoice #Ri45002, in the amount of \$32,667.50 as requested by the vendor.
    - **Therefore, should the Village agree with our recommendation, then we recommend the following:**
      - **The Village hereby resolves to authorize the Village Clerk to proceed to process payment to C & M for the Temporary Watermain Materials Invoice #R145002, in the amount of \$32,667.50, as requested by the vendor.**

### ESTIMATED COST SUMMARY

	April 20, 2022 Bid Results	May 2022 Estimated/Budget Cost	September 2022 Estimated Cost Osterhoudt
<b>Temporary Water Main</b>	-		-
<ul style="list-style-type: none"> <li>• Piping Materials (Village direct purchase)</li> <li>• C&amp;M Invoice #1 Temporary Watermain HDPE</li> <li>• C &amp; M Invoice #2 Temporary Watermain Materials – Pending</li> <li>• Vari-tech PO Approved at 06/02/22 Mtg - Pending</li> </ul>	-	\$15,000	- \$2,168.00 \$4,661.40 \$2,648.00
<ul style="list-style-type: none"> <li>• Support System and anchors (SCDPW)</li> </ul>	-	\$25,000	\$ 25,000
<ul style="list-style-type: none"> <li>• Fuse and Install Piping Materials &amp; appurtenances, &amp; testing (H. Osterhoudt)</li> </ul>	-	\$25,000	\$24,715.44
<ul style="list-style-type: none"> <li>• Misc. Other Cost</li> </ul>	-	TBD	TBD
<b>Permanent Water Main</b>	-		-
<ul style="list-style-type: none"> <li>• Piping Materials (Village direct purchase)</li> <li>• C &amp; M Invoice #1 Permanent Watermain</li> <li>• C &amp; M Invoice # 2 Permanent Watermain Materials - Pending</li> </ul>	-	\$40,506	\$32,667.50 \$38,125.50
<ul style="list-style-type: none"> <li>• Support System - Beam (Village direct purchase)</li> </ul>	-	\$8,425	\$ 8,425
<ul style="list-style-type: none"> <li>• Install Piping, Materials &amp; appurtenances, support system and testing (SCDPW)</li> </ul>	-	\$25,000	\$25,000
<ul style="list-style-type: none"> <li>• Technical oversite and assistance for installation of permanent water main and to resolve issues with leakage testing and disinfection (H. Osterhoudt Excavating Inc., Day Rate During Construction)</li> </ul>	-	\$ 3,500/Day Assume 2 Wks/10 Days \$35,000	\$ 3,500/day Assume 2 ppl,2 Wks/10 Days = \$35,000
<ul style="list-style-type: none"> <li>• <b>Permanent water main leakage testing, disinfection and sampling (H. Osterhoudt Excavating Inc., Lump Sum</b></li> </ul>	-	\$ 5,000	\$ 5,000
<ul style="list-style-type: none"> <li>• <b>Misc Other Cost</b></li> </ul>		\$ TBD	\$ TBD
<b>Total Construction Cost</b>	<b>\$259,000</b>	TBD	\$ TBD
<b>Other Miscellaneous Costs</b>			
<ul style="list-style-type: none"> <li>• Engineering (Delaware Engineering D.P.C.)</li> </ul>		TBD	TBD
<ul style="list-style-type: none"> <li>• Village Attorney (Local Counsel)</li> </ul>		TBD	TBD
<b>Contingency</b>	-	TBD	TBD
<b>Total</b>	<b>\$ 259,000</b>	<b>\$179,931</b>	<b>\$203,411</b>
<b>Village Budget</b>	<b>\$ 150,000</b>		

## 2. WWTP Upgrade

### Board Action required at tonight's meeting:

- WWTP Phase 1 Consider Applications and Certificate for Payment approval Payment No. 5 from General Contractor – Eastman Associates, Inc. - in the amount of \$155,778.15
- **Update/Review of Project Progress**
  - Other Possible Additional Financing Opportunities
  - **Bipartisan Infrastructure Law (BIL)**

- NYSEFC and NYSDOH will be administering new federal funds from the BIL
  - Adds money to existing Clean Water State Revolving Fund (CWSRF) for wastewater and Drinking Water State Revolving Fund (DWSRF) program
  - Some additional grant funds may be available
  - Latest since the last Board meeting, 2023 Draft Clean Water State Revolving Fund (CWSRF) Intended Use Plan (IUP) and associated documents for public comment, with BIL General Supplemental Funding came out on August 18, 2022 – Webinar scheduled for September 12, with comments due back in by September 20, 2022.
  - To be eligible for BIL General Supplemental Funding an applicant – Must not have closed EFC financing or incurred SRF eligible debt for the project before November 15, 2021.
  - Phase 1 – This project is not eligible for BIL General Supplemental
- Background**
- NYSEFC and NYSDOH will be administering new federal funds (\$246M) from the BIL
  - Adds money to existing Clean Water State Revolving Fund (CWSRF) for Wastewater and Drinking Water State Revolving Fund (DWSRF) program
  - Some additional grant funds may be available
  - May 24 webinar provided some information but programs parameters and protocols appear to need refinement before we can be certain the best plan forward
  - We have a number of questions into NYSEFC and do not have all the answers yet.
- **For Phase 1:**
    - The Village is not able to use the CWSRF PLUS Update form to express desire to be considered for BIL funding (General Supplementary) because we have already closed on financing
    - So based on communications with NYSEFC, we will provide and email a letter to NYSEFC (i.e. to NYSEFC program coordinator for BIL as well as our project program engineering contact Jon Amos and his superior Bill Brizzell) from the Mayor expressing interest in BIL funding and advising EFC of the project status – will be done before 4 pm on June 17
  - **For Phase 2 (Sludge Processing)**
    - We have submitted CWSRF and WIIA funding applications but did not receive WIIA grant (April 2022 letter) so project is currently on hold
    - We worked with Judy to complete the PLUS Update form and will check the box indicating desire for BIL funding.
    - We prepared a letter to NYSEFC from the Mayor expressing interest in BIL funding and advising EFC of the project status, need for the project, etc. – letter to be attached as with PLUS listing and also be emailed directly to the NYSEFC program coordinator for BIL as well as our project program engineering contact John Amos and his superior Bill Brizzell.
    - Robert and Dan worked with Judy to get the listing update and letter uploaded and emailed before 4 p.m. on June 17.

## NYSEFC WIIA and IMG Programs

### NYS WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT OPPORTUNITY

- CWSRF and WIIA funding applications submitted for 2021-2022 state fiscal year – SRF – No Hardship, WIIA – Grant Denied (4/22)
- On July 7 the New York State Environmental Facilities Corporation (EFC) is offering \$225 million in grants for clean and drinking water (WIIA) projects during 2022-23 state fiscal year
- The deadline to submit your application is 5 p.m. on Friday, September 9, 2022

#### **Available Funding**

- **WIIA Clean Water Projects**
  - An applicant with an eligible clean water project may receive a WIIA grant award as described below:
  - A project, including phase of the project, would be awarded up to the lesser of \$25 million or 25% of net eligible project costs
- **New Online WIIA/IMG Application**
- All remaining items that need to be done for the redo of the Phase 2 WIIA application before September 9, 2022 have been completed
- NYSEFC confirmed receipt of the WIIA Application on 9/6/22
- WIIA Awards anticipated to be announced before the end of the year
- At the July meeting the Village Board resolved to:
  - Authorize submission of the New York State Environmental Facilities Corporation's Water Infrastructure Improvement Act Grant Application for the Phase 2 WWTP Upgrade and submitted for the redo of the Phase 2 WIIA upgrade Project
    - Authorize the Mayor to endorse the attached NYSEFC form authorizing the Mayor to serve as the applicant representative, and
    - Authorize Delaware Engineering to submit the 2022 NYSEFC CWSRF WIIA Application
- For the Base Project – Phase 1:
- Update/Review of Project Process

- **CONSTRUCTION**

- **General**

- Remobilized on 9/7 to begin Clarifier drain valve work, the valve is exposed, valve replacement on hold due to wet weather
- Installed Sludge Building Grating and Misc. metals
- Installed Grit Holding Area concrete floor

- **Electrical**

- Installing Electrical Conduits (Inf., Sludge & Electrical Building)
- Preparing for installation of duct bank

- **HVAC**

- Roof curbs delivered, waiting on fan delivery (November 2022)

- **Plumbing**

- None

- NYSEFC Additional Funding
  - The NYSEFC Closed on the PFA for the additional funding up to \$9.4 on 6/30/22
- **CONSTRUCTION CONTRACTS**
- **Construction Contract Award**
  - Delaware has integrated these items to form the execution copy of the contract for each prime contract and forwarded digital version to NYSEFC for approval and have provided each prime and the Village with hard a hard copy of the executed contracts.
  - Construction Contracts were sent to NYSEFC for approval on 4.6.22.
  - Change Order No. 1 and 2 have been approved for all prime contracts
  - MWBE Utilization Plan & Waiver Request Summary
    - **Approved now for all 4 prime contracts**
  - **Reimbursement for pay requests can now be made for all prime contracts**
- **Payment Requests:**
  - **Contract No. VL1-G-21 – General Construction**
    - **Application and Certificate for Payment No. 5**
    - **The full application package provided to the Village Clerk under separate cover on 09/14/22**
      - We have reviewed the Payment Application from Eastman Associates, Inc. the contractor for the subject project, for the period of July 31, 2022 through August 31, 2022 in the amount of \$155,778.15 for partial payment for Control Building Repair, Influent Building Improvements, Influent Channel, Influent Building Process, Oxidation Ditch Process Improvements, Storm water Retention Basin Improvements, Secondary Clarifier Process, Sludge Building Process Improvements, SCASA, Site Work, New Electric Room Improvements and NYSEFC Contract Compliance The total cost to date of \$753,469.70 equates to 17.4% of the contract price with a balance to finish, including retainage of \$4,539,830.30.
      - We agree with the level of work completed to date and the costs presented therein. As such, we recommend that the Village resolve to authorize the Village Clerk to proceed to process Payment Application No. 5, to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of July 31, 2022 through August 31 31, 2022 in the amount of \$155,778.15, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
    - **Therefore, should the Village agree with our recommendation, then we recommend the following:**
    - **The Village hereby resolves to authorize the Village Clerk to proceed to process Payment Application No. 5, to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of July 30, 2022 through August 31, 2022, in the amount of \$155,778.15, as requested by the**

**contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.**

- **Contract No. VL1-E-21 – Electrical Construction**
  - **Application and Certificate for Payment No. 1**
  - **Funds disbursed to Village for Payment Application No. 1 on 8/12/22; ready to disburse to Sass now**
  - At the July meeting the Village resolved to authorize the Village Clerk to proceed to process Payment Application No. 1, to Electrical Contract No. VL1-E-21 for J & J Sass Electric, Inc. for the period of March 23, 2022 through June 30 2022, in the amount of \$61,370.00, as requested by the contractor, and that payment to the contractor will be made following receipt and that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
  - **No request for payment this month**
- **Contract No. VL1-P-21 – Plumbing Construction**
  - **Application and Certificate for Payment No. 1**
  - **Funds disbursed to Village for Payment Application No. 1 on 8/12/22; ready to pay A. Treffeisen now**
  - At the July meeting the Village resolved to authorize the Village Clerk to proceed to process Payment Application No. 1, to Plumbing Contract No. VL1-P-21 for A. Treffeisen and Sons, LLC., for the period of March 8, 2022 through June 30 2022, in the amount of \$1,216.00, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt and that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
  - No request for payment this month

**Contract No. VL1-HV-21 – HVAC Construction**

- **Application and Certificate for Payment No. 2**
- **The full application package provided to the Village Clerk under separate cover on 9/14/22**
- We have reviewed the attached Payment Application from A. Treffeisen and Sons, LLC., the contractor for the subject project, for the period of June 3, 2022 through August 31, 2022, in the amount of \$919.60 for partial payment for materials presently stored. The total cost to date of \$2,173.60 equates to 1.96% of the contract price with a balance to finish, including retainage, of \$114, 726.40.
- We agree with the level of work completed to date and the costs presented therein. As such, we recommend that the Village resolve to authorize the Village Clerk to proceed to process Payment Application No. 2, to HVAC Contract No.VL1-H-21 for A. Treffeisen and Sons, LLC. for the period of June 3, 2022 through August 31, 2022 in the amount of \$919.60, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
- **Therefore, should the Village agree with our recommendation, then we recommend the following:**

- The Village hereby resolves to authorize the Village Clerk to proceed to process Payment Application No. 2, to HVAC Contract No. VL1-H-21 for A. Treffeisen and Sons, LLC , Inc. for the period of June 3, 2022 through August 31, 2022, in the amount of \$919.60, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
- Change Orders
  - **Contract No. VL1-G-21 – General Construction**
    - **Change order No. 1** – Add Bid Alternate Belt Filter Press work
    - Totaling \$763,000
    - Change Order sent to NYSEFC for approval on 3/1/22
    - Approved by NYSEFC on 6.24.22
    - **Change Order No. 2** – Update Davis Bacon Wage Rates
    - At the April 7<sup>th</sup> meeting the Village Board resolved to:
      - Authorize the Village Mayor to execute Change Order No. 2 for the Davis Beacon Wage Rate for the General contract VL 1-G-21 – General Construction resulting in no change to the contract cost
    - Change order, fully execute by Village/Contractor/Engineer, was sent to NYSEFC on April 22, 2022 for approval
    - Approval is contingent upon some questions on dates of execution of contracts and Change Order No. 1. We are continuing to work through this with NYSEFC program and legal.
    - The date was reviewed with the Village Attorney and adjusted as recommended by NYSEFC, and was resubmitted to NYSEFC on June 10, 2022 for approval.
    - Approved by NYSEFC on 6.24.22
    - Change Order No. 3 – Project Modification No. 1
      - At the August 18 meeting Village Board authorized the Mayor to execute Change Order 3 – Project Modifications No. 1, for Contract No. VL1-G-21 by Eastman Associates, Inc., in accordance with the scope and costs of the 5/17/22, 8/11/22 & 8/17/22 change proposals by Eastman, in total amount of \$48,730.65; which will increase the cost of the contract to \$5,342,030.65 (\$5,293,300 plus \$48,730.65).
    - **Item 1** – Influent Building Grit Holding Area unforeseen Conditions
    - **Item 2** – Storm water Pump Piping Modifications
    - **Item 3** – WAS Piping Modifications
    - **Item 4** – NPW Supply Piping
      - Sent to NYSEFC for approval on 9/6/22, pending NYSEFC Approval
    - **Contract No. VL1-E-21 – Electrical Construction**
      - **Change Order No. 1** – add Bid Alternate Belt Filter Press Work
      - Totaling \$96,000
      - Change order sent to NYSEFC for approval on 3/1/22.
      - Approved on 6.24.22 by NYSEFC



- **Change Order No. 2** – Update Davis Bacon Wage Rates
- At the April 7<sup>th</sup> meeting the Village Board resolved to:
  - Authorize the Village Mayor to execute Change Order No. 2 for the Davis Beacon Wage Rate for the Electric contract VL 1-E-21 – General Construction resulting in no change to the contract cost
- Change order, fully executed by Village/Contractor/Engineer, was sent to NYSEFC on April 22, 2022 for approval.
- Approved by NYSEFC on 6.24.22

**Contract No. VL1-P-21 – Plumbing Construction**

- **Change Order No. 1** – Update Davis Bacon Wage Rates
  - At the April 7<sup>th</sup> meeting the Village Board resolved to:
    - Authorize the Village Mayor to execute Change Order No. 2 for the Davis Beacon Wage Rate for the Plumbing contract VL 1-P-21 – Plumbing Construction resulting in no change to the contract cost
  - Change order, fully executed by Village/Contractor/Engineer, was sent to NYSEFC on April 22, 2022 for approval.
  - Approved on 6.24.22 by NYSEFC
- **Change Order No. 2** – Influent and Sludge Building’s PVRs
  - At the August 18 meeting the Village Board authorized the Mayor to execute Change Order No. 2 – Influent and Sludge Building’s PRV’s, for Contract No. VL1-P-21 by Treffeisen, in accordance with the scope and cost of the 8/11 change proposal, in the amount of \$5,689.60; which will increase the cost of the contract to \$115, 489.60 (\$109,800 base contract plus \$5,689.60).
  - Sent to NYSEFC for approval on 9/14/22, pending NYSEFC Approval

**Contract No. VL1-HV-21 – HVAC Construction**

- **Change Order No. 1** – Update Davis Bacon Wage Rates
  - At the April 7<sup>th</sup> meeting the Village Board resolved to:
    - Authorize the Village Mayor to execute Change Order No. 2 for the Davis Beacon Wage Rate for the HVAC contract VL 1-HVAC-21 – HVAC Construction resulting in no change to the contract cost
  - Change order, fully executed by Village/Contractor/Engineer, was sent to NYSEFC on April 22, 2022 for approval.
  - Approved on 6.24.22 by NYSEFC
- **Monthly Construction Meeting**
    - The latest monthly meeting construction meeting was held on site on 9.1.4.22 with the prime contractors, Delaware and Village Staff
  - **Engineering During Construction**
    - Continue to receive and process material and equipment submittals, and application for payment

- **On-Site Construction and Observation Services**
  - Fulltime services continuing, when contractors are onsite
  - Eastman was not on site this week, plans to return next week
  - Excerpt from the Revised Anticipated Project:

February 21, 2022	Supplemental Bond Resolution becomes effective (20 days from Publication)
February – March 2022	Issue Notice to of Award, and prepare execution copies of contract, and issue Notice to Proceed Pre-Construction Meeting (March 23 <sup>rd</sup> )
March 2022 – July 2023	Construction to Substantial Completion
August 2023	Construction Completion (Final) and Project Closeout
October 2023	Long Term Loan Closing

- **For the Enhanced Sludge Project – Phase 2**
  - **Project currently on hold pending financing considerations**
  - The CWSRF and WIIA funding applications were submitted but did not receive WIIA 25% grant (April 2022) letter so project is currently on hold.
  - Submitting updated WIIA grant application before September 9
  - **Other Possible Additional Financing Opportunities**
  - **Bipartisan Infrastructure Law (BIL)**
  - NYSEFC and NYSDOH will be administering new federal funds from the BIL
  - Adds money to existing Clean Water State Revolving Fund (CWSRF) – for wastewater and Drinking Water State Revolving Fund (DWSRF) programs.
  - Some additional grant funding may be available
  - Latest since the last Board meeting, 2023 DRAFT Clean Water State Revolving Fund (CWSRF) Intended Use Plan (IUP) and associated documents for public comment with BIL General Supplemental Funding came out on August 18, 2022- Webinar scheduled for September 12, with comments due back in by September 20, 2022
  - We are working to understand how this will affect this project – not completely clear at this time.
  - As before, we have a number of questions into NYSEFC and do not have all the answers yet.
  - We will advise as we receive more information
- **More info on WIIA FYI**
  - 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.
  - Village received Hardship Eligibility Letter from NYSEFC on November 29, 2021 stating that this project is eligible for 0% loan/interest free financing with up to 25% grant possible.

- April 20, 2022 NYSEFC posting of awards – this project did not get WIIA grant.

- **Professional Services Contracts**
- **Nothing new this month**

- 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.
- NYSEFC approved this amendment on 3/8/22
- Need to modify our contract and costs to include the Grit Pump work and possibly to add belt press to Phase 1 (design, CA & CI) – Will look to do this after closing on short term loan since costs will come out of contingency since financing cost is capped at \$9.4 M.

- Phase 2 Sludge Handling WWTP Upgrade Project

- On hold until a plan forward can be agreed to now that WIIA funding has been denied for Phase 2
- 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

- **Project Complete; all funds disbursed**

### 4. Elm Street Wellfield/Electrical Improvements

- **Nothing new to report this month**
- 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.
- We updated the cost estimate for the work from 2 years ago to \$200,000 (full grant amount with no Village contribution) and provided Judy with DASNY – requested information on March 31, 2022 to update Grant #11665 for electrical improvements work
- Received June 2022 request from Senator Martucci’s office to provide more information to support moving \$100,000 from Grant #9119 into #11665
- We worked with Judy to get the information requested back to Martucci’s office

- In light of pending NYSDEC cleanup cost correspondence, should the Village pull back the request to Sen. Martucci and consider putting #11665 funds back to #9119 to provide \$200,000 for the cleanup costs?

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

- Board Action Required at Tonight's meeting:
  - None
- **2022 CDBG Application**
  - We worked with Judy and Mayor Joan and Mark Blauer to compete and upload the application package before the July 29<sup>th</sup> deadline, waiting for announcement likely December 2022
  - Consolidated funding application (CFA) process opened in early May
  - Applications for this year's CFA will be accepted through 4:00 pm on July 29<sup>th</sup>
  - Request for Qualifications
    - At the May 5 meeting the Village Board resolved to authorize the Village Clerk to publish a Request for Qualifications during May with response due in early June. Judy and I can work on the RFQ legal notice to appear on May 10<sup>th</sup> with responses due June 1<sup>st</sup>. This was revised on May 14, to target date for publication is Friday May 20<sup>th</sup> with responses due June 13<sup>th</sup> (5/14 email from Blauer Associates)
    - Delaware submitted a response to the RFQ on 6/10/22 and were the only responder
    - Village scored the RFQ at the June 16, 2022 meeting and scored DEDPC at 100 points and returned form to Mark Blauer
    - Delaware the selected engineer for the project if funding is received.
  - Local Funds
    - At the May 19 meeting, the Village adopted the resolution regarding local funding.
  - SEQRA
    - At the May 19 meeting the Village Board resolved, per the SEQR resolution provided, that the Rail Trail Culvert project be declares a Type 2 SEQRA thereby requiring no further review.
  - Public Hearing
    - The legal notice to appear in the Democrat on Friday May 20 edition of the Villages official newspaper.
    - At the June 2 at 6:55 p.m. Village Board meeting a hearing was held for the 2022 CDBG Application.
    - No objections or concerns were raised at the public hearing, the Village resolved to submit/continue with the 2022 CDBG Application.
  - Applications for this CFA will be accepted through 4:00 p.m. on July 29<sup>th</sup>.
- Hazard Mitigation Grant Program (HMGP) – FEMA & Dept. of Homeland Security
  - Project is identified in the Sullivan County Multi-Jurisdictional Hazzard Mitigation Plan (SCMJHMP)
  - Programs offers up to 90% grant, normally 75% grant
  - Delaware completed the application and it was submitted on 6.1.22

- Could take up to 1-year before award determinations are made
- The Village received RFI from DHSES – Rail Trail Area Culvert – August 15, 2022 Formal RFI Response from DHSES
- This request for information (RFI) identifies additional items necessary, to complete you sub application(s)
  - Please work through each item listed below, clearly label any new supporting documentation included, and complete all forms provided, prior to submitting the completed RFI
  - All items requested are due to [AndreaSangrey@dhSES.ny.gov](mailto:AndreaSangrey@dhSES.ny.gov) for final review no later than August 26, 2022 (10 business days from the date of this letter)
- At the August 18 meeting the Village Board resolved to adopt a resolution to commit to the Village to provide up to the estimated 10% project cost match, if funds are awarded for the HMGP/FEMA/DHSES sub application, and authorize Village Mayor to sign the letter
- Delaware Engineering submitted the RFI response package on 8/26/22

#### **6. DPW Site Groundwater Monitoring/DPW Garage Site Remediation**

- **Nothing new to report**
- June 2022 sampling report indicated levels slightly higher than March 2022 for the MW-8
- Next sampling to be conducted in September 2022
- Based on sampling results still seeing values near garage indicating contamination remains

#### **7. NYSDOH Water System Inspection/Cross Connection Control Program**

- **Nothing new to report**
- A digital version of the Village's response to the Response to the December 9, 2021 NYSDOH Water Supply Inspection Letter regarding the Cross Connection Control Program was submitted on February 4, 2022 and included the plan forward.
- No word back from NYSDOH to date. We plan to continue to move ahead with the CCP plan document per the below listed:
  1. Update the list of water users who are believed to be subject to this program (on-going)
  2. Develop a draft cross connection control program document utilizing system information, current codes and reference documents (target date June 2022)
  3. Provide a draft document for Village Board, Village Code, Village Attorney review and receive feedback (July 2022)
  4. Provide Village reviewed documents to NYSDOH – Monticello District Office for review and comment (target date August 2022)
  5. Address NYSDOH comments and recirculate to Village for final review (target date September 2022)
  6. Work through modifying the local law and code to include CCCP requirements (September – December 2022)
  7. Forward final document to NYSDH – Monticello District Office (target date January 2023)
  8. Village adopts program (January 2023)
- Delaware is working to develop a draft cross connection control program document utilizing system information, current codes and reference documents.

#### **8. WWTP SDPES Permit**

- **Working with the Village and their lab to complete sampling and get results**

- **Continue to advise DEC of delays due to sampling and they are OK with it**
- **Will submit requested info once all sample results are in hand and summarized**
- On 1/7/22 the Village received a SPDES Permit Request for Information for the Wastewater Treatment Facility
- On 3/1/22 NYSDEC sent a notification to remind the Village that the NYSDEC has sent the attached Request for Information regarding the Village of Liberty Wastewater Treatment Facility. The requested information is due back to NYSDEC by 4/7/22.
- A follow up email was received last on April 8 requesting an update.
- We responded on April 21 to DEC with the following:
  - o Delaware is working with the WWTP to complete the required sampling, and staff is working on completing the application form – sampling was completed the week of 4/18/22.
  - o Response to the Request for Information is anticipated to be ready to submit to NYSDEC by Mid-May
- NYSDEC responded on April 21 that this timeline is acceptable.
- We will continue to work with Mark to acquire the sampling results data and will summarize that data and other forms, info and get back to NYSDEC.
- May 2022 Update
  - o We have received a majority of the test results from the Village and the data received has been entered into the NY-2A form
  - o Some results have not yet been received from the lab and there were several parameters which used the incorrect testing method. We reviewed the list of missing data with the laboratory and we have requested sample bottles from the lab to be delivered to Village to resample for these parameters
  - o We notified NYSDEC that we can't give you definite timeline of when we can expect have the complete NY-2A Application, but we will update you once we receive the remaining test results
  - o NYSDEC indicated that there was not rush on this technical review, the permit has been administratively renewed for several more years
- June Update
  - Sampling results anticipated to be back on time.
- August Update
  - Most sampling results have been received. Tracking down 4-5 remaining results

## **9. Liberty Ridge Development**

- **Nothing new this month**
- At the May 19 meeting, developers' rep advised to consider connecting to the sewer main located on Buckley Street rather than line on West Street that flows into line behind former Yaun bldg. and Green Lane.
- Nothing new received by DE
- Consider checking flow in manholes on Buckley and downstream with Lynn.

## 10. PepsiCo

- **Nothing new this month**
- What are the plans for the facility?
- Will there be more buildings?
- More water needed or wastewater discharged?
- Reviewing discharge data with WWTP staff

## 11. McDonalds Grease Interceptor Review

- Revised Engineer's Report and Plan and Details Sheets for the New Grease Interceptor
- Review relative to applicable standards (e.g. NYSDEC Intermediate Size Waste Treatment Facilities (2014), 19 NYCRR Part 1229-2 Grease Interceptors, NY Plumbing Code, Chapter 10, Traps, Interceptors and Separators, etc.)
- Prepared summary of the results of our review of the applicable standard and returned to Village WWTP and Codes on 9/1/22

### **CONSIDER CLEANING SERVICES FOR MUNICIPAL BUILDING**

Motion by Trustee Feasel, seconded by Trustee Lake and unanimously carried to have Attorney Silver prepare a contract between the Village of Liberty and Mary Chanov to have Mary provide cleaning services for the Village Municipal Offices at a monthly fee of \$800.00 per month, with the first month of the contract being \$900.00 for the deep cleaning that she will be doing.

The contract will begin October 1<sup>st</sup>.

Mayor Stoddard said she and Trustee Feasel met with Mary who comes highly recommended and currently does cleaning at the Liberty Central School.

### **NEW BUSINESS:**

#### **CONSIDER HALLOWEEN PARADE – 10.29.22**

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving the Halloween Parade scheduled for October 29, 2022 at 12 noon.

The parade is sponsored by the Town of Liberty and will line up in the Municipal Parking Lot by the Elks and end at the stage at Parks and Rec (119 North Main Street).

#### **CONSIDER RESOLUTION TO HAVE THE COUNTY OF SULLIVAN HANDLE FORECLOSURES ON BEHALF OF THE VILLAGE.**

**RESOL# 57-2022:** Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving Resolution #57-2022.

**WHEREAS**, on September 15<sup>th</sup> (2022) the Sullivan County Legislators voted to postpone the County foreclosure auction until November 16<sup>th</sup> (originally scheduled for September 21<sup>st</sup>) and;

**WHEREAS**, due to the postponement former owners are allowed to repurchase their property until November 1<sup>st</sup> and;

**WHEREAS**, the Village is in agreement with this change and will follow suit in having the County handle the foreclosures on their behalf;

**THEREFORE, BE IT RESOLVED**, the Board of Trustees of the Village of Liberty approves the timing change and will continue its foreclosure actions with the County of Sullivan.

**CONSIDER PAYMENT REQUESTS FOR LILY POND BRIDGE WORK**

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried approving the payment to Core and Main for the Temporary Watermain HDPE Pipe Invoice #R145547, in the amount of \$2,168.00

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving the payment to H. Osterhoudt Excavating for the Temporary Watermain Installation Work Invoice #123024-P, in the amount of \$24,715.44.

Motion by Trustee Feasel, seconded by Trustee Mir and unanimously carried approving the payment to Core and Main for the Temporary Watermain Materials Invoice #R145002, in the amount of \$32,667.50

Delaware Engineering is in agreement with all of the above payments.

**CONSIDER PAYMENT REQUESTS FOR WWTP PROJECT**

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 5. to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of July 31, 2022 through August 31, 2022, in the amount of \$155,718.15 as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 2, to HVAC Contract No. VL1-H-21 for A. Treffeisen and Sons, LLC. for the period of June 3, 2022 through August 31, 2022, in the amount of \$919.60 as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

**APPROVAL BILLS FOR PAYMENT OF BILLS**

**FOR PYMT:** Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried approving Voucher #2293 to Voucher #2377 in the amount of \$528,780.37.



**FLOWER FUND**

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried approving the following payment:

**Monticello Greenhouses - \$845.00**

**EXECUTIVE** Motion by Trustee Mir, seconded by Trustee Feasel and unanimously  
**SESSION:** carried to go into Executive Session at 7:30 p.m. to receive Attorney Advice, discuss Contract Negotiations and to discuss personnel in the Clerk's Office

Clerk-Treasurer Zurawski was invited into the session.

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

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

**THE MEETING WAS ADJOURNED AT 8:01 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI  
CLERK-TREASURER**



