

## **WORKSESSION MEETING**

**NOVEMBER 17, 2022**

The Board of Trustees held the Worksession Meeting on November 17, 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, and Trustee Eveleese Lake. Also Present: Judy Zurawski, Clerk/Treasurer.

**ABSENT:** Trustee Ernest Feasel, Trustee Daniel Wright and Attorney for the Village Gary Silver

**ALSO PRESENT:** Police Chief Steven D'Agata and Dan Fagnani (Delaware Engineering)

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

### **REGULAR MEETING - November 3, 2022**

**CORRESPONDENCE:** Mayor Stoddard said there was no correspondence for the meeting.

### **TABLED BUSINESS: DELAWARE ENGINEERING - UPDATE ON PROJECTS**

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

#### **1. Lily Pond Road Bridge Waterline**

- Board Action Required at Tonight's meeting:
  - None
- **Construction Status Update**
- The temporary water main has been installed and was put into service on 8/22
- The County has completed all bridge work with the exception of paving, guide rail and site restoration.
- The new permanent watermain over the new bridge has been installed, including tie-in connections on north and south end, and backfilled with ¾" service corps to perform pressure and disinfection testing.
- Installation of taps for air release (¾" corporations) is anticipated to be 11/17 or 11/18
- Pressure testing and disinfection anticipated to commence on 11/21 (short week) or 11/28. Cold weather may impact when this can be done.

- Installation of existing hydrants pending disconnection of the temporary bypass.
- Payments to Vendors & Contractors
- Temporary Watermain Invoices
  - C & M #1 – Temporary Watermain HDPE Pipe = \$2,168.00 - Paid
  - C & M #2 – Temporary Watermain Materials including returned items – \$4,256.98 - Paid
  - Vari-tech PO Approved at 06/02/22 Mtg – Invoice Paid
  - Schmidt’s Wholesale – Misc. Hardware – Invoice Pending
  - Vari-Tech – Temporary Watermain HDPE Pipe – Invoice Pending
  - SCDPW Support System and Anchors – IMA/Invoice Pending
  - Osterhoudt – Temporary Watermain Installation - \$24,715.44 - Paid
- Permanent Watermain Invoices
  - C & M #1 – Permanent Watermain Pipe and Materials = \$32,667.50 - Paid
  - C & M #2 – Permanent Watermain DI Pipe & Materials = \$23,686.40 – Paid
  - C & M #3 – Permanent Watermain Flex Joint = \$14,375.00 – Invoice Paid
  - Sherburne Steel Sales – Permanent Watermain Beam = \$8,425 - Paid

#### ESTIMATED COST SUMMARY

|  | April 20,<br>2022<br>Bid Results | May 2022<br>Estimated/Budget<br>Cost                | October 2022<br>Estimated Cost<br>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 Paid</li> <li>• C&amp; M Invoice #2 Temporary Watermain Matls Paid</li> <li>• Vari-tech PO Approved at 06/02/22 Mtg – Paid</li> <li>• Schmidt’s Wholesale – Misc Hardware – Inv Pend</li> </ul> | -                                | \$15,000  | \$2,168.00<br>\$4,661.40<br>\$2,648.00                      |
| <ul style="list-style-type: none"> <li>• Support System and anchors (SCDPW)</li> </ul>   | -                                | \$25,000  | \$ 25,000<br>(cost pending)                                 |
| <ul style="list-style-type: none"> <li>• Fuse and Install Piping Materials &amp; appurtenances, &amp; testing (H. Osterhoudt) - Paid</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 Insulated Pipe - <b>Paid</b></li> <li>• C &amp; M Invoice # 2 Permanent Watermain DI Materials – <b>Paid</b></li> <li>• C &amp; M Invoice #3 Perm Flex Joint - <b>Paid</b></li> </ul>              | -                                | \$40,506  | \$32,667.50<br>\$23,750.50<br>\$14,375.00                   |
| <ul style="list-style-type: none"> <li>• Support System - Beam (Sherburne SS) - <b>Paid</b></li> </ul>   | -                                | \$8,425   | \$ 8,425  |
| <ul style="list-style-type: none"> <li>• Install Piping, Materials &amp; appurtenances, support system and testing (SCDPW) (Cost Pending)</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<br>Assume 2<br>Wks/10 Days<br>\$35,000 | \$ 3,500/day<br>Assume 2 ppl,2<br>Wks/10 Days =<br>\$35,000 |
| <ul style="list-style-type: none"> <li>• <b>Permanent water main leakage testing,</b></li> </ul>   | -                                | \$ 5,000  | \$ 5,000  |

|  |                   |                  |                  |
|--|-------------------|------------------|------------------|
| disinfection and sampling (H. Osterhoudt Excavating Inc., Lump Sum |                   |                  | (Cost Pending)   |
| • Misc Other Cost  |                   | \$ TBD           | \$ TBD           |
| <b>Total Construction Cost</b>                                     | <b>\$259,000</b>  | <b>TBD</b>       | <b>\$ TBD</b>    |
| <b>Other Miscellaneous Costs</b>                                   |                   |                  |                  |
| • Engineering (Delaware Engineering D.P.C.)                        |                   | TBD              | TBD              |
| • Village Attorney (Legal Counsel)                                 |                   | TBD              | TBD              |
|  |                   |                  |                  |
| <b>Contingency</b>   | -                 | TBD              | TBD              |
|  |                   |                  |                  |
| <b>Total</b>   | <b>\$ 259,000</b> | <b>\$179,931</b> | <b>\$203,006</b> |
| <b>Village Budget</b>  | <b>\$ 150,000</b> |                  |                  |
|  |                   |                  |                  |
| <b>Paid to Date</b>  |                   |                  | <b>\$113,007</b> |

## 2. WWTP Upgrade

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

- WWTP Phase 1 Consider Applications and Certificate for Payment approval Payment No. 7 from General Contractor – Eastman Associates, Inc. - in the amount of \$801,524.98
- Payment No. 3 from Electrical Contractor – J & J Sass in the amount of \$184,727.50
- **Update/Review of Project Progress**
  - **Bipartisan Infrastructure Law (BIL)**
  - Phase 1 – This project is not eligible for BIL General Supplemental Funding
  - **For the Base Project – Phase 1**
  - **Update/Review of Project Process**
    - Construction – General
      - Control Bldg. bathroom and locker room floor tile – Ongoing
      - Grit Tank Work (screen, collector, gates, diffusers) – Pending
      - Grit Blower – Demoed and prepped new pad
      - Clarifier Tank Repair – Plan Developed, Work Pending
      - Clarifier Equipment Painting – Ongoing
      - Post Aeration Blowers – Demoed two blowers and prepped new pad
      - Post Aeration Tank – Drained for work
      - New Electrical Building
        - Floor Slab – Work Complete – 11/16/22
        - Siding – Mostly Complete
        - Interior finished – Pending
        - Roof installed, flashing, & trim work – Pending
    - Site Work
      - Control Building – Excavated and installed PVC roof drain piping – Work Complete
      - Sludge Building – Excavated and installed PVC roof drain piping – Work Complete
    - Yard Piping
      - Influent Area – 1” copper water line – Work Complete
  - Electrical
    - Installing Electrical Conduits (Inf, Sludge & Electrical Building) – On-going

- New Electric Building under slab conduits – Work Complete
  - Duct bank Installation – Work Complete
  - Sludge Building Service Upgrade (CO#3) galv. Conduits – Ongoing
  - Oxidation Ditch conduits & conductors – Work Complete
- HVAC
  - Control Building Heater Installation estimated 12/22 – Work Pending
  - Roof curbs delivered, estimated 4/19/23 - Pending
  - Plumbing
    - Control Building Kitchenette – Work Complete
- **NYSEFC Additional Funding**
  - The NYSEFC Closed on the PFA for the additional funding up to \$9.4M on 6/30/22
  - No further actions required....all set until long term closing
- **CONSTRUCTION CONTRACTS**
- **Payment Requests:**
  - **Contract No. VL1-G-21 – General Construction**
    - Application and Certificate for Payment No. 6
      - At the October meeting Village resolved to authorize the Village Clerk to process Payment Application No. 6 to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of August 31, 2022 through September 30, 2022, in the amount of \$251,616.99, 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.
    - **Application and Certificate for Payment No. 7**
      - **The full application package provided to the Village Clerk under separate cover on 11/15/22**
      - We have reviewed the Payment Application from Eastman Associates, Inc. the contractor for the subject project, for the period of September 30, 2022 through October 31, 2022 in the amount of \$801,524.98, 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, SCADA, Site Work, New Electric Room Improvements and NYSEFC Contract Compliance The total cost to date of \$1,806,611.67 equates to 33.66% of the contract price with a balance to finish, including retainage of \$3,559,301.15.
      - 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. 7, to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of September 30, 2022 through October 31, 2022 in the amount of \$801,524.98, 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. 7, to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of September 30, 2022 through October 31, 2022, in the amount of \$801,524.98, 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. 2
    - At the October meeting the Village resolved to authorize the Village Clerk to proceed to process Payment Application No. 2, to Electrical Contract No. VL1-E-21 for J & J Sass Electric, Inc. for the period of June 20, 2022 through September 30, 2022 in the amount of \$179,740.00, 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 of reimbursement from NYSEFC.
  - **Application and Certificate for Payment No. 3**
    - **The full application package provided to the Village Clerk under separate cover once we receive hard copies of the application for payment and certified payroll.**
    - We have reviewed the Payment Application from J & J Sass Electrical, Inc., the contractor for the subject project, for the period of June 30, 2022 through October 31, 2022 in the amount of \$184,727.50, for partial payment for Mobilization, Demobilization, Bonds & Insurance, Control Building Improvements. Labor, Materials, New Electrical Building Improvements and Miscellaneous Items/Other Expenses, and NYSEFC Contract Compliance. The total cost to date of \$425,837.50, equates to 22.8% of the contract price with a balance to finish, including retainage of \$1,445,162.50.
    - 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. 3, to Electrical Contract No. VL1-E-21 for J & J Sass Electric Inc. for the period of September 30, 2022 through October 31, 2022 in the amount of \$184,727.50, 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. 3, to Electric Contract No. VL1-G-21 for J & J Sass Electric, Inc. for the period of September 30, 2022 through October 31, 2022, in the amount of \$184,727.50, 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, with the release of funds (check) contingent upon Contractor providing Eastman Associates, Inc. acceptable schedule information.

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- **Contract No. VL1-P-21 – Plumbing Construction**
  - No request for payment this month

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

- Application and Certificate for Payment No. 3
  - At the October meeting the Village resolved to authorize the Village Clerk to proceed to process Payment Application No. 3, to HVAC Contract No. VL-1-HV-21, A. Treffeisen and Sons, LLC, for the period of August 31, 2022 through September 30, 2022 in the amount of \$9,880.00, 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 receipts of reimbursement from NYSEFC.
  - No request for payment this month
- **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
        - No Cost Change
        - Approved by NYSEFC on 6.24.22
    - **Change Order No. 3 – Project Modification No. 1**
      - Totaling \$48,730.65 for:
        - Item 1 – Influent Building Grit Holding Area Unforeseen Conditions, Item 2 – Stormwater Pump Piping Modifications, Item 3 - WAS –Piping Modifications and Item 4 – NPW Supply Piping
      - Approved by NYSEFC on 9/21/22
    - **Change Order No. 4**
      - At the October meeting the Village Board authorized the Mayor to execute Change Order No. 4 for Contract No. VL1-G-21, in accordance with scope and costs of the 5/16/22 & 10/14/22 change proposals by Eastman, in the total amount of \$23,882.17; which will increase the cost of contract to \$5,342,030.65 (previous contract amount of \$5,342,030.65 plus \$23,882.17).
    - **No New Change Orders this month**
    - **Possible/Pending Change Order(s)**
      - Secondary Clarifier Slab Repair
        - \$7,500 tank repair allowance
        - Eastman estimate = \$9,464
        - Work needs to be done. Dennis is tracking T & M, will work additional cost into a change order at a later date

- Control Floats & HOAs for New Equipment in Existing Panels
  - Control Floats
    - Stormwater Basin 92-floats)
    - Drain Well (3-Floats)
    - HOAs
  - HOAs for New Equipment in Existing Panels
    - Grit Screw Collector (2)
    - Sludge/Stormwater Blowers (2)
    - Drain Well Pump (1)
    - **Contract No. VL1-E-21 – Electrical Construction**
- **Change Order No. 1** – add Bid Alternate Belt Filter Press Work
  - Totaling \$96,000
  - Approved on 6.24.22 by NYSEFC
- **Change Order No. 2** – Update Davis Bacon Wage Rates
  - No cost change
  - Approved by NYSEFC on 6.24.22
- **Change Order No. 3 – 600A Service Upgrade for the Sludge Building**
  - Totaling \$18,306
  - Submitted to NYSEFC for approval on 11/6/22
  - Change Order NO. 3 -600A Service Upgrade for the Sludge Building
    - At the October meeting the Village Board authorized the Mayor to execute Change Order NO. 3 – 600A Service Upgrade for Sludge Building, for Contract No. VL1-E-21, in accordance with scope and costs of the 10/10/22 change proposals by J & J Sass, in the total amount of \$18,306.00; which will increase the cost of the contract to \$1,889,306.00 (previous contract amount of \$1,871,000 plus \$18,306.00).
- **No new Change Order this month**
- **Pending Change Orders (s)**
  - None

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

- **Change Order No. 1** – Update Davis Bacon Wage Rates
  - No Cost Change
  - Approved on 6.24.22 by NYSEFC
- **Change Order No. 2** – Influent and Sludge Building’s PVRs
  - Totaling \$5,689
  - Approved on 9/23/22 by NYSEFC
  - **No Change Orders this month**
  - **Pending Change Orders**
    - None

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

- **Change Order No. 1** – Update Davis Bacon Wage Rates
  - No cost change
  - Approved on 6.24.22 by NYSEFC
- **Change Order No 2**
  - Item 1 – New Sludge Building Exhaust Fan
  - Totaling \$8,387.78
  - Sent to NYSEFC for approval on 11/14/22

- Change Order No. 3
  - At the October meeting the Village Board resolved to authorize the Mayor to execute Change Order No. 3 for Contract No. VL1-H-21, in accordance with the scope and costs of the 9/13/22 change proposals by A. Treffeisen & Son, LLC, in the total amount of \$8,387.78; which will increase the cost of the contract to \$125,287.00 (previous contract amount of \$116,900 plus \$8,387.78).
- **No New Change Orders this month**
- **Pending Change Orders(s)**
  - None
- **Monthly Construction Meeting**
  - The latest monthly construction meeting was held on site on 11.9.22 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 of Award, and prepare execution copies of contract, and issue Notice to Proceed<br>Pre-Construction Meeting (March 23 <sup>rd</sup> ) |
| March 2022 – July 2023 | Construction to Substantial Completion<br>(Eastman Schedule shows 6/26/23, needs input from EC)  |
| 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**
  - **Since Last month it has been confirmed that project is not eligible for WIIA grant award now nor BIL funding**
  - **There was work that was moved into Phase 2 that should be done if the Village decides to not move forward with Sludge disposal related improvements – some examples**
    - **Paving replacement**
    - **Sludge holding tank improvements**
    - **Add 3<sup>rd</sup> sludge pump**
  - **Checking with NYSEFC how this can be done and will get back with the Village with some projected costs soon**
  - **NYSEFC WIIA Programs**
  - **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 Village to submit another WIIA application in September 2022
- NYSEFC just announced WIIA Awards on 11/3/22
- The Project was NOT selected for WIIA grant (25%) Award; unlike most other grant programs, EFC does not provide a scoring rubric for projects requesting WIIA funding (this is somewhat subjective vs hard scoring). They do, however, provide a list of 5 evaluation criteria:
  - Water quality improvement or reduction in risk to public health
  - Financial needs of the community
  - Readiness to advance construction
  - Level of demonstrated community support
  - Consideration of environmental justice areas
- We confirmed that sludge treatment and disposal facilities are eligible projects under the WIIA program
- The Phase 2 project checks 4 of the 5 boxes, but ultimately the project will not result in water quality improvement or in a reduction in risk to public health.
- The Village could apply next round, likely early September 2023 but not sure it will score high enough to get funded
- **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 the 2022-23 state fiscal year
  - The deadline to submit your application is 5:00 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 phases 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 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 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
- Submitting updated WIIA grant application before September 9
  - We worked with Judy to complete the PLUS Update form and checked 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.
  - Robert and Dan worked with Judy to get the listing update and letter uploaded and emailed before 4 pm on June 17, 2022
- **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.
- **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 continue to seek answers from NYSEFC
- We will advise as we receive more information
- 2023 IUP will be finalized in the near future
- **This project was not selected for BIL grant (50%) Award**
  - **Project Blended Affordability core = 52**
  - **BIL Funding Line = 62-63**
  - **BIL line may move up or down in next rounds but likely that competition will increase**

- **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 contract amendment for design through construction services, following the Announcement of NYSEFC WIIA Grant Awards, if the grant application is successful.

### 3. 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?

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

- Board Action Required at Tonight’s meeting:

- None
- **2022 CDBG Application**
  - **List of awards published on November 15, 2022 did NOT include this project**
  - **We suggest an exit interview with NYSOCR and Mark Blauer to understand why it was not chosen/didn't score high enough and decide if we want to redo this for the 4<sup>th</sup> time.**
  - We worked with Judy and Mayor Joan and Mark Blauer to complete 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 Village Board meeting a hearing was held for the 2022 CDBG Application at 6:55 p.m.
    - 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**
  - **All information submitted in July 2022. Awaiting further information**
  - 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

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

- September 2022 sampling report indicated levels slightly higher than July 2022 for the MW-22B & MW-22A and slightly lower for MW-8
- Next sampling to be conducted in December 2022
- Based on sampling results still seeing values near garage indicating contamination remains

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

- **Delaware is continuing work to develop a draft cross connection control program document utilizing system information, current codes and reference documents**
- 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)

#### **7. WWTP SDPES Permit**

- **Nothing new this month – final items sent to NYSDEC on 10/5/22**
- October Update
- On 9/1/22 received notice from NYSDEC that the full application is required by October 7, 2022
- NY-2A Package submitted 10/5/22 ad NYSDEC confirmed their receipt

- Background
- 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:
  - 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.
  - 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
  - We have received a majority of the test results from the Village and the data received has been entered into the NY-2A form
  - 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
  - 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
  - NYSDEC indicated that there was no 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.

## **8. 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.

## **9. 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

- 10. Economic Development Water and Sewer Infrastructure Capacity Planning Study**
- Held a kick off meeting with Town on November 14, 2022
  - Meeting minutes and questions for the Village will be available in a few days and we will share with the Village once available
  - Need info from Village on water and sewer needs as well as available capacities, improvements desired/needed for short term and long term, etc.
  - Will want to meet with Town and Village sometime in early December – what dates and times work well for Mayor and Fred and likely Lynn and Mark
  - More soon
  - Will involve planning staff as well as Town and Village water and sewer staff
  - At the September 6, 2022 meeting the Board authorized the Town Supervisor to endorse the Economic Development Water and Sewer Infrastructure Capacity Planning Study, dated August 15, 2022 to conduct:
    - Economic Development Water and Sewer Infrastructure Capacity Planning Study
    - Update to Parksville Sewer Service Alternatives Study
    - Select Grant Writing
- 11. Sullivan County Land Bank – North Delaware Avenue**
- Asked by Jill Weyer to look at potential use of property
  - We understand at last meeting there was interest expressed for this to be taken over by the Village and used as low impact park – does Village favor the park plan? Or consider to residential development?
  - What is available for sewer and water?
- 12. NYS DOH – Water Supply Emergency Response Plans Update**
- The Village received notice on September 30, 2022 from NYSDOH that they need to provide Water Supply Emergency Response Plans Updates.
  - This is a generic letter reminding the Village that the Emergency Response Plan and Vulnerability Assessment must be kept up to date and that every 5 years needs to be submitted to the commissioner for review, and provides other generic information about other relevant requirements.
  - There are some things that the Village will need to do to comply with the requirements in letter, but nothing that required immediate attention.
  - The “small systems” templates that the Village’s ERP and VA are based have been revised to meet regulatory requirements and systems wishing to continue small systems templates must use the 2022 version. We will have to extract the information from the Village’s current ERP and VA, and update the new template.
  - There are a few new sections in the templates that will require new information (e.g., pandemics and supply chain shortages, strategies to detect malevolent acts or natural hazards that threaten system security and resilience, water sampling data tables, etc.).
  - There aren’t any specific deadlines, but we will plan to work with the Village over the next few weeks to convert to the new templates, update the information and fill in any new or missing information.
  - We will work with the Village to update these
- 13. Sanitary Collection System I/I Investigations**
- Delaware had a conference call with Steve Grimm of New York Rural Water Association (NYRWA) to understand what services are offered – Smoke Testing, Camera Work, etc.
  - NYRWA was booked up for the rest of the year, but recommended that the Village call in January 2023 to schedule sewer I/I investigation for the 2023 season.

- The Village will need to define their desired area of invitations (e.g., smoke testing on/n the Main Street area).

#### 14. Water System Priority List

- Recently provided a system map to Fred and will be working with him to understand and prioritize system needs and desired improvements for near term and long term – water plant, transmission and distribution lines, valuing, etc.

#### **CONSIDER CODE ENFORCMENT FEES**

Mayor Stoddard said she would like to form a committee that would work on this to come up with a new schedule of fees.

#### **CONSIDER PROPOSED LOCAL LAW - #1-2023 – TRASH REMOVAL**

Mayor Stoddard said there was one more item that the Board wanted added into the proposed local law and she would have Attorney Silver amend it so it could be reviewed at the next meeting.

The Public Hearing may have to be rescheduled so the time frame is accommodating for the 239-m review.

#### **NEW BUSINESS:**

#### **CONSIDER SEWER CREDIT #7-14000/204 SOUTH MAIN STREET**

Motion by Trustee Lake, seconded by Trustee Mir and unanimously carried approving the sewer credit of \$475.42 for Account #7-14000, Shiv Ram Motel, Inc. (204 South Main Street).

This was due to a leaking pipe, which was fixed and verified by Integrity Plumbing and approved by Working Supervisor Fred Moore.

#### **CONSIDER LEP POLICY FOR THE VILLAGE**

**RESOL. # 62-2022** Motion by Trustee Lake, seconded by Trustee Mir and unanimously carried approving Resolution #62-2022.

**WHEREAS**, Executive Order 13166 “Improving Access to Services for Persons with Limited English Proficiency” requires that a Policy must be in place to provide guidelines for employees when communicating with individuals with Limited English Proficiency (LEP);

**WHEREAS**, the Village has developed this Policy to ensure LEP individuals have meaningful access to all service, programs and activities;

**WHEREAS**, In addition to this policy the Village has a telephone language line that covers 240 languages;



**NOW, THEREFORE, BE IT RESOLVED** the Village Board of the Village of Liberty approves the Limited English Proficiency Services Policy dated November 17, 2022.

**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. 7 to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of September 30, 2022 through October 31, 2022, in the amount of \$801,524.98 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. 3 to Electric Contract No. VL1-E-21 for J & J Sass Electric, Inc. for the period of September 30, 2022 through October 31, 2022, in the amount of \$184,727.50 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, with release of funds (check) contingent upon Contractor proving Eastman Associates, Inc. acceptable schedule information.

**APPROVAL BILLS FOR PAYMENT OF BILLS**

**FOR PYMT:** Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving Voucher #2486 to Voucher #2561 in the amount of \$931,543.56.

Mayor Stoddard said she did want to review the prevailing wage rates with JCO.

**EXECUTIVE SESSION:** Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried to go into Executive Session at 7:45 p.m. to discuss a particular employee in the Department of Public Works.

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried to come out of Executive Session at 7:55 p.m.

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

**THE MEETING WAS ADJOURNED AT 7:56 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI  
CLERK-TREASURER**



