

## **REGULAR MEETING**

**DECEMBER 21, 2022**

The Board of Trustees held the Regular Meeting on December 21, 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: Judy Zurawski, Clerk/Treasurer.

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

**ALSO PRESENT:** Police Chief Steven D'Agata, Abraham Mizrahi and Abraham Weberman

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

### **WORKSESSION MEETING - November 17, 2022**

**CORRESPONDENCE:** Mayor Stoddard said the Village has received the following correspondence

- ❖ NYCOM Advocacy Update 10.31 & 11.2

**PUBLIC COMMENT:** There were no comments from the Public.

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

**TREAS. REPORT:** Treasurer Zurawski's written report is summarized below:

- ❖ List of Current Taxes and collections thru 11/30/22 of which there is \$353,312.92 outstanding. The current taxes are 91% collected.
- ❖ List of Delinquent Taxes, which as of 11/30/22 is \$346,198.43 not collected.
- ❖ Starting and Ending Central Check Numbers for November 2022
- ❖ Starting November 2022 Central Check #17935
- ❖ Financial comparison of General, Water, Sewer and Sanitation

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

Delaware Engineering sent the following reporting:

#### **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. The bridge is now open for traffic.
- Pressure testing of the new line occurred, but there is a line leak near the tie in to the existing waterline on the Village side of the new bridge that requires the line from the Lily Pond water plant to be shut down in order to safely confirm the leak issues and asses what needs to be done and fix it.
- **Right now the waterline work is on hold until we agree to shut down the line, assess and make the repair.**
- This may involve some users to be without water for a time and will require flushing and Village manpower and time; Fred looking into what has to be done before with temporary connections to keep these people in water.
- Once this plan is agreed to we can coordinate and finalize plan for leak/value replacement work with County and Osterhoudt.
- Installation of existing hydrants pending disconnection of the temporary bypass
- **Do we want to consider continuing to run on the temporary line until spring with warmer temperatures (will need to leak and pressure test and disinfect the new line for at least 48 hours once the leak is fixed – affected by freezing)?**
- 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 – Temporary Watermain HDPE Pipe Vari-Tech PO Approved at 06/02/22 Mtg. - Paid
  - 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, 2022 Bid Results	May 2022 Estimated/Budget Cost	October 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 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
			\$4,661.40
			\$2,648.00
<ul style="list-style-type: none"> <li>• Support System and anchors (SCDPW)</li> </ul>	-	\$25,000	\$ 25,000 (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
			\$23,750.50
			\$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 (cost pending)
<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 (Cost Pending)
<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 (Legal Counsel)</li> </ul>		TBD	TBD
<b>Contingency</b>	-	TBD	TBD
<b>Total</b>	<b>\$ 259,000</b>	<b>\$179,931</b>	<b>\$203,007</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. 8 from General Contractor – Eastman Associates, Inc. - in the amount of \$387,984.75
- Payment No. 2 from Plumbing Contractor – Treffeisen in the amount of \$2,756.90

- Payment No. 4 from HVAC Contractor – Treffeisen in the amount of \$10,260.00
- **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, one pad installed, one pending
      - Clarifier Tank Repair – Plan Developed, Work Pending
      - Clarifier Equipment Painting – Ongoing (80%), Installation Pending
      - RAS Pump – One (1) delivered
      - Post Aeration Blowers – Pads Complete
      - Post Aeration Tank – Drained for work
      - New Electrical Building
        - Floor Slab – Work Complete – 11/16/22
        - Siding – Mostly Complete
        - Interior finished – Work Complete
        - 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) – Ongoing
      - 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 – Ongoing
      - Electrical Building HVAC - Ongoing
      - 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. 7
  - At the November meeting Village resolved to authorize the Village Clerk 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.
- **Application and Certificate for Payment No. 8**
  - **The full application package provided to the Village Clerk under separate cover on 12/14/22**
  - We have reviewed the Payment Application from Eastman Associates, Inc. the contractor for the subject project, for the period of October 31, 2022 through November 30, 2022 in the amount of \$387,984.75, for partial payment for Control Building Flooring, Sludge Building Concrete Slabs, Influent Channel Bar Screen & Washer/Compactor Materials Presently Stored, Secondary Clarifier Demo, Relief Values, Painting & Installation, Sludge Building Process Improvements Sludge Wasting Pump Materials Presently Stored, SCADA & Programing, Yard Piping, New Electrical Rpp, Installation, Siding and Trims, & Doors and Hardware.
  - The total cost to date of \$2,194,596.42 equates to 43.05% of the contract price with a balance to finish, including retainage of \$3,171,316.40.
  - 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. 8, to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of October 31, 2022 through November 30, 2022 in the amount of \$387,984.75, 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. 8, to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of October 31, 2022 through November 30, 2022, in the amount of \$387,984.75, 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 November meeting the Village resolved 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 October 1, 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.

- No request for payment this month

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

- Application and Certificate for Payment No. 1
  - At the July meeting Village resolved to authorize the Village Clerk 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 3, 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 of reimbursement from NYSEFC.
- **Application and Certificate for Payment No. 3**
  - **The full application package provided to the Village Clerk under separate cover on 12/14/22**
    - We have reviewed the Payment Application from A. Treffeisen and Sons, LLC, the contractor for the subject project, for the period of June 3, 2022 through November 30, 2022 in the amount of \$2,756.90, for partial payment for Change Order No. 2 Influent and Sludge Building RPZ Upgrade (Backflow Prevention Devices) Materials Presently Stored.
    - The total cost to date of \$3,972.90 equates to 3.44% of the contract price with a balance to finish, including retainage of \$111,516.70.
    - 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 Plumbing Contract No. VL1-P-21 for A. Treffeisen and Sons, LLC. for the period of June 03, 2022 through November 30, 2022 in the amount of \$2,756.90, 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 Plumbing Contract No. VL1-P-21 for Eastman Associates, Inc. for the period of June 03, 2022 through November 30, 2022, in the amount of \$2,756.90, 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-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.

- **Application and Certificate for Payment No. 4**
    - **The full application package provided to the Village Clerk under separate cover on 12/14/22**
      - We have reviewed the Payment Application from A. Treffeisen and Sons, LLC, the contractor for the subject project, for the period of September 30, 2022 through November 30, 2022 in the amount of \$10,260.00, for partial payment for Materials Presently Stored.
      - The total cost to date of \$22,313.00 equates to 17.8% of the contract price with a balance to finish, including retainage of \$102,974.18.
      - 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. 4, to HVAC Contract No. VL1-HV-21 for A. Treffeisen and Sons, LLC. for the period of September 30, 2022 through November 30, 2022 in the amount of \$10,260.00, 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.
  - **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. 4, to HVAC Contract No. VL1-HV-21 for A. Treffeisen and Sons, LLC., for the period of September 30, 2022 through November 30, 2022, in the amount of \$10,260.00, 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.**
- **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
  - Totaling \$23,882.17 for:
    - Item 1 – Post Aeration Blower Piping, Item 2 – Emergency Generator Bollards
    - Item 2 – WAS Piping Modifications, and Item 4 – NPW Supply Piping
  - Approved by NYSEFC on 11/30/22
- **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 (2-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 Orders 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 PRVs**
  - Totaling \$5,689
  - Approved on 09/23/22 by NYSEFC
  - **No New Change Orders this month**
  - **Pending Change Orders (s)**
    - **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
  - Approved by NYSEFC on 11/30/22
  - Change Order No. 2
    - 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 12.14.22 with the prime contractors, Delaware and Village Staff
- **Engineering During Construction**
  - Continuing 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 Pre-Construction Meeting (March 23 <sup>rd</sup> )
March 2022 – July 2023	Construction to Substantial Completion (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**
    - **2<sup>nd</sup> Mechanical Bar Screen**
  - **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
  - 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**
- **Board Action Required at Tonight’s meeting:**
  - Consider moving ahead with Phase 2 or add Phase Critical Items 2 back into Phase 1
  - We are working on a WWTP Phase 1 and Phase 2 Rate Impact Analysis, and will forward it for review soon
  - Will need to consider at January 2023 meeting
- **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. 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**
  - **Does the Village want to resubmit to CDBG? If so:**
    - **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.**
  - **The Village needs to request an exit interview with NYS OCR. You should have received a letter stating that you did not get awarded and how to set up the exit interview, Judy, please locate and circulate that letter to Mark Blauer and Delaware and let’s get an exit interview set up.**
- **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

- **No new information this month**
- **Next sampling to be conducted in December 2022**
- 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 has a draft for Village Board, Village Code & Village Attorney Review**
- 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 to 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**

- **Wastewater sampling conducted in November 2023 – received from Mark Kellam from PepsiCo**

- **BOD5=8110m mg/l, COD = 11,700 mg/1, TSS 404 mg/1, pH 4.8, FOG = 54 mg/1**
- This analysis is Part of PepsiCo's ongoing efforts to design and implement an engineering solution for their waste management. This may include future wastewater treatment. The entire scope of the project is still being assessed. PepsiCo will be continuing to do analysis like this to further characterize their wastewater in the coming months.
- 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?**
- **Sewer and water is available at both ends of those properties correct?**
- **County also requested Delaware assist with looking at 14 more properties – will share list with the Village and keep you in the loop on our recommendation.**

#### **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
- The Village also received an email (11/16/2022) from the EPA regarding Certification of the ERP. The EPA requirements for the ERP differ slightly from the NYS requirements.
- Delaware will work with the Village to reconcile discrepancies between the Federal and State requirements to allow for the submission of the EPA certification. EPA certification is an online form.
- Presently, less than 5% of the water systems in NYS have certified their ERPs with the EPA.

### 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.

### 15. Church Street Culvert Repair

- Two galvanized culvert pipes by the Jeff Bank (4-foot diameter) because the bottoms are rotting out, which is causing sink holes in the Jeff Bank parking lot
- The Village desired to seek a grant for the two galvanized culvert pipes by the Jeff Bank
- There is a lot involved with culvert work – NYSDEC permits, fish passage, etc.
- Delaware plans to make a site visit on 12/15/22 to do an inspection, take photos, measure pipes, etc.
- Possible grants include NYCOM Culvert Removal, Replacement & Restoration Grant – Competitive grants for project for the replacement, removal and repair of culverts or weirs. The deadline for the application is February 6, 2023.
  - **We have reviewed the Notice of Funding Opportunity for the Culvert Removal, Replacement & Restoration Grant and do not believe that the Jeff Bank Culvert project qualifies.**
  - **The program running this grant is known as the Culvert Aquatic Organism Passage (AOP) Program and its eligibility focus is on the replacement, removal, repair and improvement of culverts or weirs that would meaningfully improve or restore fish passage for anadromous fish, such as salmon, that migrate up rivers from the sea to spawn, Particularly those species that are currently listed or “could reasonably become listed”**

**under the Endangered Species Act (ESA).**

- A quick search of the NYS database for that location did not return information for any listed endangered or threatened species or any habitat for an endangered or threatened species.
- **Has there been any discussion with the Bank to consider opening up the piped area?**

**CONSIDER CODE ENFORCMENT FEES**

Mayor Stoddard and Trustee Lake said they would meet and set up a schedule for the Board to review.

**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 will be scheduled at the next meeting.

**NEW  
BUSINESS:**

**CONSIDER ACCEPTANCE OF 11.16.22 COUNTY AUCTION BIDS**

Motion by Trustee Feasel, seconded by Trustee Lake and unanimously carried approving the bids received at the Sullivan County Online Auction held on November 16, 2022.

The bids received on the delinquent village property were as follows:

104.-4-2.2	-	Winslow Place	\$20,000.00
104.-5-9	-	11 Noble St	\$80,000.00
104.-8-16	-	Mars Lane	\$ 1,700.00
105.-4-2.4	-	Kelly Ave.	\$13,000.00
107.-3-16	-	Champlin Ave	\$ 8,500.00
108.-1-2 -	-	Mars Lane	\$ 1,900.00
108.-1-3	-	Mars Lane	\$ 2,500.00
108.-2-16	-	Mars Lane	\$ 1,900.00
108.-2-17	-	Mars Lane	\$ 2,000.00
108.-2-18	-	Mars Lane	\$ 1,600.00
108.-2-19	-	Mars Lane	\$ 1,300.00
111.-1-7	-	130 Chestnut	\$76,000.00
111.-1-58	-	West Lake St	\$ 4,500.00
112-7-15	-	157 S. Main	
112.-7-11.1	-	Oberferst	\$275,000.00
114.-3-17	-	109 Webster Ave	\$65,000.00
114.-6-3	-	Jordan Ave	\$ 1,800.00
115.-3-18	-	28 Up. Fern. Rd	\$47,000.00
116.-1-14.2	-	W. Lake St.	\$32,000.00
117.-1-27.1	-	Washington St	\$25,000.00
121.-3-7.2	-	51 Sullivan Ave.	\$73,000.00

**CONSIDER NEW HACH/TURNKEY CONTROL SOLUTIONS**

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried approving the installation of the new HACH C1-175SC and HACH SC4500 Controller from Turnkey Control Solutions, Inc. of Endicott, NY in the amount of \$8,642.71.

This is a budgeted item. The cost also included the removal of the old HACH C1-17 as well as Hardware, Labor and Mileage.

**CONSIDER BINGO LICENSE FOR LIBERTY ELKS LODGE 1545**

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving the **Bingo License for Liberty Elks BPOE**.

This license is for the period of January 8, 2023 – December 17, 2023.

Trustee Feasel also stated he is a member of the Elks but derives no financial remuneration from the organization.

**CONSIDER LIBERTY ELKS BPOE – GAMES OF CHANCE LICENSE**

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving the **Games of Chance License for Liberty Elks BPOE**.

This license is for the 2023 year and will run from January 1, 2023 – December 31, 2023.

**CONSIDER INTERMUNICIPAL AGREEMENT BETWEEN THE VILLAGE OF LIBERTY AND THE LIBERTY CENTRAL SCHOOL DISTRICT**

This item has been **tabled** until the Regular Meeting on January 5<sup>th</sup> (2023)

**CONSIDER PAYMENT REQUESTS FOR WWTP PROJECT**

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 8 to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of October 31, 2022 through November 30, 2022, in the amount of \$387,984.75 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 Feasel and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 2 to Plumbing Contract No. VL1-P-21 for A. Treffeisen & Sons LLC for the period of June 1, 2022 through November 30, 2022, in the amount of \$2,756.90 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 Feasel and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 4 to HVAV Contract No. VL1-H-21 for A. Treffeisen & Sons LLC. for the period of September 30, 2022 through November 30, 2022, in the amount of \$10,260.00 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.

**CONSIDER LETTER FROM REAL PROPERTY TAX SERVICES – 56 NORTH DELAWARE AVENUE**

The Board discussed the letter received and said they were in agreement with the change suggested by E-911 Control Center and the Real Property Tax Services.

**PUBLIC COMMENTS:** Abraham Mizrahi (Property Owner) introduced himself to the Board and discussed his vision for the parcels/buildings he has recently purchased.

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

Trustee Feasel discussed the EV Charging Station Grant he is working on with NYSEG and presented a list of approved contractors (in New York) that could be used for installation.

Treasurer Zurawski will follow up with Delaware Engineering to see if they are familiar with any of the contractors and the quality of their work.

Trustee Lake – No Comment

Trustee Mir – No Comment

Mayor Stoddard said that the Police Chief and she met with Bruce Davidson regarding the theater. She said he is doing amazing work, which will include a dinner theater. A couple concerns he had was the possibility of extra lighting on Main Street and reducing the speed on Main Street. He offered to purchase two of the LED signs that indicate how fast you are going which could be placed on Main Street.

Mayor Stoddard said they would look into the possibility of reducing the speed to 25 miles per hour and additional lighting.

**APPROVAL POST AUDIT VOUCHERS OF BILLS**

**FOR PYMT:** Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving Post Audit Voucher #2562 to Voucher #2568 in the amount of \$428,483.42.

**BILLS FOR PAYMENT**

Motion by Trustee Feasel, seconded by Trustee Mir and unanimously carried approving Voucher #2569 to Voucher #2649 in the amount of \$201,289.40.

**EXECUTIVE SESSION:** Motion by Trustee Lake, seconded by Trustee Mir and unanimously carried to go into Executive Session at 7:21 p.m. to discuss a personnel matter in the Police Department.

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**



