

WORKSESSION MEETING

January 28, 2019

The Board of Trustees held the Worksession Meeting of January 28, 2019 at the Village Municipal Building, 167 North Main Street, Liberty New York. Mayor Ronald Stabak opened the meeting with the Pledge of Allegiance.

PRESENT: Mayor Ronald Stabak, Deputy Mayor/Trustee Robert Mir, Trustee Corinne McGuire and Trustee Sal Cracolici. Also Present: Gary Silver, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

ABSENT: Trustee Daniel Wright

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

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

REGULAR MEETING - JANUARY 14, 2019

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

Incoming

- ↓ E-Mail from P. Baynes Re: AIM Payment Elimination 1.17.19
- ↓ Letter from H. Budrock Re: Flower Dollars and Arbor Day 1.23.2019
- ↓ Letter from SC Partnership Re: Corridor 1.16.19
- ↓ E-Mail Letter from US Census Re: BAS Survey 1.23.19

TABLED BUSINESS: **UPDATE ON ENGINEERING PROJECT - WWTP UPGRADES - DELAWARE ENGINEERING:**

1. WWTP Upgrade

- **NYSEFC Clean Water State Revolving Fund (CWSRF) Project #C3-5352-02-00**
 - The Village received NYSEFC letter on December 20, 2017 indicating that the project is eligible for 0% interest loan (no grant)
 - In June 2018, Delaware worked with the Village to complete the full CWSRF Hardship application to allow NYSEFC to determine if project is eligible for the 25% hardship grant in addition to 0% Hardship Loan.

- The full CWSRF Hardship application and supporting documentation was sent via email/upload to NYSEFC on June 27, 2018.
- Delaware sent via email/uploaded the NY Water Grant (WIIA) application and supporting documentation to NYSDEC on August 31, 2018 and Confirmation of Receipt has been received.
- In late November 2018 Governor Cuomo announced awards for more than \$49 million in grants for Water Infrastructure Improvements in the Southern Tier, and the Village Waste Water project was selected for award.
- Total Estimated Project Cost from PER: \$7,656,889
- From Grant Award
 - Total Estimated Project Cost from PER: \$7,656,889
 - From Grant Award: - \$6,457,089
 - Estimated Grant Award: \$1,614,272 (included in Estimated Project Cost)
- The Village received a letter from NYSEFC, on January 18, 2019, to inform the Village that the WIIA program grant is being revised to \$1,914,000 and Total Estimated Project Cost of \$7,656,889. See January 18, 2019 NYSDEC Letter on 2018 Water Infrastructure Improvement Act Award.
- With eligible costs and funding confirmed, it is now time to move forward with implementation.
- A Project Summary was reviewed.
- The Village received a follow-up letter that lists all missing items to complete the project financing agreement with a deadline of January 18, 2019.
 1. Engineering agreement
 - For Planning – Executed, ready to Submit
 - For Design (and construction) services – For Board consideration today.
 2. MWBE utilization plan for the above Design services Pending Engineering Agreement for Design Services
 3. MWBE work plan and MBO – Submitted to NYSEFC Representative on January 16, 2019
 4. Copy of sewer debt exclusion approval from OSC – Judy working with Bond Counsel
 5. Clarification of net interest – Previously provided via e-mail, plan to resubmit with the rest of the items.
 6. Completed Smart Growth Assessment Form – Previously provided via email, plan to resubmit with the rest of the items

Professional Services Contract for Design through Construction

- January 25, 2019 contract attached
- Matches the scope items and costs set forth in the October 2017 Engineering Report, upon which the NYSDEC financing is based
- Scope of work matches that for other NYSEFC WWTP upgrade projects and very similar to the contracts that we have performed for the Village on previous upgrade work.
- Subject to NYSEFC contract provisions including a MWBE goal of 23%
- We have described our approach to compliance with these provision in the attached contract
- Standard Terms and Conditions same as all recent contracts
- If the Village finds the contract acceptable as presented, we recommend that the Village Board authorize the Mayor to endorse the Professional Services Contract with Delaware Engineering, DPC for design through construction for the Village WWTP upgrade to be financed through NYSDEC, dated January 25, 2019, in an amount not to exceed \$1,082,000

Short Term Financing

- Village is eligible to receive no cost (hardship) short term financing at 0% from NYSEFC
- However, closing on the project financing with NYSEFC is anticipated to take 6-8 months processing time with NYSEFC due to their backlog of projects
- Project Bond Resolution was completed in 2018 so Village can legally secure short term and long term financing at any time.
- In order to have non-Village funds to provide payment for services (E.g. design, subcontract services, etc.) taking place prior to closing in financing with NYSEFC over the next 6-8 months, the Village can now secure a one year callable BAN in the amount of \$700,000 (i.e. able to be paid off before end of term)
- NYSEFC includes net interest as well as eligible project cost (difference between interest earned by the BAN amount in the bank and the cost of the BAN charge at term or payoff) so any cost for the BAN would be included in the long term financing.
- Therefore, if the Village agrees with the proposed approach, we recommend that the Village authorize the Village Clerk to proceed to secure a one year callable BAN in the amount of \$700,000 to pay for services provided until the Village is able to close on NYSEFC financing, satisfy NYSEFC reimbursement and begin to receive NYSEFC funds on a regular basis.

UPDATE ON CDBG LOANS

Attorney Silver said he has some information that is leading to Maurice Galant's (Cyber Shack) employment. He said he will pursue this loan.

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

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

Motion by Trustee Cracolici, seconded by Trustee McGuire and unanimously carried approving Tony Siciliano's estimate of no more than \$3,500 subject to confirmation that he is not required to pay prevailing wage.

If he is required to pay prevailing wage another estimate will be requested.

UPDATE ON DOVE TRAIL AGREEMENT AND ARTIST

Mayor Stabak said he has met with the artist Kim Simons who has quoted approximately \$900 to paint the Woodstock Dove. She is designing it with a Woodstock effect that includes Village business names that were here during the Woodstock Celebration in 1969.

CONSIDER EMPIRE THEATRE GRANT WITH CATSKILL HUDSON BANK

Attorney Silver said there are several points in this paperwork that needs to be addressed and he would continue to work on it and report back to the Board.

UPDATE ON MCMANUS & ASSOCIATES - SULLIVAN RESORTS, LLC AKA GROSSINGER RESORT

The Board discussed the proposed development for the former Grossinger site and the fact that the Town would be the government agency negotiating with McManus and Associates and the Village will be in turn negotiating

with the Town for the possible approval of a Municipal Cooperative Agreement for utility services.

Mayor Stabak said in order to provide water from the Elm Street well it would include \$200,000 to \$300,000 to cleanup and remove the building at the site and approximately another \$2,000,000 to rebuild a Village Department of Works Building at another location.

NEW BUSINESS: CONSIDER ELECTION INSPECTORS FOR MARCH 19, 2019 VILLAGE ELECTIONS

RESOL. #1-2019: Motion by Trustee Mir, seconded by Trustee McGuire and unanimously carried approving Resolution #1-2019.

RESOLVED, the Village of Liberty Board of Trustees approves the following Election Inspectors for the March 19, 2019 Village Elections:

DEMOCRATIC

Matthew Frumess
Bill Liblick

REPUBLICAN

Maureen Hopper
Charles Tyler

CONSIDER SEWER CREDIT - #2-11930 - HOCHMAN

Motion by Trustee Mir, seconded by Trustee Cracolici and unanimously carried approving the Sewer Credit for Michael Hochman – 19 Yaun Avenue – Account #2-11930 in the amount of \$445.43 (56,100 gallons). This is due to a broken water valve and has been approved by Water Supervisor Kenneth Hessinger.

Trustee McGuire stated for the record that she is Mr. Hochman's next door neighbor.

CONSIDER PROFESSIONAL SERVICES CONTRACT WITH DELAWARE ENGINEERING FOR DESIGN THROUGH CONSTRUCTION OF THE WWTP UPGRADE

RESOL. # 2-2019: Motion by Trustee McGuire, seconded by Trustee Cracolici and unanimously carried approving Resolution #2-2019

RESOLVED, The Village Board of the Village of Liberty authorizes Mayor Stabak to endorse the Professional Services Contract with Delaware Engineering, DPC for design through construction for the Village WWTP upgrade to be financed through NYSDEC, dated January 25, 2019, in an amount not to exceed \$1,082,000

CONSIDER CALLABLE BAN FOR \$700,000 – INTERIM FINANCING FOR WWTP PROJECT

RESOL. # 3-2019: Motion by Trustee Mir, seconded by Trustee Cracolici and unanimously carried approving Resolution #3-2019.

RESOLVED, The Village of Liberty Board of Trustees authorizes the Village Clerk to proceed to secure a one year callable BAN in the amount of \$700,000 to pay for services provided until the Village is able to close on NYSEFC financing, satisfy NYSEFC reimbursement and begin to receive NYSEFC funds on a regular basis.

CONSIDER ECONOMIC DEVELOPMENT INITIATIVE – CORRIDOR SUPPORT

Motion by Trustee McGuire, seconded by Trustee Cracolici and unanimously carried officially supporting the economic development initiative that would add a third lane onto 1-86/NYS 17 from Harriman to exit 100.

In a telephone conversation with Marc Baez at the meeting he stated this should be accomplished with all easements place and no eminent domain will be needed.

APPROVAL DA ACCOUNT OF BILLS

FOR PYMT: Motion by Trustee McGuire, seconded by Trustee Mir and unanimously carried approving the following bill for payment from the DA Account:

ATLANTIC TACTICAL - \$479.00

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

THE MEETING WAS ADJOURNED AT 8:25 P.M.

RESPECTFULLY SUBMITTED,

**JUDY H. ZURAWSKI
CLERK-TREASURER**