

WORKSESSION MEETING

OCTOBER 19, 2023

The Board of Trustees held the Worksession Meeting on October 19, 2023 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, Trustee Eveleese Lake and Trustee Joe Aracci. Also Present: Gary Silver, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

ALSO PRESENT: Police Chief Steven D'Agata, Motty Heimlich, David Burke, Frank DeMayo (Town of Liberty Supervisor), David Ohman (Delaware Engineering) and Dan Fagnani (Delaware Engineering).

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

REGULAR MEETING – October 5, 2023

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

- ❖ Memo from Police Department Re: Defective Street Lights 10.23

Mayor Stoddard added to the conversation that a water main break in the area of Mill Street caused the short in the lights on Mill Street and as soon as it is safe to work on them they will be fixed and will be back on.

TABLED BUSINESS: DELAWARE ENGINEERING – UPDATE ON WWTP UPGRADE

David Ohman presented the following report:

1. Lily Pond Road Bridge Waterline

- Board Action Required at Tonight's meeting:
 - Review status/what's left to do
- **Construction Status Update**
 - Permanent Watermain into Service
 - Satisfactory pressure test occurred on 4/21 and satisfactory bacteriological testing occurred on 4/26 & 4/27
 - NYS DOH was notified of the satisfactory pressure and bacteriological test results and no issue with placing the permanent watermain in service and the schedule for reinstalling the hydrants on 5/15 is also acceptable.
 - Permanent watermain was put into service on 5/4/23
 - Reinstallation of hydrants and demo and removal of temporary structures/items and site restoration - Completed May 15, 2023

- Installation of insulation and embossed aluminum exterior cover system on the flexible coupling/spool pieces/etc. on the bridge crossing by C & K – Completed July 6, 2023
- Remaining to be completed includes:
 - Installation of two exposed 45-degree fittings (installation by County) - Complete
 - Removal of extra materials
 - 2 sticks of DIP insulated TR Flex) and delivery to the Village water shop or Lily Pond – being coordinated with the County and Village – **Still Pending**
 - Certification of construction (DOH-5025) and As-Builts will be completed and submitted to NYSDOH soon
 - Any remaining work will be completed as punch list work
- 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
 - Osterhoudt – Temporary Watermain Installation - \$24,715.44 – Paid
 - White Cap – Temporary Watermain Frost Blankets = \$377.14 – Paid w/Village CC
- 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
 - Osterhoudt Techincal Oversight – **Invoice Pending**
 - Osterhoudt Testing – **Invoice Pending**
 - C & K Insulation – Flexible Joint Insulation =\$16,500 – **Paid**
 - C & M #4 – Permanent Watermain 45 degree fitting insulation = \$1,258 – **Paid**
- SCDPW IMA Invoice (Temporary and Permanent Watermain installation = \$36,338.58 - Paid

ESTIMATED COST SUMMARY

| | April 20, 2022 Bid Results | May 2022 Estimated/Budget Cost | September 2023 Estimated Cost |
|--|----------------------------------|--------------------------------------|---|
| Temporary Water Main | - | | - |
| <ul style="list-style-type: none"> ● Piping Materials (Village direct purchase) ● C&M Invoice #1 Temporary Watermain HDPE Paid ● C& M Invoice #2 Temporary Watermain Matls Paid ● Vari-tech PO Approved at 06/02/22 Mtg – Paid ● White Cap PO Frost Blankets - Paid | - | \$15,000 | - \$2,168.00 \$4,256.98 \$2,648.00 377.14 |
| <ul style="list-style-type: none"> ● Fuse and Install Piping Materials & appurtenances, & testing (H. Osterhoudt) - | - | \$25,000 | \$24,715.44 |

| | | | |
|---|-------------------|---|---|
| Paid | | | |
| • Misc. Other Cost | - | TBD | TBD |
| Permanent Water Main | - | | - |
| • Piping Materials (Village direct purchase) | - | \$40,506 | |
| • C & M Invoice #1 Permanent Watermain Insulated Pipe - Paid | | | \$32,667.50 |
| • C & M Invoice # 2 Permanent Watermain DI Materials – Paid | | | \$23,750.50 |
| • C & M Invoice #3 Perm Flex Joint – Paid | | | \$14,375.00 |
| • C & M Invoice #4 45 Degree Fitting Insulation – Invoice Pending | | | \$ 1,258.00 |
| • Support - Beam (Sherburne SS) – Paid | | \$8,425 | \$ 8,425 |
| • C & K Insulation – Flex Joint Insulation – Pending Approval | | | \$16,500 |
| • Technical oversight 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) | - | \$ 3,500/Day Assume 2 Wks/10 Days \$35,000 | \$ 3,500/day Assume 2 ppl,2 Wks/10 Days = \$35,000 (cost pending) |
| • Permanent water main leakage testing, disinfection and sampling (H. Osterhoudt Excavating Inc., Lump Sum – Cost Pending) | - | \$ 5,000 | \$ 5,000 (Cost Pending) |
| • SCDPW IMA Invoice | | \$ 50,000 | \$ 36,338.58 |
| Other Miscellaneous Costs | | TBD | TBD |
| TOTAL CONSTRUCTION COST | \$259,000 | | |
| • Engineering (Delaware Engineering D.P.C.) | | TBD | TBD |
| • Village Attorney (Legal Counsel) | | TBD | TBD |
| Contingency | - | TBD | TBD |
| Total | \$ 259,000 | \$179,931 | \$207,481 |
| Village Budget | \$ 150,000 | | |
| Paid to Date | | | \$167,480 |
| ESTIMATED BALANCE TO FINISH | | | \$ 40,001 |

2. WWTP Upgrade

Board Action required at tonight's meeting:

- **WWTP Phase 2 Enhanced Sludge Upgrade**
 - **Consider Professional Services RFQ Process in December**
- **WWTP Phase 1**
- Consider Applications and Certificate for Payment for approval:
 - Payment No. 18 from General Contractor – Eastman Associates, Inc. - in the amount of \$37,444.90
 - Payment No. 12 from Electrical Contractor – J & J Sass Electric Inc., - in the amount of \$36,480.00
 - Payment No. 8 from Plumbing Contractor – Treffeisen – in the amount of \$11,791.54
 - Payment No. __ from HVAC Contractor – Treffeisen – None
- Review Anticipated Final Project Costs
- **Consider Change Orders for Approval:**
 - General Contract No. VL1-G-21 CO No. 9 – Various Project Modifications

- Electrical Contract No. VL1-E-21 CO No. 6 – Project Modification
- Consider Engineering Contract Amendment No. 2 – Additional Construction Phase Services

For the Enhanced Sludge Project – Phase 2

- Clean Water State Revolving Fund (CWSRF) Funding Submittal – also covers BIL funding request:
 - Completed and uploaded on June 15, 2023
- WIIA Grant Funding (25% grant)
 - WIIA Grant Funding Application submitted on August 9, before the August 11 deadline.
 - WIIA Grant Award Announcement anticipated November-December 2023
 - Anticipated project schedule

| | |
|-------------------------------|---|
| June 16, 2023 | Financing applications due for all projects |
| June 16, 2023 | New project listing deadline for the FFY 2024 IUP |
| July 28, 2023 | Submit Updated WIIA Application (\$9.9M) |
| August 2023 | NYSEFC to the DRAFT 2024 IUP, including Subcategory D1 -BIL General Supplemental Additional Subsidy Projects |
| Sept – October 2023 | Professional Services RFQ Process |
| November 2023 | WIIA Grant Awards Announced? |
| November – December 2023 | Contract with selected consultant for professional services for design through construction? |
| January – March 2024 | Short-term financing |
| January 2024 | Commence design |
| March 2024 | Close on NYSEFC Short Term Financing (Bridge Loan)/ Project Finance Agreement Execution – reimburse accounts for planning and design services costs |
| May 2024 | Submit project plans and specifications to NYSEFC & NYSDEC for review and approval |
| June – July 2024 | Receive NYSEFC Design Approval |
| August – November 2024 | Bid/Award Construction Related Contracts |
| December 2024 | Issue Notice to Proceed/Commence Construction |
| December 2024 – July 2026 | Construction (Eng. Administration, 20 Months) |
| December 2024 – December 2025 | Construction (Onsite, 12 Months) |

- **Professional Services RFQ Process anticipated occurring December 2023 once funding determination occurs (December 2023?)**
- Other Possible Additional Financing Opportunities
 - **Bipartisan Infrastructure Law (BIL)**
 - NYSEFC and NYSDOH will be administering new federal funds from the BIL (2nd round)
 - 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.
 - 2024 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 31, 2023.
 - A webinar was held September 14, 2023 with comments due back in by September 29, 2023
 - **This Project *may be* selected for BIL-GS grant (50%) Award, pending final IUP**
 - Project Blended Affordability Score = 54 (up 2 from 2023 IUP)
 - BIL Funding Line = 50
 - There is currently 12 projects scored above the BIL-GS line, and below this project

- The current DRAFT 2024 IUP shows this project above the Funding Line for and could be eligible for \$4,950,000 BIL-GS Grant (50% of \$9.9M from latest amendment), see attached
 - BIL-GS Funding Line *may move up or down* when IUP is finalized
 - 2024 IUP will be finalized in the near future
 - We will advise as we receive more information
 - WIIA Grant (25%) is still pending as well.
- **Update/Review of Project Progress for Phase 1 WWTP Upgrade:**
 - **Construction Schedule**
 - Completion Date: Almost all WWTP Upgrade work planned to be substantially and fully complete and operational by September 2023 and wrapped up by December 2023 - construction has pushed 4 months beyond originally planned duration.
 - Delivery of sludge press pushed until 7/12/23 and generator delivery pushed until 12/14/23; SCADA installation/work to begin early November
 - Contract Completion Dates

| | <u>Current</u> | <u>Revised Contract Completion Date per CO's</u> |
|--------------|----------------|--|
| ○ Eastman | 8/10/23 | 12/31/23 |
| ○ Sass | 9/14/23 | 12/31/23 (may req ext/generator) |
| ○ Treffeisen | 8/30/23 | 09/31/23 (Substantial Comp. Nov) |
| ○ Treffeisen | 8/30/23 | 09/31/23 (Substantial Comp. Nov) |

CONSTRUCTION CONTRACTS

- **Summary of Contractor Work**
- General- Eastman Associates, Inc. (Contract No. VL1-G-21-General Construction)
 - Control Building, Influent Building & Sludge Building Improvements
 - Brick pointing may require additional attention
 - Brick cleaning may require additional attention
 - Painting of building façade – Work Complete
 - Painting of building interior - Ongoing
 - New roof installation – Work Complete
 - Influent Chanel Process Improvements
 - Grit Tank Work (screen, collector, gates, diffusers)
 - Grit – Grit Classifier, Work Complete, punch list items open
 - Grit - Grit collector screw (2-unit) Work Complete, punch list items open
 - Gates – Work Complete
 - Mechanical Screen – Work Complete, punch list items open
 - Influent Channel Grating - Ongoing
 - Grit Blowers (2) – Work Complete
 - Influent Area Utility Markout – Work Complete by J & J Sass
Utility Location Services Subcontractor, Eastman Associates to maintain markings during project
 - Influent Building Process Improvements
 - Stormwater Tank Recirculation Pump – Work Complete
 - Stormwater Tank Pumps (2) – Work Complete
 - Other Work (e.g. process pumps and piping, etc.) – Work Complete
 - Secondary Clarifier Process Improvement
 - Valve Replacement – Work Complete
 - Clarifier Tank Repair – Work Complete

- Clarifier Equipment Painting – Complete
 - Clarifier Equipment Installation – Work Complete
 - New Grating Installation – Work Complete
 - Existing Clarifier Improvements – Work Complete
 - Site restoration – Ongoing, 95% Complete
- Sludge Building Process Improvements
 - PAC Tank installed, piping and controls – Ongoing
 - Eastman continues to work with Village Staff to maintain WWTP treatment process until chemical feed system is complete
 - RAS Pump 1, 2 & 3 Installed – Work Complete
 - RAS Pump Control Panel – Panel Complete; final testing SCADA on installation
 - Effluent water system feed (for future/Phase 2) – Work Complete
 - NPW Pumps (2) – Work Complete; final testing SCADA on installation
 - WAS Pumps (2) – Work Complete; final testing SCADA on installation
 - Post Aeration Blowers – Work Complete; final testing SCADA on installation
 - Temporary dewatering system – Work Complete
 - Belt Filter Press – Ongoing; performance testing, basket strainer & final testing SCADA on installation
 - Polymer System – Install contract items, additional mixer installation RFP pending
 - Clarifier Feed Channel Grating – Ongoing; punch list items open (band grating in channel behind Sludge Building)
 - Belt Press Reject water piping – Work Complete
- Stormwater Retention Basin Improvement – Work Complete; monitor for potential seeps
- Oxidation Ditch 1 Improvements
 - VFD Commissioning – Work Complete
 - Other work (VFD, DO meter) – Work Complete
- Oxidation Ditch 2 Repairs
 - Contractor shall clean debris from Ditch 1 prior to transferring liquid content from Ditch 2 (week of 10/9) schedule pushed one week due to control panel issues
- New Electrical Building
 - Floor Slab – Work Complete
 - Siding – Work Complete
 - Interior finished – Work Complete
 - Access landing grating & railings – Work Complete
- Roof installed, flashing & trim work – Work Complete
- Post Aeration Tanks
 - Gates – Work Complete
 - Air System – Work Complete, startup pending
- SCADA & Instrumentation
 - VFD's – All Onsite & installed
 - Instruments – Instruments onsite – Work Complete
 - Delivery & Installation of storm water tank floats (Oct.)
 - SCADA Installation – November 11 – start field installation
- Site Work
 - Control Building PVC roof drain piping – Work Complete

- Influent Area Utility Markout – Work Complete, Eastman Associates to maintain markings during project
- Sludge Building PVC roof drain piping – Work Complete
- Generator Pipe Bollards – Work Complete
- Site Restoration - Ongoing
- Yard Piping
 - Influent Area – 1” copper water line – Work Complete

Electrical Contract – J & J Sass Electric (Contract No, VL1-E-21-Electrical Construction)

- New Electric Building
 - Layout, sleeves and grounding grid – Work Complete
 - Power up temporary facilities – Work Complete
 - New service is powered up – Work Complete
 - New generator transfer switch – Ongoing, to be completed at generator delivery
 - Provide temporary E-Power for new electric service – Work Complete (temporary powered via Influent Bldg. Generator, operator shall control loads as required during generator run) Work with plant to test run system on generator to work out any issues
 - New Generator – **Delivery has been rescheduled for December 11th**
- Control Building
 - Install new outlets, switches, wiring, lighting and conduits - Work Complete
- Influent Building
 - Installing conduits for duct bank connection to buildings – Work Complete
 - Layout of new panel locations for new conduits – Work Complete
 - Installed new power panel – Work Complete
 - Installing new lighting – Work Complete
 - Sludge Building Service upgrade (CO#3) galv. Conduits – Work Complete
 - Installing conduits for equipment – Work Complete
 - Installing conduits for SCADA – Work Complete
 - Floats and HOA’s – pending delivery by GC
- Sludge Building
 - Sludge Building – Lights - Work Complete
 - Heating conduit – Work Complete
 - Blower Room – Lights & Heating conduit – Work Complete
 - Post Air Blowers – Work Complete
 - Installing conduits for equipment – Work Complete
 - Installing conduits for SCADA – Work Complete
 - Polymer System – Install contract items, additional mixer installation RFP pending
- Oxidation Ditch
 - Install new conduits & conductors to Ox Ditch mixers and CPs – Work Complete
 - Mixer Control Panel Mounting Modification – **Pending Ditch 2 shutdown**
 - Terminations and Landings to Oxidation Ditch Control Panel – Ongoing
- Secondary Clarifier – Work Complete

- Site Work
 - New underground duct bank, layout complete, installation – Work Complete
- Exterior Lighting
 - Correct light fixture operations (photo cell issues)- Work Complete

Plumbing Contract – A. Treffeisen & Son, LLC. (Contract No, VL1-P-21 – Plumbing Construction)

- Influent Building – Work Complete – pending pipe insulation installation
- Sludge Building Water Service – Work Complete
- Control Building Kitchenette – Work Complete
- Sludge Building Water Piping – Work Complete – pending pipe insulation installation

HVAC Contract – A. Treffeisen & Son, LLC (Contract No. VL1-H-21 – HVAC Construction)

- Provide schedule for new roof curbs – Work Complete
- Control Building heaters – Work Complete
- Electrical Building HVAC – Work Complete
- Influent Building heater installation (1) – Work Complete
- Sludge Building heater installation (2) – Work Complete
- Sludge Building ventilation - Ongoing
- **NYSEFC Phase 1 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
- **Payment Requests:**
 - **Contract No. VL1-G-21 – General Construction**
 - **Payment Application No. 18**
 - **The full application package provided to the Village Clerk under separate cover.**
 - We have reviewed the Payment Application from Eastman Associates, Inc. the contractor for the subject project, for the period of September 1, 2023 through September 30, 2023 in the amount of \$37,444.90 for partial payment for Mob, Demob, Insurance and Bonds, Influent Channel Process Improvements Misc. Metals, Secondary Clarifier Improvements, Sitework, Misc. Items & Expenses, Roof Demo, Soffit, NYSEFC Contract Compliance, and Weather Allowance.
 - The total cost to date of \$4,781,424.87 equates to approximately 88% of the contract price, with a balance to finish, including retainage of \$648,854.79.
 - 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. 18, to General Contract No. VL1-G-21 for Eastman

Associates, Inc. for the period of September 1, 2023 through September 30, 2023 in the amount of \$37,444.90, 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. 18 to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of September 1, 2023 through September 30, 2023, in the amount of \$37,444.90, 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-E-21 – Electrical Construction**
 - Application and Certificate for Payment No. 12
 - The full application package has been provided to the Village Clerk under separate cover
 - We have reviewed the Payment Application from J & J Sass Electric, Inc., the contractor for the subject project, for the period of September 1, 2023 through September 31, 2023 in the amount of \$36,840.00 for partial payment for Change Order #1 – Belt Filter Press.
 - The total cost to date of \$1,687,906.00, equates to 85% of the contract price with a balance to finish, including retainage of \$285,795.30.
 - We agree with the level of work completed to date and the costs presented therein. As such, we recommend that the Village resolve to authorize the Village Clerk to proceed to process Payment Application No. 12, to Electrical Contract No. VL1-E-21 for J and J Sass for the period of September 1, 2023 through September 30, 2023 in the amount of \$36,840.00, 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. 12 for Electrical Contract No. VL1-E-21 to J & J Sass Electric, Inc. for the period of September 1, 2023 through September 30, 2023, in the amount of \$36,840.00, 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.**
- **Contract No. VL1-P-21 – Plumbing Construction**
 - Application and Certificate for Payment No. 7

- The full application package has been provided to the Village Clerk under separate cover
 - We have reviewed the Payment Application from A. Treffeisen and Sons, LLC, the contractor for the subject project, for the period of September 1, 2023 through September 30, 2023 in the amount of \$11,791.54 for partial payment for Mobilization/Bonds, Influent Building Material and Labor, Sludge Building Material and Labor, NYS EFC Compliance, and CO#3 Provide Water Line.
 - The total cost to date of \$104,015.85, equates to 87% of the contract price with a balance to finish, including retainage of \$14,609.52
 - 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, for Plumbing Contract No. VL1-P-21 to A. Treffeisen and Sons, LLC. for the period of September 1, 2023 through September 30, 2023 in the amount of \$11,791.54, 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. 6 for Plumbing Contract No. VL1-P-21 to A. Treffeisen and Sons, LLC. for the period of September 1, 2023 through September 30, 2023, in the amount of \$11,791.54, 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 completion date is 9/30/23. We will prepare form work for the Village to accept substantial completion for this contract, on or before 9/30/23, at the November meeting.
- **Contract No. VL1-HV-21 – HVAC Construction**
 - No payment Application this Month
 - Contract completion date is 9/30/23. We will prepare formwork for the Village to accept substantial completion for this contract, on or before 09/30/.23, at the November meeting.
- **Potential Work that may be able to be completed with remaining contingency +/\$415K (\$90K including the Engineering Services Agreement No. 2 – Pending)**

Changes to Affect Contingency

Change Orders

- General Contract Change Order 9 \$ 895
- Electrical Change Order No. 6 \$ 84,894

Subtotal Change Orders = \$ **85,789**

Delaware Engineering, D.P.C. Contact Amendment No. 2

- Additional Engineering during Construction (+8 Mos) \$ 128,000
- Additional On-Site Observation (+5 Mos) \$ 75,000
- Grit Pump Replacement Services \$ 35,000

Subtotal Change Orders = **\$ 238,000**

Total Change Orders + DE Amend. No. 2 = \$ 323,789

Current Contingency = \$ 413,448

Remaining Contingency After COs and DE Amend. No. 2 = \$ 89,659

Possible Future Items as funding allows

1. Effluent Flow Meter – \$XX,000 – New July (G&E)
2. Sludge Dewatering Polymer Feed System – \$XX,000 – New August (G only)
3. WAS Pump Discharge Drain Line – \$XX,000 – New October (G only)
4. UV Disinfection System Communication to SCADA – \$XX,000 – New October (E only)

After these items, not much is anticipated to remain for other items.

5. Paving, Other – TBD? see what's left after bullets above
6. Mechanical Screen – \$250,000 – Planned for Phase 2
7. WAS Sludge Pump and Piping – \$100,000 – Planned for Phase

- **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**

- 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. 5**
 - Totaling \$57,730 for:
 - Additional roofing costs based on the scope and costs represented in the 2/1/23 & 2/28/23 change proposals from Eastman Associates, Inc.
 - Approved by NYSEFC on 5/8/23
- **Change Order No. 6**
 - Totaling \$6,636.84 for:
 - Bid Item #3.02 – Utility Building Allowance
 - Bid Item #18.01 & #18.02 – Office Building Roof Modification Credit
 - Bid Item #20.01 – Winter Weather Work Allowance Credit
 - CR-8 – Value Credit: Two (2) 4” BFVs and two (2) check values
 - T & M Costs for Tank Cleaning Work
 - Additional BFV on grit blower discharge line
 - Bid Item #11.01 – Clarifier #1 New Skimmer Arm Extension
 - Bid Item #11.03 – Secondary Clarifier Tank Repair Allowance Overrun
 - CR-11 – Door Hinge Changes: Change from (6) 4” hinges to (9) 6” hinges and replace window insert
 - CR-12 – RAS Panel Modifications & Additional 12” Pipe Supports and Hardware at Stormwater Basin
 - CR-14 Post Aeration Tank Piping Changes: Install new 4” SS pipes, fittings and supports in post aeration tank
 - CR-15- Access Panel Changes: Five (5) 10” x 10” ceiling access panel
 - CR-16 – RAID 5: RAID 5 for two (2) SCADA Computer and one (1) additional monitor =
 - CR-17 – Float and SCADA Changes: Five (5) floats with 40’ of cable, mounting brackets, five (5) HOA switches, and additional SCADA programing
 - Approved by NYSEFC on 6/5/23
- **Change Order No. 7 – No Cost Contract Time Extension**
 - At the July 20 meeting the Village authorized the Mayor to endorse Change Order No. 7 – No Cost Time Extension for Contract No. VL1-G-21, based on Eastman’s June 21, 2023 request for a no cost time extension.
 - If this change is accepted, Change Order No. 7 will result in an extension of the date of substantial completion for the contract from August 10, 2023 (the current substantial completion date) to December 31, 2023, with final completion by January 31, 2024 and with no change to the contract.
 - NYSEFC approved on 8/15/23
- **Change Order No. 8 – Chemical Containment Pad**
 - At the September 21 meeting the Village Board authorized the Mayor to execute Change Order No. 8 for Contract No. VL1-G-21, based on the scope and costs represented in the various change proposals from Eastman Associates, Inc., in the total amount of \$67,157.77, which will increase the cost of the contract to \$5,497,437.66 (previous contract amount of \$5,430,279.66 plus \$67,157.77).
 - NYSEFC approved on 10/06/23
- **Change Order No. 9 – Various Project Modifications**
 - The full change order package has been provided to the Village Mayor and Village Clerk under separate cover
 - This letter and package provide information related to proposed Change Order No. 9. We request that the Village review these documents and consider the proposed changes to General Contract No. VL1-G-21 – General Construction.
 - These change requests were provided by the General Contractor and document the cost associated with each of these proposed project changes.
 - The change order includes additional work require to complete the project including the Belt Press Conveyor Support, Seal Water Tank Demolition, and Belt Press MCC Demolition)

- The change order also includes credits for work that is not required or reduced cost for a suitable alternative including the Belt Press Repair Allowance, Aluminum Grating, and Equipment Pads, and 3" PVC Piping vs. 4" DIP Piping
- The items covered by this change order are summarized below:

| | |
|---|-----------------|
| • Belt Filter Press Conveyor Support (RFP No. 7) | \$11,065.30 |
| • Seal Water Tank Demolition (T&M Work) | \$3,032.44 |
| • Existing Belt Filter Press MCC Demolition, Drain Repair, & Misc. (T&M Work) | \$22,875.48 |
| • Belt Press Repair Allowance Credit | -\$30,000.00 |
| • Credit for Aluminum Grating (RFP No. 6) | -\$1,581.50 |
| • Equipment Pad Slab Credit (PAC Tank, Influent Bldg. & Sludge Pump Pads) | -\$1,100.00 |
| • Credit to Install 3" PVC NPW Belt Press Wash Water Feed instead of 4" DIP | -\$3,397.00 |
| • CHANGE ORDER 9 NET COST CHANGE TOTAL = | \$894.72 |

- We are submitting this change order to NYSEFC for review and approval, and we anticipate that all the work will be deemed eligible for NYSEFC financing
- If these changes are acceptable, General Contract Change Order No. 9 will result in an \$894.72 increase to the contract price and a revised contract price of \$5,498,332.15 (previous contract price of \$5,486,370.66 plus \$894.72 for Change Order No. 9).
- All funds to cover this change will come from the project contingency.
- The budgeted contingency was originally equal to \$701,962.03. Including this General Contract Change Order, all change orders to date (excluding the belt press change order) and all change orders currently pending have a total cost equal to \$374,302.42 (\$612,302.42 including the Engineering Services Agreement Amendment No. 2), and the remaining available contingency funds following this and all other pending changes would be \$327,659.61 (\$89,659.61 including the Engineering Services Agreement Amendment No. 2)
- **If the Village finds the enclosed acceptable, and agrees to authorize this proposed cost increase, we recommend that the Village Board resolve to:**
 - **Authorize the Mayor to execute Change Order No. 9 for Contract No. VL1-G-21 – General Construction, based on the scope and costs represented in the various change proposals from Eastman Associates, Inc. (see Attachment 2), in the total amount of \$894.72, which will increase the cost of the contract to \$5,498,332.15 (previous contract amount of \$5,497,437.43 plus \$894.72), contingent upon NYSEFC’s review and approval that the costs presented in this change order are eligible for financial assistance by NYSEFC.**
- **Possible/Pending Change Order(s) – Still Developing Costs**
 - Effluent Flow Meter - Provide new effluent flow meter (\$6,000 estimated)
 - WAS Pump Discharge Drain Line - Provide PVC Pipe, and tap to sump pit, to allow for winter weather operation

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
 - Approved by NYSEFC on 11/30/22
- **Change Order No. 4 – Sludge Tank Mixer Improvements**

- **Totaling \$22,677.00 for:**
 - Sludge Tank Mixer three (3) additional NEMA 4X local disconnects at the Sludge Tanks, NEMA 12 contractors, and breakers for the new electrical panel.
 - Approved by NYSEFC on 6/5/23
- **Change Order No. 5 – No Cost Contract Time Extension**
 - At the July 20 meeting the Village authorized the Mayor to endorse Change Order No. 5 – No Cost Time Extension for Contract No. VL1-E-21, based on J & J Sass Electric Inc.'s July 5, 2023 request for a no cost time extension.
 - If this change is accepted, Change Order No. 5 will result in an extension of the date of substantial completion for the contract from September 14, 2023 (the current substantial completion date) to December 31, 2023, with final completion by January 31, 2024 and with no change to the contract.
 - NYSEFC approved on 8/15/23
 - **Change Order No. 6 – Various Project Modifications**
 - The full change order package has been provided to the Village Mayor and Village Clerk
 - The letter and package provide information related to proposed Electrical Contract Change Order No. 6. We request that the Village review these documents and consider proposed changes to the Electrical Contract VL1-E-21 –Electrical Construction
 - This change will add miscellaneous time and material work and miscellaneous project changes that was found necessary to complete the project, with the exception of work associated with Item 23/PCO No. 8, to relocate the grit channel fine screen disconnects, which is pending Village approval at this change order
 - The items covered by this change order are summarized below:

Time & Material Work determined to be required to complete the project (Items 1-20)

| | |
|---|-------------|
| Item 1 Control Building Garage heaters conduit and conductor (power) | \$ 2,293.74 |
| Item 2 New Electric Room heater conduit and conductor (power) | \$ 1,681.78 |
| Item 3 New generator ground rods | \$ 807.88 |
| Item 4 Control Bldg. Bathroom & Garage heaters, conduit and conductor (power) | \$ 1,121.75 |
| Item 5 Grit Screw Motor Heater conduit and conductor (power) | \$ 1,716.48 |
| Item 6 Post Air Blower Electrical frequency Filters (not in scope) | \$ 811.51 |
| Item 7 Stormwater Pumps control floats conduit and conductor (control) | \$ 1,045.28 |
| Item 8 Sludge Building Hot Water Heater conduit and conductor (power) | \$ 779.30 |
| Item 9 Grit Tank Blower Disconnects (not in scope) | \$ 394.54 |
| Item 10 Stormwater Pumps Power to MiniCas relay conduit and conductor (control) | \$ 903.30 |
| Item 11 Influent Building Receptacles and conduit and conductor (power) | \$ 8,608.30 |
| Item 12 New influent Screen Emergency Power | \$ 509.38 |
| Item 13 Panel GPA Emergency Power Upgrades | \$ 1,777.32 |
| Item 14 Clarifier No. 2 Temporary Power | \$ 321.66 |
| Item 15 Sludge Building Heaters Temporary Power | \$ 2,445.01 |
| Item 16 Control Building Heaters Disconnection and Reconnection | \$ 2,221.21 |
| Item 17 Dry polymer system conduit and conductor (power) | \$ 3,175.33 |
| Item 18 Post Air Blowers Internal Cooling Fans conduit and conductor (power) | \$ 1,086.35 |
| Item 19 MCC and MCC-D Isolation from main service | \$ 2,037.52 |
| Item 20 Polymer feed system motorized valve conduit and conductor (power) | \$ 6,542.14 |

Subtotal Total – Time and Material Work = \$40,279.78

Project Changes with Proposals

| | |
|--|-------------|
| Item 21 PCO No. 6 – Sludge Bldg. Heaters conduit & conductor (power) | \$10,229.00 |
|--|-------------|

| | |
|---|-------------|
| Item 22 PCO No. 7 – Sludge Bldg. HVAC Equipment conduit & conduit (control) | \$16,025.00 |
| Item 23 PCO No. 8 – Fine Screen Disconnect Relocation | \$10,871.00 |
| Item-11 PCO No. 9 – Additional Miscellaneous Time and Material Work | |
| Item 24 – Sludge Building Sump Pump Alarm | \$ 2,911.80 |
| Item 25 – Grit Screw Motor Overload/Failure Alarm | \$ 3,247.27 |
| Item 26 – RAS Flow Meter to SCADA conduit & conductor | \$ 1,330.18 |

Subtotal Total – Time and Material Work = \$44,614.25

Change Order No. 6 Total = \$84,894.03

- If these changes are acceptable, Electrical Contract Order No 6 will result in a \$84, 894.03 increase to the contract price and a revised contract price of \$1,996,877.03 (previous contract price of \$1,911,983.00 plus \$84,894.03 for Change Order No. 6).
- All funds to cover this change will come from the project contingency
- The budgeted contingency was originally equal to \$701,962.03. Including this Electrical Contract Change Order, all change orders to date (Excluding the belt press change order) and all change orders currently pending have a total cost equal to \$374,302.42 (\$612,452.42 with the Engineering Services Agreement Amendment NO. 2) and the remaining available contingency funds following this and all other pending changes would be \$327,659.61 including the Engineering Services Agreement Amendment No. 2).
- **If the Village finds the enclosed acceptable, and agrees to authorize this proposed cost increase, we recommend that the Village Board resolve to:**
 - **Authorize the Mayor to execute Change Order No. 6 – Various Project modifications, for Contract No. VL1-E-21 – Electrical Construction, in accordance with the project change quotes, proposals, etc. of the change proposal provided by J & J Sass, in the total amount of \$84, 894.03 which will increase the cost of the contract to \$1,996,877.03 (previous contract amount of \$1,911, 983.00 plus \$84,894.03), contingent upon NYSEFC’s review and approval that the costs presented in this change order are eligible for financial assistance by NYSEFC.**
 - **Pending Change Orders(s) – Still Developing Costs**
 - Effluent Flow Meter – Provide new power and control conduits and conductor to effluent flow meter from SCADA
 - UV Disinfection System – UV Disinfection System communication to SCADA

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
- **Change Order No. 3 – Polymer Feed System Modifications**
 - Totaling \$3,135.77 for:
 - Polymer Feed System Modifications
 - Approved by NYSEFC on 6/5/23
- **Change Order No. 4 – No Cost Contract Time Extension**
 - At the July 20th meeting the Village authorized the Mayor to endorse Change Order No. 4 – No Cost Time Extension for Contract No. VL1-P-21, based on A Treffeisen & Son’s June 27, 2023 request for a no cost time extension of the date of substantial completion for the

contract from August 30, 2023 (the current substantial completion date) to September 30, 2023, with final completion by October 31, 2023 and with no change to the contract.

- NYSEFC approved on 8/15/23

- **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 – New Sludge Building Exhaust Fan & New Control; Building Garage Utility Heater**
 - Item 1 – New Sludge Building Exhaust Fan
 - Totaling \$8,387.78
 - Approved by NYSEFC on 11/30/22
- **Change Order No. 3 – No Cost Contract Time Extension**
 - At the July 20 meeting the Village authorized the Mayor to endorse Change Order No. 3 – No Cost Time Extension for Contract No. VL1-H-21, based on A Treffeisen & Son's June 27, 2023 request for a no cost time extension with a substantial completion for the contract from August 30, 2023 (the current substantial completion date) to September 30, 2023, with final completion by October 31, 2023 and with no change to the contract.
 - NYSEFC approved on 8/15/23
- **Change Order No. 4 – Control Building HVAC Equipment Roof Modifications**
 - At the September 21 meeting the Village Board authorized the Mayor to execute Change Order No. 4 for Contract No. VL1-H-21, based on the scope and costs represented in A Treffeisen & Sons's August 22, 2023 Change Request, in the total amount of \$6, 2010.61.)
 - NYSEFC approval pending
- **Pending Change Order(s)**
 - **None**
- **Contract completion date is 9/30/23. We will prepare formwork for the Village to accept substantial completion for this contract, on or before 9/30/23, at Oct. or Nov. Mtg.**

Village Direct Purchase

- Cable Internet (Spectrum) to WWTP
 - Cable has been installed and setup complete, and working well.
 - Modem/Router port ready for SCADA connection
 - We worked with Judy to issue the Purchase Order, sent to Spectrum on 5/19/23
 - Totaling \$39,119.48 for:
 - Spectrum to provide coaxial cable to the WWTP
 - Submitted to NYSEFC for approval on 5/23/23
 - The Spectrum purchase order is being discussed internally as how to deal with it. NYSEFC will let us know once I have an answer – Still pending.
 - Working with Judy to obtain a copy and pay invoice

Monthly Construction Meeting

- The latest monthly construction meeting was held on site on 09.13.23 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

- Full time services continuing, when contractors are onsite
- Excerpt from the Revised Anticipated Project – **project has pushed about 3 – 4 months beyond the planned schedule**

| | |
|---------------------------------|---|
| 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 March 23, 2022 – Pre-Construction meeting |
| March 20 2022– December 2023 | Construction to Substantial Completion Generator has been rescheduled for 12.14 |
| December 2023 – January 2024 | Construction Completion (Final) and Project Closeout |
| January 2024 – February 2024 | Long Term Loan Closing |

- **Document Collection**
 - **Nothing new this month**
 - The document Collection Form, and requested documents were uploaded on January 17, 2023 (ahead of the January 20, 2023 deadline).
 - On February 13, 2023 NYSEFC provided notice that, project documents were reviewed and no follow-up actions are recommended.
- **Professional Services Contracts**
- Consider acceptance/approval of the Engineering Services Agreement No. 2 - Additional Construction Phase and Grit Pump Replacement Services

WWTP Phase 1 Upgrade Project

- Since Construction schedule has pushed out several months beyond the durations listed in our contract; we have been reviewing costs to date and come up with an amendment with what we believe will be needed to make it to the end beyond the current budgets; we added in the scope and cost associated with grit pump replacement
- We have provided under separate cover Amendment No. 2 to the January 2019 design and construction phase services contract, related to increases to the Engineering during Construction and Construction Inspection task fees, and for additional fees for work associated with the design and implementation/construction of the new Grit Pump system. This amendment is in addition to Amendment No. 1 (October 28, 2020).

Engineering Services Contract Amendment No. 2 - Additional Construction Phase and Grit Pump Replacement Services (October 2023):

A summary of the professional service tasks and a breakdown of costs for this contract amendment are as follows:

Engineering Services Tasks:

- Task 3A - Additional Engineering During Construction \$ 128,000.00

| | |
|--|----------------------|
| (based on an additional 8 months) | |
| • Task 4A - Additional On-Site Observation Service (based on an additional 5 months full time) | \$ 75,000.00 |
| • Task 10 - Additional Engineering Services – Grit Pumps (based on hours spent on design and const. services) | \$ 35,000.00 |
| Subtotal - Delaware Engineering: | \$ 238,000.00 |

Executed & Proposed Subcontracts:

| | |
|--|----------------|
| • No feasible opportunities exist, none proposed | |
| <i>Proposed Subcontracts Subtotal:</i> | <i>\$ 0.00</i> |

Professional Services Total – Contract Amendment No. 2: \$ 238,000.00

**Revised Professional Services Contract Total – Including
Amendment No. 1 & No. 2: \$1,360,000.00**

- It is estimated that \$85,000 in contingency will remain if this amendment and the changes for the General and Electrical contracts described above and are moved forward
- **SCOPE AND FEE SUMMARY**
- We propose the fees contained in this amendment additional professional services for a not-to-exceed cost of **\$238,000.**
- Engineering During Construction and Construction Inspection task fees have been increased because construction is now planned to be completed in December 2023
- The additional work associated with the design and implementation of the new Grit Pump system was required because one of the grit pumps had failed beyond repair, and needed to be done immediately, before the Phase 1 WWTP began construction.
- The single remaining sludge pump was operating without redundancy/backup and is the same age as the pump that failed. The existing pumps were obsolete and no repair/replacement parts are available. If the one remaining pump had failed the plant operations would be impacted as grit accumulates in the influent channel reducing available hydraulic volume and possibly passing into other downstream processes. The work to replace these pumps and associated piping, valves, etc. is included in the planned Phase 1 WWTP Upgrade.
- The Village resolved to move forward with the replacement of the two grit pumps in advance of the rest of the Phase 1 WWTP Upgrade Project to ensure that the grit system and plant can continue to operate while the rest of the upgrade moved forward and authorized Delaware Engineering to provide services to assist the Village to replace the grit pump system in advance of other planned Phase 1 upgrade work, log time and costs, and prepare an amendment to the Phase 1 professional services contract once the scope and costs for the planned work are more refined.
- NYSEFC has confirmed that this work, if completed separately, would be eligible for reimbursement under the project providing that EFC program requirements are incorporated in the procurement process and all costs associated with this work.
- NYSEFC has accepted the utilization plan and waiver request that was submitted for the January 2019 engineering services agreement for design through construction and Amendment No. 1 (October 2020).
- This contract amendment will be submitted to NYSEFC's engineering and program compliance departments for review and approval.
- No subcontracting opportunities were identified for this amendment, since the scope of work was limited to increases in duration of Engineering during Construction, Construction Inspection. Grit Pump work was conducted on an expedited schedule utilizing existing drawings.
- **Village question or comments?**
- **If the Village agrees to move forward with approval of Amendment No. 2 we recommend that:**
 - **The Village board authorize the Mayor to execute Delaware Engineering, D.P.C.'s Professional Service Contract Amendment No. 2 - Additional Construction Phase and Grit Pump Replacement Services dated October 18, 2023 in the amount of \$238,000, thereby adjusting the over contract price to \$1,360,000**

- Once executed, we will forward a copy to NYSEFC to notify them of the contract changes and allow for review by program, finance, and MWBE staff.
- Background
- 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 \$9.4M.

Phase 2 Sludge Handling WWTP Upgrade Project

- Nothing this month
- Contract amendment or new contract will be needed to be prepared to cover PER modifications and design through construction phase work. Village could follow RFQ process to allow for funding under SRF rather than just using WIIA funds.
- Historic info:
 - On hold until a plan forward can be agreed to now that WIIA funding has been denied for Phase 2
 - All 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 – on hold

4. Rail Trail Area Culvert Drainage/Blockage

- **Board Action Required at Tonight's meeting:**
 - None
- **2023 CDBG Application**
 - Awaiting award announcement – December 2023
- **Hazard Mitigation Grant Program (HMGP) – FEMA & Dept. of Homeland Security**
 - Up to 90% grant possible
 - DHSES sent a request for information (RFI) on July 8, requesting a response by August 10, 2023
 - We have responded to this RFI on August 10, 2023, and have received confirmation of receipt from DHSES
 - DHSES sent an additional request for revisions on September 7, 2023. After follow up it was determined that the request was sent in error. No additional action is required.

5. DPW Site Groundwater Monitoring/DPW Garage Site Remediation

- No new info
- Based on sampling results still seeing values near garage indicating contamination remains
- June 2023 sampling report indicated levels nearly the same as in March 2023 for all monitoring wells.
- Next sampling to be conducted in September 2023
- **Elm Street Well Remediation**
 - Plan to work with the Village and NYSDEC to come up with a remediation plan including a plan to pump more water

- Continue to meet with David Burke to gather historical information and discuss plans going forward.
- Ultimate goal would be to seek financial assistance (grant) for further remediation efforts
- Build this into the Town Village Infrastructure Water and Sewer Capacity Study

6. WWTP SDPES Permit

- **NYSDEC WWTP Upgrade Review/Updated SPDES/Permit Review Meeting**
- NYSDEC proposing a lower CBOD limit which will affect WWTP capacity with currently in place facilities. Also have issues with current sludge dewatering chemical.
- Containment slab/facilities added to Phase 1 to prevent potential stormwater impacts during bulk liquid chemical deliveries (work included in Change Order 8 to the General Contract for Phase 1)
- Virtual meeting with NYSDEC and DRBC to discuss the upgrade projects and proposed SPDES permit changes on July 19, 2023 at 10 a.m. Dave Burke, H2O's Keith Herbert and Mike Herbert and Mark Kellam also participated.
- The purpose of the meeting was to get a full understanding of the planned upgrade at the facility and to coordinate the work with the reviewed/updated SPDES permit to come.
- WWTP NYSDEC SPDES Permit Renewal Meeting Follow-up and Plan Forward were distributed to involve Village, H2O, NYSDEC, JCO and Delaware Staff on 8/3/23 and Summary of WWTP Upgrades.
- We have reviewed NYSDEC information and modeling and have followed up with them with some Q/A and it appears that there is limited ability to increase the CBOD limits beyond a daily maximum limit of 15 mg/l with an effluent dissolved oxygen (maximum allowed for calculations) of 7.0 mg/l while maintaining a 2 MGD flow, and WET testing will be needed to determine if the Village can continue to use the current chemicals for sludge dewatering.
- Delaware asked NYSDEC to do some additional modeling to see what CBOD, DO and Flow limitation would be under various scenarios. NYSDEC provided a summary of all scenarios that will be provided and reviewed at the follow up meeting.
- The current WWTP is able to meet CBOB limit of 15 mg/L) daily maximum) now because flow is 40% of the permit.
- As flow increases, the WWTP will be challenged to meet it even after the Phase 1 upgrade – that is an upgrade will be very like needed.
- Does the Village desire to respond to NYSDEC agreeing to a CBOD limit of 15 mg/L (daily maximum), at a peak flow of .0 MGD and effluent dissolved oxygen of 7.0 mg/L (daily minimum)? We need to respond to NYSDEC.
- We are looking at some upgrade options and would make this upgrade a high priority item in the Town/Village Water Sewer Study.
- What are some dates in the next two weeks (10/23 – 11/13) that the Village (WWTP Staff & H2O Keith & Michael) are available to meet with NYSDEC (likely 10 am meeting)
- Water Treatment Chemicals
 - Based on September 1, 2023 NYSDEC letter, allowing to continue to operate and perform WET testing to see if it has impact. If there is an impact, we have to do something, if not they may let us add more chemical.
 - Delaware is working on a response letter acknowledging the conditional approval, and will share with the Village for signature by Joan in the near future.

7. PepsiCo

- **Nothing new this month**
- PepsiCo Email Update on Water Consumption (8/3/23)

- There are challenges attempting to install WW flow monitoring without current system configuration
- WW flow monitoring will be possible after Phase 1 upgrades
- Most of our Facility water consumption is for domestic purposes (toilet and sinks), process WW discharges are low relative to the total volume
- Water consumption is down over 33% based on our new operating scenarios
- Based on this email Pepsico water usage is <25,000 gpd

8. Town of Liberty Economic Development Water and Sewer Infrastructure Capacity Planning Study

- Delaware working on a revised draft of this report
- Met with Dave Burke on October 13, 2023
- Working to revise this ASAP with David Burke and the Town
- A Draft of the report was distributed for Town and Village review on 6/9/23
- Delaware will follow up with additional information needs with the Village
 - Need budget and rate information from 2022-23 and planned for 2023-24
- **Elm Street Well remediation and future use are key to this study**
- **WWTP Upgrade now appears to be important too**

9. Sanitary Collection System I/I Investigations

- Board Action Required at Tonight's Meeting
 - None
- Delaware submitted EPG application for up to \$50,000 in grant funding for I/I investigations, with commitment for a \$10,000 local match (20%) on August 11, 2023
- A copy of what was submitted will be provided to the Village in the near future

10. Church Street Culvert Repair

- NYSDEC allowable work to replace culverts still pending
- We have culvert GIGP grant application to our list for next year

11. DRBC WWTP Discharge and Water Withdraw Docket renewal

- Water Withdrawal Dockets
 - Approval Date: December 4 2013
 - Expiration Date: December 4, 2023
 - The docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance if the docket expiration date
 - We will work with Dave Burke on the renewal package to get this going soon
- DISCHARGE Dockets
 - This docket has been placed on administrative continuance for the Village to take advantage of the One-permit process and administrative agreement between DRBC and NYSDEC.
 - WWTP
 - Date Approved: June 10, 2015
 - Expiration Date: June 10, 2020 (Expired)
 - Lily Pond Backwash Discharge
 - Date Approved: December 10, 2014
 - Expiration Date: January 31, 2022 (Expired)
 - Our expectation is that NYSDEC will issue a new SPDES permit for the treatment plant upgrades that will contain all relevant DRBC requirements in accordance with

the administrative agreement. As that permit issuance becomes imminent, DRBC will reissue the docket including the WWTP upgrades in the DRBC's Comprehensive Plan. Once these steps are complete, the Village will have all active DRBC requirements included in the NYSDEC SPDES permit and will no longer hold an approval from DRBC that needs to regularly be renewed. The docket that included the upgrades will be non-expiring and only need to be modified if the Village again makes upgrades that expand the plant such that approval from the DRBC is again required. Otherwise, only the SPDES permit needs to be renewed or extended regularly as normal.

12. Lead & Copper Rule Revisions service line inventory requirements, due fall 2024

- A report and listing form were finalized and submitted on 8/25/23 for a lead service line inventory project, covering the Village district, to be considered for 100% grant funding through the BIL program administered by NYS DWSRF. PER and Listing form emailed to Village Mayor and DPW Supervisor on 8/25/23.
- The estimated project cost is \$845,609
- If a grant is received, the project will be subject to federal and DWSRF requirements.
- Per regulations, the Village needs to have an LSL inventory completed by October 2024. Not a lot of time to get this done/not optional use inventory to position for an IUP listing and funding application next summer for replacement work.
- There is possible funding to assist in paying for the inventory – possible 100% grant for the inventory work for Disadvantaged communities – which we believe the Village is
- The listing deadline for DWSRF BIL Lead service Line (LSL) Funding through EFC/DOH is August 28, 2023. Eligible projects include the identification, planning, design, and replacement of lead service lines.
- To be eligible for funding, a DWSRF project listing form and an engineering report need to be e-mailed to DOH by August 25th to design@health.ny.gov
- EFC and DOH hosted a webinar on the Lead Service Line (LSL) funding available through the Bipartisan Infrastructure Legislation (BIL)
 - Grants are only available to municipalities that meet the definition of a Disadvantaged Community (DAV). If a client is not a DAV, then they will only get subsidized financing
 - In order to qualify for BIL Lead Service Line grant funding (inventory or replacement), a municipality needs to have a 2021 MHI that is less than 80% of the regionally-adjusted State MHI. The Village of Liberty qualifies for this.
 - DAV eligibility applies to both inventory and replacement projects. DAVs can get up to 100% grant funding (\$2M max) for inventory projects, and up to 70% grant funding (\$10M max) for replacement projects.
 - You can only apply for LSL replacement funding for locations where the number and location of LSL are known and verified, even if it is just a targeted area. However, if you are requesting replacement funding, then the entire line (public and private portion) must be replaced.
 - You can apply for both inventory and replacement projects simultaneously, but with separate applications. For example, in the Village of Catskill there are some known locations of lead service lines associated with a water main replacement project that is in the planning stages, but they still need to complete a community-wide LSL inventory before the DOH October 2024 deadline.
 - You may be able to “piggy-back” a LSL replacement project with a water main replacement project that is anticipated to receive DWSRF funding, but only if the two projects can be kept completely separate. They are two different sources of funds with different reporting requirements and must be tracked separately.
 - A/E Procurement Requirements will apply, just like every other BIL-funded project. Procurement doesn't need to happen before an application is made, but it would make sense to get that out of the way while we wait for news on any grant awards so we can hit the ground running.
 - The application process for both project types is the same. No authorizing resolution is needed, just a completed DWSRF listing form and a brief Engineering Report. Engineering report templates are being worked on. Deadline is August 25.
- The anticipated schedule is as follows:
 - Submit Project to DWSRF IUPAugust 25, 2023
 - Secure Short-Term Financing (BAN) September to December 2023
 - Perform Lead Service Line Inventory Present to October 2024
 - Solicitation and Selection of Consultant ... Present to November 2023
 - Review Existing Files Present to December 2023
 - Anticipated Funding Notification ... December 2023 to February 2024

- Public Bidding for Excavation Contract January to February 2024
- Public Outreach January to June 2024
- Field Investigation and Data Input May to September 2024
- Final Data CompilationSeptember to October 2024
- LSL Inventory Completed and Submitted October 2024

UPDATE ON INTERMUNICIPAL AGREEMENT RE: SEWER DISTRICT 26-1-59

Mayor Stoddard said the agreement is currently being reviewed by the Town of Liberty.

CONSIDER WATER CONNECTION – THOMAS AVENUE

David Burke addressed sewer connections in the area of Thomas Avenue.

Mayor Stoddard said the Board will have to make a decision regarding a water connection for Mr. Johnstone.

CONSIDER REQUEST FOR SEWER DISTRICT EXTENSION 13-1-20

The original agreement will be distributed to all the Board members so everyone can review it.

CONSIDER VOTE ON LOCAL LAW #5-2023

Motion by Trustee Feasel, seconded by Trustee Aracci and unanimously carried approving Local Law #5-2023 to prohibit parking in front of 155 North Main Street – Section 80.33.A(2) of the Village Code is hereby amended to add the following at the end thereof:

“Notwithstanding the foregoing, no vehicle may be parked in the area on the Easterly side of North Main Street from the Southernmost corner of 159 North Main Street 40 feet in a southerly direction (Village of Liberty tax map parcel no. 108.-6-35).

This local law was put to a vote, which resulted as follows:

| | | | |
|-----------------------|---|-----|-----------------------|
| MAYOR JOAN STODDARD | - | YES | |
| TRUSTEE ROBERT MIR | - | YES | |
| TRUSTEE ERNEST FEASEL | - | YES | <u>ADOPTED</u> |
| TRUSTEE EVELEESE LAKE | - | YES | |
| TRUSTEE JOE ARACCI | - | YES | |

CONSIDER BID ON PARCEL – 121.3-7.2

RESOL. # 50-2023: Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried approving Resolution#50-2023:

WHEREAS, Auction Property No. 97 – Tax Map 121.-1-7.2 was bid on by Jacob Leifer, 1422 46th Street, Brooklyn, NY 11219 with a bid price of \$63,000;

WHEREAS, this property is currently listed under the Village of Liberty;

WHEREAS, after reviewing the bid the Village Board of Trustees has decided to reject the bid;

NOW, THEREFORE BE IT RESOLVED, with the rejection of the bid on Tax map #121.-1-7.2 by the Village of Liberty all payments made by the potential buyer have been returned to him by the County of Sullivan

NEW BUSINESS: CONSIDER SURPLUS BIDS

Motion by Trustee Lake, seconded by Trustee Mir and unanimously carried approving the following surplus bids:

Gregory DuBois - Kubota Tractor \$552.00
Joshua Casiano - 5 HP Toro Mower \$ 25.00
Robert Lane - Cam Dump Trailer \$1,751.00

All bids received were as follows:

| NAME | EQUIPMENT | BID AMOUNT |
|----------------|---|------------|
| Lynn Barry | Kubota L235 Diesel 2WD Tractor With Harris Cab Plow & Belly Mower | \$200.00 |
| Jackie Litwak | Cam Superline, Deck Over Dump Trailer 6 1/2 x 10' | \$850.00 |
| Joshua Casiano | Cam Superline, Deck Over Dump Trailer 6 1/2 x 10' | \$650.00 |
| | Kubota L235 Diesel 2WD Tractor With Harris Cab Plow & Belly Mower | \$450.00 |
| | 5 HP 20" Toro Push Mower w/ Metal Bagger | \$25.00 |
| Carl Solomon | Cam Superline, Deck Over Dump Trailer 6 1/2 x 10' | \$1,671.00 |
| Gregory DuBois | Kubota L235 Diesel 2WD Tractor With Harris Cab Plow & Belly Mower | \$552.00 |
| | Cam Superline, Deck Over Dump Trailer 6 1/2 x 10' | \$525.00 |
| Robert Lane | Cam Superline, Deck Over Dump Trailer 6 1/2 x 10' | \$1,751.00 |
| | Kubota L235 Diesel 2WD Tractor With Harris Cab Plow & Belly Mower | \$526.00 |

CONSIDER HALLOWEEN PARADE – 10.28.23

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried approving the Halloween Parade scheduled for October 28, 2023 at 12 noon.

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

CONSIDER 2024 SERVICE AGREEMENT WITH PARTNERS IN SAFETY

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried to continue the contract with Partners in Safety for 2024 for the Village's random alcohol and drug testing needs. The cost for the 2024 Complete DOT Agreement will be \$52.50 per employee.

CONSIDER PROPOSAL FROM METROLAND BUSINESS MACHINES

Motion by Trustee Aracci, seconded by Trustee Lake and unanimously carried approving the purchase of a DS63 Folder/Inserter for the Village Clerk's Office at a cost of \$4,500.00.

The purchase price includes 180 day parts and labor warranty, delivery, setup and training.

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. 18 for General Contract No. VL1-G-21 to Eastman Associates, Inc. for the period of September 1, 2023 through September 30, 2023, in the amount of \$37,444.90 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 Aracci, seconded by Trustee Lake and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 12 for Electrical Contract No. VL1-E-21 to J & J Sass Electric, Inc., for the period of September 1, 2023 through September 30, 2023, in the amount of \$36,480.00 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.

Motion by Trustee Aracci, seconded by Trustee Lake and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 7 for Plumbing Contract No. VL1-P-21 to A. Treffeisen & Sons, LLC for the period of September 1, 2023 through September 30, 2023, in the amount of \$11,791.54 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 CHANGE ORDER NO. 9 – WWTP CONTRACT VL1-G-21

Motion by Trustee Feasel, seconded by Trustee Mir and unanimously carried authorizing Mayor Stoddard to execute Change Order No. 9 for Contract No. VL1-G-21, based on the scope and costs represented in the various change proposals from Eastman Associates, Inc., in the total amount of \$894.72, which will increase the cost of the contract to \$5,498,332.15 (previous contract amount of \$5,497,437.43 plus \$894.72), contingent upon NYSEFC’s review and approval that the costs presented in this change order are eligible for financial assistance by NYSEFC.

CONSIDER CHANGE ORDER NO. 6 – WWTP CONTRACT VL1-E-21

Motion by Trustee Aracci, seconded by Trustee Lake and unanimously carried authorizing the Mayor to execute Change Order No. 6 – Various Project Modifications, for Contract No. VL1-E-21 – Electrical Construction, in accordance with the project change order quotes, proposals, etc. of the change proposal provided by J & J Sass, in the total amount of \$84,894.03 which will increase the cost of the contract to \$1,996,877.03 (previous contract amount \$1,911,983.00 plus \$84,894.03), contingent upon NYSEFC’s review and approval that the costs presented in this change order are eligible for financial assistance by NYSEFC.

CONSIDER AMENDMENT NO. 2 – DELAWARE ENGINEERING PROFESSIONAL SERVICE CONTRACT

Motion by Trustee Feasel, seconded by Trustee Mir and unanimously carried authorizing the Village Mayor to execute Delaware Engineering, D.P.C.’s Professional Service Contract Amendment No. 2 – Additional Construction Phase and Grit Pump Replacement Services dated October 18, 2023 in the amount of \$238,000, thereby adjusting the over contract price to \$1,360,000.

CONSIDER PROVISIONAL CODE ENFORCEMENT OFFICER

Motion by Trustee Mir, seconded by Trustee Lake appointing **David Burke** as a **Provisional Code Enforcement Officer** until things can be worked out to bring in a permanent person/firm for the position.

APPROVAL BILLS FOR PAYMENT OF BILLS

FOR PYMT: Motion by Trustee Aracci, seconded by Trustee Mir and unanimously carried approving Voucher #367 to Voucher #439 in the amount of \$183,296.29.

EXECUTIVE SESSION: Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried to go into Executive Session at 8:20 p.m. to discuss a personnel matter in the Water Department.

Police Chief D'Agata and David Burke were invited into Executive Session.

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried to come out of Executive Session at 8:54 p.m.

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

THE MEETING WAS ADJOURNED AT 8:55 P.M.

RESPECTFULLY SUBMITTED,

JUDY H. ZURAWSKI, CLERK/TREASURER

