**WORKSESSION MEETING**

NOVEMBER 16, 2023

# The Board of Trustees held the Worksession Meeting on November 16, 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 and Trustee Eveleese Lake. Also Present: Gary Silver, Attorney for the Village, Judy Zurawski, Clerk/Treasurer and Ananieemma Awny, Clerk.

**ABSENT:** Trustee Ernest Feasel and Trustee Joe Aracci

**ALSO** David Burke, Etta Barbanti, Melissa Corigliano,Verna Spina, Jean Dermer,

**PRESENT:** Bruce Davidson, David Ohman (Delaware Engineering) and Dan Fagnani(Delaware Engineering).

**APPROVAL** Motion by Trustee Lake, seconded by Trustee Mir and unanimously

**OF** carried approving the following minutes:

**MINUTES:**

REGULAR MEETING – November 2, 2023

**CORRES-** Mayor Stoddard said the Village has received the following correspondence.

**PONDENCE**:

* Notification to Municipality Re: Catskill Northern Lights, LLC/Dispensary 11.2.23
* Notification to Municipality Re: Chanchala Corp/Dispensary 11.13.23

**TABLED DELAWARE ENGINEERING – UPDATE ON WWTP UPGRADE**

**BUSINESS:**

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
  + Consider Invoices for Approval
    - Osterhoudt Final Invoice – Permanent Watermain Installation = $41,256.80
* 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, pending) – Mostly 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 Technical Oversight – Invoice Pending approval at this meeting
* Oosterhout Testing – Invoice Pending approval at this meeting
* C & K Insulation – Flexible Joint Insulation =$16,500 – Paid
* C & M #4 – Permanent Waterman 45 degree fitting insulation = $1,258 – Paid
* SCDPW IMA Invoice (Temporary and Permanent Watermain installation = $36,338.58 – Paid
* Osterhoudt – Permanent Watermain Installation Technical Oversight and Assistance & Testing = $41,256.50
  + Osterhoudt submitted their final invoice for the Lily Pond Road Bridge work in the amount of $41,256.80
* We have reviewed the invoice and agree Unit Price and Extended Pricing
* Invoice seems to be in line with the provided pricing ($3,237.92/day for Technical Oversight and $4,951.12 for Testing) and overall budget of $40,000 ($3,500/day for Technical Oversight. Assumed 10 Days = $35,000 and $5,000 for Testing).
* We agree with the level of work completed. As such, we recommend that the Village resolve authorize the Village Clerk to proceed to process final payment to H. Oosterhout Excavating for the Temporary Waterman Installation work Invoice #12308S, in the amount of $41,256.80, as requested by the contractor.
* 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 final payment to H. Osterhoudt Excavating for the Permanent Watermain Installation Technical Oversight and Assistance & Testing Invoice #12308S, in the amount of $41,256.80, as requested by the contractor.

ESTIMATED COST SUMMARY

|  |  |  |  |
| --- | --- | --- | --- |
|  | **April 20, 2022**  **Bid Results** | **May 2022**  **Estimated/Budget Cost** | **November 2023 Estimated Cost** |
| **Temporary Water Main** | - |  | - |
| * 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 |
|  |  |  |  |
| * Fuse and Install Piping Materials & appurtenances, & testing (H. Osterhoudt) - Paid | - | $25,000 | $24,715.44 |
| * Misc. Other Cost | - | TBD | TBD |
| **Permanent Water Main** | - |  | - |
| * Piping Materials (Village direct purchase) * C & M Invoice #1 Permanent Watermain Insulated Pipe - **Paid** * C & M Invoice # 2 Permanent Watermain DI Materials – **Paid** * C & M Invoice #3 Perm Flex Joint – **Paid** * C & M Invoice #4 45 Degree Fitting Insulation – Invoice Pending | - | $40,506 | $32,667.50    $23,750.50    $14,375.00  $ 1,258.00 |
| * Support - Beam (Sherburne SS) – **Paid** * **C & K Insulation – Flex Joint Insulation –**   Pending Approval |  | $8,425 | $ 8,425  $16,500 |
|  |  |  |  |
| * 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) | - | $ 3,500/Day  Assume 2 Wks/10 Days $35,000 | $41,256.80 |
| * 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**  **TOTAL CONSTRUCTION COST** | $259,000 | TBD | TBD |
| * Engineering (Delaware Engineering D.P.C.) |  | TBD | TBD |
| * Village Attorney (Legal Counsel) |  | TBD | TBD |
|  |  |  |  |
| **Contingency** | - | TBD | TBD |
|  |  |  |  |
| **Total**  **Village Budget**  **Paid to Date**  **ESTIMATED BALANCE TO FINISH** | **$ 259,000**  **$ 150,000** | **$179,931** | **$208,737**  **$208,737**  **$ 0** |

**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. 19 from General Contractor – Eastman Associates, Inc. - in the amount of $89,351.98
  + Payment No. 13 from Electrical Contractor – J & J Sass Electric Inc., - in the amount of $69,540.00
  + Payment No. 8 from Plumbing Contractor – Treffeisen – in the amount of $8,678.25
* Payment No. 12 from HVAC Contractor – Treffeisen – in the amount of $12,645.08
* Consider Acceptance of Contractors Request for Substantial Completion
  + Plumbing Contract No. (VL1-P-21) Treffeisen and Son
  + HVAC Contract No. (VL1-H-21) Treffeisen and Son
* Review Anticipated Final Project Costs
* Consider Change Orders for Approval:
  + General Contract No. VL1-G-21 CO No. 10 – Oxidation Ditch Cleaning, Dry Polymer Tank Mixer and WAS Pump Discharge Drain Line
  + Electrical Contract No. VL1-E-21 CO No. 7 – No Cost Contract Time Extension

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 |
| December – January 2024 | Professional Services RFQ Process |
| November 2023 - December 2023 | WIIA Grant Awards Announced? |
| February 2024 | 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 – January 2024)
  + - * 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.
    - The 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
    - The 2024 Final CWSRF Intended Use Plan (IUP) with BIL General Supplemental Funding determinations finalized on October 25, 2023.
    - Based the IUP this project is above BIL Funding Line and Qualifies to Apply for BIL-GS grant (50%) and BIL Hardship Financing.
    - If this project will be award BIL-GS grant (50%) and BIL hardship Financing we except a letter of award in December – January
    - 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 beyond originally planned duration.
* Generator delivery pushed until 12/14/23; SCADA installation/work to begin 12/18
* Contract Completion Dates

Current Revised Contract Completion Date per CO’s

* Eastman 8/10/23 12/31/23
* Sass 9/14/23 3/31/24

2/10/24 (Recommended Extn)

* Treffeisen 8/30/23 09/30/23 (Substantial Comp. Nov)
* Treffeisen 8/30/23 09/30/23 (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 - Work Complete
  + Tank Repairs – Wall repairs complete, floor repairs pending tank cleaning
* 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
* SCADA & Instrumentation
  + VFD’s – All Onsite & installed
  + Instruments – Instruments onsite – Work Complete
  + Delivery & Installation of storm water tank floats (12/12)
  + SCADA Installation – December 12, 2023 – 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
  + Chemical Offloading Pad - Complete
* Yard Piping
* Influent Area – 1” copper water line – Work Complete

Electrical Contract – J & J Sass Electric (Contract No, VL1-E-21-Electricial 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)
  + New Generator – Anticipated Schedule: Shipping 12/14, Delivery week of 12/18, and installation week of 12/18 through end of the year
* 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 Compete
  + Installing conduits for SCADA – Work Complete
* Floats and HOA’s – (12/12 GC to install)
* 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
* The Electrical Contractor is planning to demobilize job trailers on December 20.

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

* Influent Building – Work Complete – (insulation 80% Punchlist item, pending painting)
* Sludge Building Water Service – Work Complete
* Control Building Kitchenette – Work Complete
* Sludge Building Water Piping – Work Complete – (insulation 80% Punchlist Item, pending painting)

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 – Work Complete
* 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. 19
  + 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 October 1, 2023 through October 31, 2023 in the amount of $89,351.98 for partial payment for Sludge Building Painting, Oxidation Ditch Process Improvements Joint Sealants and Painting, Sludge Building Process Improvements Piping Painting, SCADA – Purchase and Program, NYSEFC Contract Compliance, Change Order #8 – Chemical Containment Pad and Change Order #9 – Various Project Modifications.
* The total cost to date of $4,870,776.85 equates to approximately 89% of the contract price, with a balance to finish, including retainage of $627,555.30.
* Item No. 1270 Sludge Press Allowance (Work Item G-12, Bid Item 12.02 Existing Sludge Press Repair Allowance) is being invoiced at 100% for this period for record purposes only. The Belt Press Repair Allowance was not required and a full credit for the allowance ($30,000) was included in Change Order No. 9 – Various Project Modifications, that the Village approved at the October 19th Village Board Meeting, which is also being invoiced this month.
* 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. 19, to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of October 1, 2023 through October 31, 2023 in the amount of $89,351.98, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

* Therefore, should the Village agree with our recommendation, then we recommend the following:
* The Village hereby resolves to authorize the Village Clerk to proceed to process Payment Application No. 19 to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of October 1, 2023 through October 31, 2023, in the amount of $89,351.98, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
* Contract No. VL1-E-21 – Electrical Construction
* Application and Certificate for Payment No. 13
* 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 October 1, 2023 through October 31, 2023 in the amount of $69,540.00 for partial payment for Control Building Improvements Labor and Materials, Utility Building Improvements Labor and Materials, Influent Building Improvements Labor and Materials, Influent Channel Process Improvements Labor and Materials, Influent Building Process Labor and Materials Oxidation Ditch Process Improvements, Secondary Clarifier Process Improvements Labor and Materials, Sludge Building Improvements Labor and Materials, WWTP Emergency Generator Work Labor, New Electrical Building Improvements Labor and Materials, Miscellaneous Items/Other Expenses and NYSEFC Contract Compliance Work.
* The total cost to date of $1,673,050.70, equates to 89% of the contract price with a balance to finish, including retainage of $216,255.30.
* 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. 13, to Electrical Contract No. VL1-E-21 for J and J Sass for the period of October 1, 2023 through October 31, 2023 in the amount of $69.540.00, 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. 13 for Electrical Contract No. VL1-E-21 to J & J Sass Electric, Inc. for the period of October 1, 2023 through October 31, 2023, in the amount of $69,540.00, 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

Substantial Completion

* A. Treffeisen & Son, the contractor for the subject project has provided notification to the Engineer, that all contractual work is substantially complete and requested that the Engineer issue a Certificate of Substantial for the Plumbing Contract work with the punch list of item to be complete or corrected before final payment.
* Small punch list of work to be completed
* Delaware Engineering has inspected the work to determine the status of completion, and considers the work for the Plumbing Contract work to be substantially complete and agrees with the proposed substantial completion date of September 30, 2023 and recommend that the Village resolve to authorize the Village Mayor to endorse the Certificate of Substantial Completion form for Contract VL1-P-21 – Plumbing which shall fix the date of Substantial Completion as September 30, 2023 and final contract amount of $118,625.37, including the punch list of items to be completed or corrected before final payment
* Delaware will forward the certificate to the prime contractor for execution and request project closeout paperwork (i.e., affidavit of release of liens for subcontractors and equipment suppliers, provide maintenance bond, etc.)
* We will assemble the project closeout package including final payment application to the Village once all is received from the contactor.
* Payment Application No. 8
* 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 October 1, 2023 through October 31, 2023 in the amount of $8,678.25 for partial payment for Influent Building Material and Labor, and Sludge Building Material and Labor.
* The total cost to date of $112,694.10 equates to 95% of the contract price with a balance to finish, including retainage of $5,931.27.
* 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, for Plumbing Contract No. VL1-P-21 to A. Treffeisen and Sons, LLC. for the period of October 1, 2023 through October 31, 2023 in the amount of $8,678.25, 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 $8,678.25, 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

Substantial Completion

* A. Treffeisen & Son., the Contractor for the subject project, has provided notification to the Engineer, that all contractual work is substantially complete and requested that the Engineer issue a Certificate of Substantial Completion for the HVAC Contract work with the punch list of items to be complete or corrected before final payment.
* Delaware Engineering has inspected the work to determine the status of completion, and considers the work for the HVAC Contract work to be substantially complete and agrees with the proposed substantial completion date of September 30, 2023 (same as No Cost Contract Time Extension) and recommend that the Village resolve to authorize the Village Mayor to endorse the Certificate of Substantial Completion form for Contract VL1-HV-21-HVAC which shall fix the date of Substantial Completion as September 30, 2023 and final contract amount of $131,498.39, including the punch list of items to be completed or corrected before final payment.
* The certificate of Substantial Completion Form, shall fix the date of Substantial Completion with punch list of items to be completed or corrected before final payment.
* Therefore, should the Village agree with our recommendation, Delaware Engineering recommends the following:
* The Village resolves to authorize the Village Mayor to endorse the Certificate of Substantial Completion form for Contract VL1-HV-21-HVAC which shall fix the date of Substantial Completion as September 30, 2023 and final contract amount of $131,498.39, including the punch list of items to be completed or corrected before final payment.
* Delaware will forward the certificate to the prime contractor for execution and request project closeout paperwork (i.e. affidavit of release of liens for subcontractors and equipment suppliers, provide maintenance bond, etc.)
* We will assemble the project closeout package including final payment application to the Village once all is received from the Contractor.

Payment Application No. 12

* 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 through October 31, 2023 in the amount of $12,645.08 for partial payment for Sludge Building Fans Material and Louvers, Labor, and CO #4 – Equipment Roof Modifications, which completes all planned contract work.
* The total cost to date of $124,923.47 equate to 95% of the contract price with a balance to finish, for retainage only, of $6,574.92.
* We agree with the level of work completed to date and the cots presented therein. As such, we recommend that the Village resolve to authorize the Village Clerk to proceed to process Payment Application No. 12, for HVAC Contract No. VL1-HV-21 to A. Treffeisen and Sons, LLC. for the period of October 1 through October 31, 2023, in the amount of $12,645.08, 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 HVAC Contract No. VL1-HV-21 to A. Treffeisen and Sons, LLC, for the period of September 1 through October 31, 2023, in the amount of $12,645.08, as requested by the contractor, including submittal as the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
* Potential Work that may be able to be completed with remaining contingency +/$90K ($30-40 including the General Contract Change Order No. 10 – Oxidation Ditch Cleaning, Dry Polymer Tank Mixer, and WAS Pump Discharge Drain Line – Pending)

**Changes to Affect Contingency**

Change Orders

• General Contract Change Order 10

* Oxidation Ditch Tank Cleaning $50,600
* Dry Polymer Tank Mixer $ 3,887
* WAS Pump Discharge Drain Line $ 5,972

Subtotal Change Orders = $60,460

Current Contingency = $89,660

Remaining Contingency after $29,200 – 39,200

After this item, not much is anticipated to remain

Possible Future Items as funding allows

1. Sludge Building NPW Hose Bib – $12,173.33 – New October (G)

2. Effluent Flow Meter - $9,000 - $12,000 Estimated – New July (G & E)

3. UV Disinfection System Communication to SCADA – $3,000 - $5,000 Estimated – New October (E only)

4. Paving, Other – Planned for Phase 2

5. Mechanical Screen - $250,000 – Planned for Phase 2

6. WAS Sludge Pump and Piping - $100,000 – Planned for Phase 2

* **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) * Seal Water Tank Demolition (T&M Work) * Existing Belt Filter Press MCC Demolition, Drain Repair, & Misc. (T&M Work) * Belt Press Repair Allowance Credit * Credit for Aluminum Grating (RFP No. 6) * Equipment Pad Slab Credit (PAC Tank, Influent Bldg. & Sludge Pump Pads) | $11,065.30  $3,032.44  $22,875.48  -$30,000.00  -$1,581.50  -$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** |
|  |  |

* Change Order No. 10 – Oxidation Ditch Cleaning, Dry Polymer Tank Mixer and WAS Pump Discharge Drain Line
  + The full change order package has been provided to the village Mayor and Village Clerk under separate cover
  + The letter and package provide information related to proposed Change Order No. 10. 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.
* This change order includes additional work require for Oxidation Ditch Tank Cleaning, Dry Polymer Tank Mixer, and WAS Pump Discharge Drain Line.
* Oxidation Ditch Cleaning:
* When the online Oxidation Ditch was removed from services to complete contract work/repairs, it was discovered that a significant amount of solids settled at the bottom of the tank. The solids need to be removed complete the repairs. Tank cleaning should be done every 3-5 years.
* The General Contractor has provided a proposal for $50,600 to remove and dispose of the solids.
* Dry Polymer Tank Mixer: The existing dry polymer system was not included in the planned upgrade and was to remain in service after the upgrade was complete. Prior to belt press demolition, one of the mixers broke and fell into the blending tank. Upon further inspection, the system was deemed to be an electrical hazard due to rotted conduits, exposed conductors, and electrical valve covers.
* The General Contractor demolished the complete system, except for the stainless-steel blend tank and holding tank.
* The existing holding tank is included in the planned upgrade to provide polymer feed to the new pumps that feed polymer to the press. A new mixer is required to blend the polymer in the holding tank prior to press runs since the old mixer failed during the project.
* The General Contractor has provided a proposal for $3,887.39 to provide a new mixer for this tank.
* If the Village desires to resume use of the dry polymer in the future the system will be upgraded at that time. Costs for a new dry polymer blending system are estimated to be around $100K.
  + WAS Pump Drain Line:
* The existing WAS piping exits the Sludge Building to the Sludge Holding Tank and is exposed to freezing temperatures during the winter months. The existing drain line was removed during the installation of the new pumps and piping and replacement of the piping was not identified. The drain is required to keep the discharge pipe from freezing.
* The General Contractor has provided a proposal for $5,972.46 to provide a new mixer for this tank.
* We have reviewed the proposed changed contained in this change order with NYSEFC and have been informed that these changes are eligible for NYSEFC financing under the project
* If these changes are acceptable, General Contract Change Order No. 10 will result in a $60,459.85 increase to the contract price and a revised contract price of $5,558,792.00 (previous contract price of $5,498,332.15 plus $60,459.85 for Change Order No. 10).
* 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 $672,762.27, and the remaining available contingency funds following this and all other pending changes would be $29,199.76
  + 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. 10 for Contract No. VL1-G-21 – General Construction, for the Oxidation Ditch Tank Cleaning, Dry Polymer Tank Mixer and WAS Pump Discharge Drain Line work based on the scope and costs of $60, 459.85, which will increase the cost of the contract to $5,558,792.00 (previous contract amount of $5,498,332.15 plus $60,459.85), 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**
  + Sludge Building NPW Hose Bib ($12,173.33)
  + Effluent Flow Meter – Provide new effluent flow meter ($6,000 estimated)
  + Contract Time Extension (no cost)

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**

* Submitted to NYSEFC for a preliminary review on 10/20/23
* Based on NYSEFC Engineering’s preliminary review, they have requested that we send the red line marked up drawings showing the scope of change associate with each change for review
* Dennis B and the Electrical Contractor are working on/finalizing these red lines now
* Sass forwarded the endorsed/executed Change Order on 10/30/23
* Fully executed Change Order No. 6 and red line marked up drawings showing the scope of change associate with each change for review was submitted to NYSEFC for review and approval on 11/9/23
* Final NYSEFC is pending
* **Change Order No. 7 – No Cost Contract Time Extension**
* The full change order package has been provided to the Village Clerk under separate cover.
* The proposed change order is a no cost time extension and will result in no change to the contract price
* J&J Sass Electric Inc., the contractor for Contract VL1-E-21 – Electrical Construction, has submitted a request for a no cost time extension of the contract date of substantial completion from December 31, 2023 (the current substantial completion date) to March 31, 2024, with final completion by April 30, 2024. This extension request is due to delays resulting from the later delivery of the Emergency Generator.
* Delaware Engineering recommends that the Village resolves to accept the proposed change order and authorize the Village Mayor to endorse Change Order No. 7 – No Cost Contract Time Extension for Contract No. VL1-E-21, based on J&J Sass Electric Inc.’s November 9, 2023 request for a no cost time extension, but limit the completion date to February 10, 2024
* If this change is accepted, Change Order No. 7 will result in an extension of the date of substantial completion for the contract from December 31, 2023 (the current substantial completion date) to February 10, 2024, with final completion by March 31, 2024, and with no change to the contract price.
* The items covered by this change order are summarized below:

|  |  |
| --- | --- |
| Extension of the project substantial complete date  From 12/31/2023 to 2/10/2024  Change Order No 5 Net Change Total = $0.00   * If the Village finds the proposed changes acceptable, and agrees to authorize the |  |
| authorize the No Cost Contract Time Extension, we recommend that the Village Board resolve to:   * + Authorize the Mayor to endorse Change Order No. 7 – No Cost Contract Time Extension for Contract No. VL1-E-21, for a no-cost time extension of the contract date if substantial completion from December 31, 2023 to February 10, 2024 with final completion by March 31, 2024 and with no changes to the contract price. |  |

* Pending Change Orders(s) – Still Developing Costs
  + - Effluent Flow Meter – Provide new power and control conduits and conductor to effluent flow meter from SCADA ($3,000 - $5,000 estimated)
    - UV Disinfection System – UV Disinfection System communication to SCADA ($3,000 - $5,000 estimated)

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 & Son’s August 22, 2023 Change Request, in the total amount of $6, 2010.61.)
  + NYSEFC approval pending
* Pending Change Order(s)
  + - None

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
    - The disbursement has been processed and mailed to Spectrum

Monthly Construction Meeting

* The latest monthly construction meeting was held on site on 11.09.23 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 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–March 2023 | Construction to Substantial Completion  General Substantial Completion 12/31/23  Plumbing Substantial Completion 9/30/23  HVAC Substantial Completion 9/30/23  Electrical substantial Completion 2/10/24  Generator has been rescheduled for 12.14 |
| December 2023 – January 2024 | Construction Completion (Final) and Project Closeout |
| March 2024 – April 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 - AdditionalConstruction Phase and Grit Pump Replacement Services

WWTP Phase 1 Upgrade Project

* At the October 19, 2023 meeting the Village Board authorized 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 up to $238,000, thereby adjusting the overall contract price to $1,360,000.

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 $ 75,000.00

(based on an additional 5 months full time)

* Task 10 - Additional Engineering Services – Grit Pumps $ 35,000.00

(based on hours spent on design and const. services)

***Subtotal - Delaware Engineering: $ 238,000.00***

Executed & Proposed Subcontracts:

* No feasible opportunities exist, none proposed

*Proposed Subcontracts Subtotal: $ 0.00*

**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**

* **NYSEFC Engineering approved this amendment on 10/31/23**
* **Submitted query to NYSEFC MWBE on 11/01/23**
  + 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**
  + This project was selected for grant award in the amount of $999.919, based on the letter from CDBG that the Village received on November 11, 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.

1. DPW Site Groundwater Monitoring/DPW Garage Site Remediation

* Based on sampling results still seeing values near garage indicating contamination remains
* September 2023 sampling report indicated levels nearly the same as in June 2023 for all monitoring wells.
* Next sampling to be conducted in December 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

1. **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.
* We have summarized WWTP date (2019-2023) and the current WWTP is able to meet the CBOD limit of 15 mg/L (daily maximum) now because flow is 40% of the permit, monthly averages 2-4 mg/L and 7-day maximums of 3-7 mg/L
* As flow approaches the permit limit, the WWTP may be challenged to meet 15 mg/L consistently.
* 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 & H20 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 prepared a response letter to the WTC Authorization and & CBOD limit, and have forwarded it to Joan and Dave B for comment. Basically, the letter agrees to the WET Testing and accepts the new lower CBOD limit.
* If acceptable, and there are no further comments, we plan to send to Joan for signature and submit to NYSDEC in the near future.

1. **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

1. **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
* A study to review the ability of the WWTP to meet the new CBOD daily maximum limit of 15 mg/L will also be added to the study recommendation.

1. 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

1. 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

* Funding award notice for inventory work should occur in December – January
* Village should continue to organize information on lead services lines
* 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 competed 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](mailto: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 IUP August 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 Compilation September 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.

**NEW CONSIDER BELL JAR LICENSE – LIBERTY ELKS**

**BUSINESS:**

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving the Bell Jar License for Liberty Elks Lodge 1545.

This license is for January 1, 2024 to December 31, 2024

**CONSIDER SEWER CREDIT FOR ACCOUNT #2-7100 - SANTIAGO**

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving the sewer credit for Eliezer Santiago/43 Champlain Avenue – Account #2-7100 in the amount of $223.94.

This was due to a running hose which resulted in a leak of 45,100 gallons.

**CONSIDER TAXI LICENSE – GEEZ CAR SERVICE -2023/24**

**RESOL.#** Motion by Trustee Lake, seconded by Trustee Mir and unanimously

**52-2023:** carried approving Resolution #52-2023

WHEREAS, the applications for taxicab licenses (also known as Taxicab permits, such terms being intended to describe the license or permit described as a taxicab permit in the definitions provision in Article 1, Section 75-1 of Chapter 75 of the Village Code), having been submitted by the attached taxi company’s pursuant to the Village Code, such as Sections 75-1 75-1.1, and 75-2 of the Village of Liberty Village Code; and

WHEREAS, the Village Code provides that the existing taxicab permits expire annually on May 31; and

WHEREAS, one taxi licenses have been reviewed by the Village of Liberty Police and are now pending before the Village Board; now therefore be it

RESOLVED, that the Village Board of the Village of Liberty hereby issues taxicab permits (also known as a Taxicab license) for the annexed applicants (said taxicab license not to be confused with the taxicab driver’s license issued under Article II of Chapter 75 of the Village Code); and be it further

RESOLVED, that for reference purposes, the taxi license/permit is for:

Geez Car Service – Permit #23

**CONSIDER COST OF DAVID BUNCE – WATER OPERATOR**

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving a temporary contract with David Bunce to cover the licenses needed for the Water Department. The cost will be $2,500 per month and he requires a minimum of a sixty (60) day contract.

His coverage will be three days per week, four hours per day.

**CONSIDER FUSCO AS TEMPORARY CODE ENFORCEMENT**

David Burke said he is working with Fusco to see if he can work up a temporary agreement with them.

**CONSIDER PAYMENT TO DRBC**

This payment will be placed on the bill list when it is available to be paid.

**CONSIDER AMENDMENT #2 – H20 INNOVATIONS AND AUTHORIZE MAYOR TO SIGN**

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving Amendment #2 to the H20 Innovations Contract and authorizing Mayor Stoddard to execute the same.

**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. 19 for General Contract No. VL1-G-21 to Eastman Associates, Inc. for the period of October 1, 2023 through October 31, 2023, in the amount of $89,351.98 as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

Motion by Trustee Lake, seconded by Trustee Mir and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 13 for Electrical Contract No. VL1-E-21 to J & J Sass Electric, Inc., for the period of October 1, 2023 through October 31, 2023, in the amount of $69,540.00 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 Lake, seconded by Trustee Mir and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 8 for Plumbing Contract No. VL1-P-21 to A. Treffeisen & Sons, LLC for the period of October 1, 2023 through October 31, 2023, in the amount of $8,678.25 as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 12 for Plumbing Contract No. VL1-HV-21 to A. Treffeisen & Sons, LLC for the period of October 1, 2023 through October 31, 2023, in the amount of $12,645.08 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 FINAL PAYMENT TO H. OSTERHOUDT – LILY POND BRIDGE ROAD**

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving the following payment to H. Oosterhout Excavating for the permanent Watermain Installation Technical Oversight and Assistance & Testing Invoice #12308S, in the amount of $41,256.80, as requested by the contractor.

**CONSIDER CERTIFICATES OF SUBSTANTIAL COMPLETION**

Motion by Trustee Mir, seconded by Trustee Lake, and unanimously carried authorizing Mayor Stoddard to endorse the Certificate of Substantial Completion form for Contract VL1-P-21-Plumbing which shall fix the date of Substantial Completion as September 30, 2023 and final contract amount of $118,625.37, including the punch list of items to be completed or corrected before final payment.

Motion by Trustee Mir, seconded by Trustee Lake, and unanimously carried authorizing Mayor Stoddard to endorse the Certificate of Substantial Completion form for Contract VL1-HVAC-21-HVAC Construction which shall fix the date of Substantial Completion as September 30, 2023 and final contract amount of $131,498.39, including the punch list of items to be completed or corrected before final payment.

**CONSIDER CHANGE ORDER NO. 10 – WWTP CONTRACT VL1-G-21**

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried

authorizing Mayor Stoddard to execute Change Order No. 9 for Contract No. VL1-G-21, General Construction, for the Oxidation Ditch Tank Cleaning, Dry Polymer Tank Mixer, and WAS Pump Discharge Drain Line work based on the scope and costs represented in the various change proposals from Eastman Associates, Inc., in the total amount of $60,459.85,, which will increase the cost of the contract to $5,558,792.00 (previous contract amount of $5,498,332.15 plus $60,459.85), 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. 7 – WWTP CONTRACT VL1-E-21**

Motion by Trustee Lake, seconded by Trustee Mir and unanimously carried

authorizing the Mayor to execute Change Order No. 7 – No cost Contract Time Extension for Contract No. VL1-E-21, for a no-cost time extension of the contract date of substantial completion from December 31, 2023 to February 20, 2024 with final completion by March 31, 2024 and with no change to the contract price.

**PUBLIC** Mayor Stoddard said although this is a Worksession Meeting she would let the

**COMMENT:**Public address their concerns.

Etta Barbanti (Liberty Business Owner) discussed the following:

* Asked about a change of use for a building on School Street.

The Board said that would have to be addressed by the Planning Board.

* Asked if the Apartments applied to just the Green Building or all of Main Street.

Attorney Silver said it would apply to every upper-story residential dwellings in the DCC Commercial Core Zoning District.

* Asked about police ticketing on Main Street.

Mayor Stoddard said she would discuss it with the Police Chief

* Questioned if the Loading Zones in front of Liberty Press could be converted to Parking spots.

* Inquired as to whether or not Stewarts Convenience and Gas was still coming to the Village

Mayor Stoddard said they could not build in the area they wanted, as it was in our well head protection area and they are not interested in any other area in the Village,

Bruce Davidson (owner of the Liberty Theatre) said he is 99% done until tenants move in.

Verna Spina and Jean Dermer (Liberty Chamber) shared with the Board a recent shopping survey they did in the Village and the responses they received from the people.

**APPROVAL** BILLS FOR PAYMENT

**OF BILLS**

**FOR PYMT**:Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving Voucher #456 to Voucher #530 in the amount of $267,603.47.

**EXECUTIVE** Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried

**SESSION:** to go into Executive Session at 7:50 p.m. to discuss a personnel matter in the

Department of Public Works.

David Burke was invited into Executive Session.

Motion by Trustee Lake, seconded by Trustee Mir and unanimously carried to come out of Executive Session at 8:30 p.m.

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

**THE MEETING WAS ADJOURNED AT 8:31 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI, CLERK/TREASURER**

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