

EMERGENCY MEETING

APRIL 25, 2022

The Board of Trustees held an Emergency Meeting of April 25, 2022 at the Village Municipal Building, 167 North Main Street, Liberty New York. Mayor Joan Stoddard opened the meeting with the Pledge of Allegiance.

PRESENT: Mayor Joan Stoddard, Deputy Mayor/Trustee Robert Mir and Trustee Ernest Feasel. Also Present: Gary Silver, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

ABSENT: Trustee Daniel Wright and Trustee Eveleese Lake

ALSO PRESENT: Hazel Yaun, Susan Hamlin, Police Chief Steven D'Agata, David Ohman (Delaware Engineering) and Dan Fagnini (Delaware Engineering)

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

ANNUAL ORGANIZATIONAL MEETING – April 4, 2022

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried approving the following minutes:

PUBLIC HEARING - April 7, 2022 Local Law #1-2022

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried approving the following minutes:

PUBLIC HEARING - April 7, 2022 2022/23 Budget

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried approving the following minutes:

REGULAR MEETING - APRIL 7, 2022

CORRESPONDENCE: Mayor Stoddard said the following correspondence has been received and anyone can request copies.

❖ Letter from NYMIR Re: Insurance

SUSAN HAMLIN AND HAZEL YAUN (PRESBYTERIAN CHURCH)

Susan Hamlin and Hazel Yaun, representing the Presbyterian Church, discussed the condition of the Village and its affect it has on them trying to bring a minister to their church on South Main Street.

Susan Hamlin said there are numerous eyesores in the village, buildings that have visible garbage in the windows and broken windows. She said even the Post Office (which is a federal building) has deteriorating molding around the door frame.

Susan presented pictures to the Board.

Mayor Stoddard suggested that they come in and discuss the problems with the Code Enforcement Officer and include properties and pictures that they have found to be unsightly.

TABLED BUSINESS: DELAWARE ENGINEERING – UPDATE ON PROJECTS

David Ohman of Delaware Engineering sent the following report:

1. General Engineering Services Contract 2022

- Attached is the General Services contract effective January 1, 2022 thru December 31, 2022 for Village consideration.
- This provides a formal mechanism for the Village to retain Delaware to provide professional services for small projects/work items without having to have a contract each time. Good to have in place for auditors also.
- Village assigns us work; we either agree to a set price or do on a T&M basis. Our monthly invoice will identify each work item and provide a cost summary.
- The contract is the same as has been since 2017 except that we have updated items to the dates corresponding to 2022 and added a current (2022) rate schedule. All other terms and conditions, as requested by the Village Attorney in 2017, remain in place.
- **If the contract is acceptable to the Village as written, and the village desires to go forward with the contract, then we recommend that the Village Board authorize the Mayor to endorse the 2022 General Services contract with Delaware Engineering, D.P.C. dated April 22, 2022.**

2. WWTP Upgrade

Board Action required at tonight's meeting:

- **None required tonight**

Update/Review of the Project Progress

For the Base Project – Phase 1:

○ **NYSEFC Additional Funding**

- A January 15, 2022 email from NYSEFC notified the Village that the Village's request for additional funding for this project was approved.
 - NYSEFC will provide an additional \$1,741,085 in 0% loan/interest free financing – this will allow moving forward to award the base bid and bid alternate work and increase the Total Project Budget to \$9,398,020.
 - Requested that the Village forward all relevant documentation of the Supplemental Bond and contract award resolutions after your Board Meeting next, so we can then proceed with processing the amended Project Financing Agreement with the Village.
- **January 19, 2022 received another NYSEFC email with comments/questions about cost items**
- Delaware responded to these comments on January 25, 2022.

- **CONSTRUCTION CONTRACTS**
- **Construction Contract Award**
 - Delaware has integrated these items to form the execution copy of the contract for each prime contract and forwarded digital version to NYSEFC for approval and provide each prime and the Village with a hard copy of the executed contract. Delaware will distribute execution copies once NYSEFC approves the Construction Contracts.
 - Construction Contracts were sent to NYSEFC for approval on 4/6/22. Approval is contingent upon NYSEFC approval the Change order for the updated Davis bacon Wage Rates, which is anticipated to be submitted on the week of 4/25.
- **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
 - Change Order No. 2 – Update Davis Bacon Wage Rates
 - At the April 7 meeting the Village resolved to:
 - Authorize the Village Mayor to execute Change Order No. 2 for the Davis Bacon Wage Rate for the Contract VL1-G-21 – General Construction resulting in no change to the contract cost
 - Change Order was sent to Contractor for execution and will be sent to NYSEFC (week of 4/25) for approval once fully executed.
 - Contract No. VL1-E-21 – Electrical Construction**
 - Change Order No. 1 – add Bid Alternate Belt Filter Press Work
 - Totaling \$96,000
 - Change order will be sent to NYSEFC with the executed contract when available.
 - Change Order No. 2 – Update Davis Bacon Wage Rates
 - At the April 7 meeting the Village resolved to:
 - Authorize the Village Mayor to execute Change Order No. 2 for the Davis Bacon Wage Rate for the Contract VL1-E-21 – Electrical Construction resulting in no change to the contract cost
 - Change Order was sent to Contractor for execution and will be sent to NYSEFC (week of 4/25) for approval once fully executed
 - Contract No. VL1-P-21 – Plumbing Construction**
 - Change Order No. 1 – Update Davis Bacon Wage Rates
 - At the April 7 meeting the Village resolved to:
 - Authorize the Village Mayor to execute Change Order No. 1 for the Davis Bacon Wage Rate for the Contract VL1-P-21 – Plumbing Construction resulting in no change to the contract cost
 - Change Order was sent to Contractor for execution and will be sent to NYSEFC (week of 4/25) for approval once fully executed

Contract No. VL1-HV-21 – HVAC Construction

- Change Order No. 1 – Update Davis Bacon Wage Rates
 - At the April 7 meeting the Village resolved to:
 - Authorize the Village Mayor to execute Change Order No. 1 for the Davis Bacon Wage Rate for the General Contract VL1-HVAC-21 – HVAC Construction resulting in no change to the contract cost
- Change Order was sent to Contractor for execution and will be sent to NYSEFC (week of 4/25) for approval once fully executed

Pre-Construction Meeting

- Was held on 3.23.22 with the primes

Engineering during Construction

- Beginning to receive and process material and equipment submittals, and applications for payment

On-Site Construction and Observation Services

- Began this week

- **Excerpt from the Revised Anticipated Project schedule below:**

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 2022 – July 2023	Construction to Substantial Completion
August 2023	Construction Completion (Final) and Project Closeout
October 2023	Long Term Loan Closing

- **For the Enhanced Sludge project – Phase 2**
 - The project was not selected for WIIA grant (25%) Award
 - Based on April 22, 2022 call from NYSEFC's Harry Nelson, there will be no more EFC grant awards in the near future.
 - However, there is discussions about the Federal Infrastructure package and how that may be used to fund more projects and may provide grant funding for this and other projects that did not get WIIA
 - Will likely be several months before details are known
 - It may be good for the Village to request a call to NYSDEC to discuss this so that we can better understand a potential plan forward for the phase 2 work
- More info on WIIA FYI – NY Water Infrastructure Improvement Act (WIIA) Grant Opportunity
 - Other Background/History Information
 - Put in a new Project Listing (PLUS) in April 2020 for \$8.2M
 - update in 2021 once form update is requested by EFC
 - Completed SEQR again for the entire project– determination completed at August 20, 2020 Board Meeting
 - Did new Bond Resolution for the Phase 2 project – done at September 3, 2020 meeting; Notice of Estoppel appeared on November 20, 2020.
 - Prepared and submitted new Engineering Report to NYSEFC – DONE submitted NYSEFC on September 18, prior to September 21, 2020 deadline to finalize the IUP and get on the annual list for financing.
 - Prepare a new Smart Growth Form and submit to NYSEFC. DONE and submitted NYSEFC on September 18 - Reviewed with Village and had the Mayor to sign at the September 17 meeting, and submitted to NYSEFC prior to September 21, 2020 deadline to finalize the IUP and get on the annual list for financing.
 - NYSEFC released the CWSRF Final Intended Use Plan (IUP) for FFY 2021. The Phase 2 project is listed on the annual list with a budget of \$8.2M,

- Funding Application (CFA program) including the WIIA Grant funding up in the air right now – nothing set for this year.
- On January 6, 2021 the Village received notice that Phase 2 (Sludge Handling) of the Village's WWTP project will not qualify for 0% Hardship financing, as the base project score is below the Hardship Funding Line in the 2021 IUP.

- **Professional Services Contracts**

- WWTP Upgrade Project

- At the November 5, 2020 meeting, the Village Board resolved to authorize the Mayor to endorse Professional Services Contract Amendment No. 1, to the design through construction contract for the Village WWTP upgrade to be financed through NYSEFC, dated October 28, 2020, associated with revisions to the Original Phase 1 Engineering Report, to initially include and then remove enhanced sludge processing and related work from the original report, in an amount not to exceed \$40,000. Accepted by the Board and forwarded to NYSEFC on November 9, 2020. NYSEFC indicated in early-December 2020 that they would review it.
 - NYSEFC approved this amendment on 3/8/22
 - Need to modify our contract and costs to include the Grit Pump work and possibly to add belt press to Phase 1 (design, CA & CI) – Will look to do this after closing on short term loan since costs will come out of contingency since financing cost is capped at \$9.4 M.

- Phase 2 Sludge Handling WWTP Upgrade Project

- On hold until a plan forward can be agreed to now that the WIIA funding has been denied for Phase 2
 - At the October 15, 2020 meeting, the Village Board resolved to authorize the Mayor to endorse the Professional Services Contract for Planning phase work in the amount not to exceed \$24,900. Accepted by the Board and forwarded to NYSEFC on October 21, 2020.
 - Based on the Feb 24, 2021 call with NYSEFC, NYSEFC will not be approving this in the near term as there is no Project Financing Agreement in place and the project will now be on hold.
 - When the Village decides to move forward with some or all of Phase 2, Delaware will submit engineering services contact amendment for design through construction services, following the Announcement of NYSEFC WIIA Grant Awards, if the grant application is successful.

- 3. **WWTP Grit Pump Replacement Project**

- **Tonight's meeting:**
 - No action required
- **Work Status**
 - All work completed as of February 11
 - Working through contract closeout & disbursement paperwork with NYSEFC and Village Clerk
 - Costs will be covered under Phase 1 \$9.4M project.
- **Background:**
 - At the July 15, 2021 Department Head Meeting, Mark Kellam notified the Village that one of the grit pumps had failed beyond repair.
 - The current pump is operating without redundancy/backup and is the same age as the pump that failed. The pumps are obsolete and no repair/replacement parts are available. If the one remaining pump fails 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 has decided 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 moves forward.
- 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.
- Work is being done in 3 parts:
 - Direct Purchase to supply 2 new Grit Pumps
 - Direct Purchase to supply Piping, Valves and Appurtenances
 - Direct contract with contractors to remove existing and install new grit pumps and appurtenances.
- Grit Pump work was substantially complete after start-up of both Grit Pumps on February 8

- **Grit Pumps Supply**
 - PO issued
 - At the September 2, 2021 meeting, the Village Board resolved proceed with a purchase order – including NYSEFC bid packet requirements - to Siewert Equipment for the supply of two new pumps associated with the grit system, per the September 1, 2021 quote, for a not to exceed price of \$24,947.
 - Pumps on site November 22, 2021
 - Successful Startup Services by Manufacturers Representative for both Grit Pumps occurred on February 8, 2022
 - Manufacturer’s Representative provided Startup Reports and O & M Manual February 11, 2022 and were forwarded to the Village WWTP staff
 - All contract work completed; working through contract closeout & disbursement paperwork with NYSEFC and Village Clerk.

- **Piping and Materials Supply**
 - PO Issued
 - At the September 16, 2021 meeting, the Village resolved to authorize the Village Clerk to proceed with a purchase order – including NYSEFC bid packet requirements - to Schmidt’s Wholesale for the supply of piping and materials associated with the replacement of the WWTP grit pump system, per the September 16, 2021 quote, for a not to exceed price of \$14,394.97.
 - Materials arrived on-site the week of January 10, 2022
 - All piping and materials installed. Minor modifications during construction have allowed certain items to be returned.
 - Working with Schmidt’s on returnable items (may have to pay a 25% restocking fee) and working through contract closeout and disbursement paperwork with NYSEFC and Village Clerk.

- **Pump and Piping Replacement/Installation by Contractor**
 - PO issued
 - At the October 14 meeting the Village resolved the Village Clerk to proceed with issuance of a purchase order – including NYSEFC bid packet requirements – to TAM Enterprises Inc. for the work associated with removal of existing and installation of new Grit Pumps and appurtenances, per the attached October 6, 2021 quote for not to exceed price of \$49,898.00.

- All equipment and materials are on-site, a preconstruction/kickoff meeting was held on January 19, 2022
- All contract work completed, all pumps, piping and materials installed and startup complete
- Added thermal overloads; cost offset by only having one day (rather than specified 2 days) if startup services by the grit pump representative.
- All contract work completed; working through payment request, contract closeout & disbursement paperwork with NYSEFC and Village Clerk
- **Work with NYSEFC**
 - Purchase Orders and RFP including NYSEFC Bid Packet (fully executed contracts) sent to NYSEFC for review and approval on November 16, 2021
 - On January 18, 2022 NYSEFC issued an approval letter for approved all Grit Pumps (i.e. Technical Specifications, Drawings, Siewert PO, Schmidt's PO and TAM PO.
 - Working through contract closeout & disbursement paperwork with NYSEFC and Village Clerk
- **Follow Up Work**
 - As the Village has decided to proceed with pump and piping replacement work now, Delaware will plan to provide oversight for the installation and startup services, and certify installation as required by NYSEFC.
- **Engineering Work and Costs**
 - At the September 2, 2021 meeting the Village Board 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 for the planned work are more refined.
 - The amendment quote phase work is anticipated to be fully eligible for inclusion with the Phase 1 project cost
 - Amendment for this work to be forwarded to the Village soon.
- **Cost Summary – Costs nearly the same as planned**

Item	Anticipated Cost 9/2/21 Meeting	Estimated Cost 03/17/22 Meeting	Remarks
Construction			
Grit Pumps	\$24,947.00	\$24,947.00	Pumps Installed
Piping and Materials	\$14,394.97	\$14,156.46	\$238.13, \$317.50 credit For returned material less 25% restocking fee
Pump and Piping Replacement	<u>\$49,898.00</u>	\$49,473.00	\$1,500 credit for Mfg., Startup and \$1,075 Thermal Overloads offset cost change
Village Purchased Material	\$0.00	\$ 360.61	1 – Hymax Coupling (235,28) and 1 Flange (\$48,72)
Subtotals	\$89,239.97	\$88,937.07	
Engineering	TBD\$		T&M, Amendment pending
Contingency (10%)	NA		
Total to date	\$89,239.97.	\$88,937.07	For parts

4. Lily Pond Road Bridge/Waterline

Tonight's meeting:

- **Review Bid Results and consider award of contract**
- **Consider IM with the County to do the work**

Publicly Bid

- Three bids opened on 04-20-2022; bids ranged from \$259,000 to \$506,398
- Low bid is Vacri Construction Corp; provided schedule of work that is acceptable to the County's current schedule per 04-20-22 email with Roman DiCio SCDPW. County is ready to go pending NYSEG work and looks like demo will begin in mid-May.
- Second Bidder, Osterhoudt has a slightly shorter schedule but is >\$100,000 more than Vacri
- Judy has \$150,000 in current year budget (ending May 31, 2022) and \$150,000 in next year's budget – so it appears that the Village has enough funding to cover the construction work and engineering costs for design and construction phase services.
- The attached letter package includes the bid tabulation and award recommendation, wherein, we recommend that the Village resolve to award the Lily Pond Watermain Relocation Contract VL1-G-2022, to Vacri Construction Corp for the low bid price of \$259,000.
- **Should the Village agree, then we recommend that the Village Board resolve to:**
Award the Lily Pond Watermain Relocation Contract VL1-G-2022, to Vacri Construction Corp for the low bid price of \$259,000
 - **Authorize the Mayor to sign three copies the of Notice of Award, Notice to Proceed, and the Standard Form of Agreement (one copy of enclosures attached) and return all three copies back to Delaware Engineering's Oneonta Office so that we can incorporate them into "execution" copies of the Contract Documents for subsequent execution**
 - **Authorize Delaware Engineering to proceed with preparation of execution copies of the contract documents and construction phase services on a time and expenses basis per terms set forth in the General Engineering services contract.**

Work with County to Move Waterline

- Based on 4/25/22 emails with Roman DiCios, SCDPW it appears feasible for the county to perform most of the work with their forces
 - Village would enter into an Intermunicipal Agreement (IMA) with the County
 - **Pros**
 - County already onsite and can coordinate all the work
 - County can provide equipment and labor to do most of the work
 - County has some materials that may be used for the temporary water crossing
 - Should provide cost savings
 - **Issues**
 - Work needs to be coordinated with the Village rather than handling it over to a contractor (more time by Village and DE)
 - Cost savings not yet determined
 - Material costs
 - Labor
 - Material availability moving target unless we can locate and purchase now
 - Schedule – how long to get an IMA in place

- Prevailing wage does not apply to County

Question

- How much would Village be able to do?

• **Plan Forward**

- Prepare IMA (Gary S and DE) and review with County
- Meet with SCDPW, Water Department and Mayor to discuss who will/can do what (this Friday at 8 a.m.)
- Obtain estimate and schedule to supply materials for new facilities and temporary (DE)

• **Consensus of Board on Bid/Work**

- Investigate working with the county and hold off on bid award (?)
- Award bid to low bidder from 4/21/22 bids

5. WWTP SPDES Permit

- On 1/7/22 the Village received a SPDES Permit Request for Information for the Wastewater Treatment Facility
- On 3/1/22 NYSDEC sent a notification to remind the Village that the NYSDEC has sent the attached Request for Information regarding the Village of Liberty Wastewater Treatment Facility. The requested information is due back to NYSDEC by 4/7/22
- A follow-up email was received last on April 8 requesting an update
- We responded on April 21 to DEC with the following:
 - Delaware is working with the WWTP to complete the required sampling, and staff is working on completing the application form – sampling was completed the week of 4/18/22
 - Response to the Request for Information is anticipated to be ready to submit to NYSDEC by Mid-May
- NYSDEC responded on April 21 that this timeline is acceptable
- We will continue to work with Mark to acquire the sampling results data and will summarize that data and other forms, info and get back to NYSDEC

6. Elm Street Wellfield/Electrical Improvements

- DASNY willing to move \$100,000 - from the Bonacic grant commitment associated to cover some of the 2017 NYSDEC clean-up costs (no costs info/request ever provided by NYSDEC) - into the electrical improvements for the Wellfield and add on to that \$100,000 reimbursement contract.
- We are working with Judy to get the information requested.
- We are updating the cost estimate for the work from 2 years ago to \$200,000 (full grant amount with no Village contribution) and provided Judy with DASNY – requested information on March 31, 2022

7. Rail Trail Area Culvert Drainage/Blockage

- 2021 CDBG Grant Application
 - Grant was not awarded to the project.
 - Village agreed at January 2022 meeting to go for this project again
 - Consider renaming and providing more urgency
 - Seek support assistance with County planning and Mid-Hudson regional economic development council (REDC) who evaluate the applications and can provide up to 20 points – we received 15 with the last application so we need to follow-up again this time to get at least 15 and hopefully 20 points.
 - Exit interview for the CDBG Rail Trail application was held on 4/13/22 with Charles Philion from the Office of Community Renewal (OCR). The project

scored 70 out of 100 points. The cut-off score for funding in this round was 73 points. The Village added points by committing \$49K of local funds to the project.

- Charlie indicated that in the future, all applications will need to follow the USDA Engineering Report Outline which is more detailed than what has been previously required.
- We plan to work to revise the Engineering Report and provide it to Mark Blauer for the OCR CDBG application. There is no application deadline set but it is anticipated to be July 2022.
- This is the third time that CDBG funding was not awarded for this project
- In 2021, the same project was denied funding through the FEMA Building Resilient Infrastructure and Communities (BRIC)

8. DPW site Groundwater Monitoring/DPW Garage Site Remediation

- March 2022 sampling report indicated levels lower than December 2021 for the MW-8
- Next sampling to be conducted in June 2022
- Based on sampling results still seeing values near garage indicating contamination remains

9. NYSDOH Water System Inspection/Cross Connection Control Program

- A digital version of the Village's response to the Response to the December 9, 2021 NYSDOH Water Supply Inspection Letter regarding the Cross Connection Control Program was submitted on February 4, 2022 and included the plan forward listed below.
- No word back from NYSDOH to date. We plan to continue to move ahead with the CCP plan document
- Once approved, the Village intends to address the Cross Connection Control Program requirement as follows:
 1. Update the list of water users who are believed to be subject to this program (on-going)
 2. Develop a draft cross connection control program document utilizing system information, current codes and reference documents (target date June 2022)
 3. Provide a draft document for Village Board, Village Code, Village Attorney review and receive feedback (July 2022)
 4. Provide Village reviewed documents to NYSDOH – Monticello District Office for review and comment (target date August 2022)
 5. Address NYSDOH comments and recirculate to Village for final review (target date September 2022)
 6. Work through modifying the local law and code to include CCCP requirements (September – December 2022)
 7. Forward final document to NYSDH – Monticello District Office (target date January 2023)
 8. Village adopts program (January 2023)
- Delaware is working to develop a draft cross connection control program document utilizing system information, current codes and reference documents (target date June 2022)

UPDATE ON 157 SOUTH MAIN STREET

The Board said this item will remain **tabled** until the foreclosure process can take place.

UPDATE OF CODE SECTION 87-34 – ANIMAL HUSBANDRY

Attorney Silver suggested that the Board review the information they received from Cornell Cooperative Extension and develop their ideas for the local law.

CONSIDER NEW DATES FOR SPRING CLEAN-UP

RESOL. # 27-2022: Motion by Trustee Feasel, seconded by Trustee Mir and unanimously carried approving Resolution #27-2022.

WHEREAS, the Village of Liberty Board of Trustees approves the Spring 2022 Clean-Up as follows:

**VILLAGE OF LIBERTY
2022 SPRING CLEAN-UP**

**Monday, May 9th
Tuesday, May 10th
Wednesday, May 11th
Thursday, May 12th
Friday, May 13th
Saturday, May 14th
Sunday, May 15th**

VILLAGE RESIDENTS ONLY

All items for clean-up must be taken by Village Residents to the Village of Liberty Street Department garage at 46 Elm Street. No items will be accepted without a permit showing Village residency which can be obtained at the Village Clerk's Office 167 North Main Street between the hours of 8:00 a.m. and 4:00 p.m.

METAL WILL BE ACCEPTED. NO large stumps or rocks. **NO** household garbage. **NO** batteries. **NO** tires. **NO** hazardous waste. **NO** yard debris. **No** Fuel Tanks, Oil Drums and Propane Tanks. **NO** Paint. **NO** Electronic Equipment

Village crews **will not** make pick-ups at individual residences and the Sanitation Department **will not** take items left out for clean-up.

Hours of Operation:

**Monday, May 9th – Friday May 13th - 6:30 A.M-2:30 P.M.
Saturday, May 14th - 8:00 A.M.–12:00 P.M.
Sunday, May 15th - 8:00 A.M. – 12:00 P.M.**

After the Villages allotment is used up, the gates will be closed.

This program is made possible by the Sullivan County Legislature.

CONSIDER WRITE OFF OF CDBG LOANS

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried to write off the following CDBG Loans:

Cyber Shack - \$19,363.97

Goal Post - \$24,123.60

These loans were discharged in the bankruptcy filings so the Village is unable to collect on the loan.

CONSIDER EAST COAST INDUSTRIAL SERVICES – STREET SWEEPING

This item is **tabled** until the May 5th Regular Meeting so that the Mayor and the DPW Supervisor can have a conversation with East Coast Industrial Services and determine the approximate length of time it will need to sweep the entire village.

CONSIDER RESOLUTION TO JOIN O & W RAIL TRAIL ALLIANCE

This item is tabled until more information can be obtained about the maintenance of the trail and the possible financial contribution expected from the Village.

CONSIDER REVIEW OF PROCUREMENT POLICY

RESOL. # 28-2022: Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried approving Resolution #28-2022.

**VILLAGE OF LIBERTY
PROCUREMENT POLICY**

WHEREAS, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS, comments have been solicited from all officers in the Village of Liberty involved in the procurement process, now, therefore, be it

RESOLVED, that the Village of Liberty does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE VILLAGE OF LIBERTY

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can be reasonably expected that the

aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law: purchase contracts under \$20,000 and public works contracts under \$35,000; emergency purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and county contracts; and surplus and second-hand purchases from another governmental entity.

The decision that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo from the purchaser indicating how the decision was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser, or any other written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest prices and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$20,000 and public works contracts over \$35,000; goods purchased from agencies for the blind or severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; purchases under county contracts pursuant to section 103(3) of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy:

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Estimated Amount of Purchase Contract	Method
\$999 - \$3,499.99	2 written/fax quotations Including shipping
\$3,500 - \$19,999	3 written/fax quotations Including Shipping

<u>Estimated Amount of Public Works Contract</u>	<u>Method</u>
\$999 - \$4,999.99	2 written/fax quotations Including Shipping

\$5,000 - \$34,999

3 written/fax quotations
Including Shipping

All quotes of \$999 and above must be approved by the Department Liaison before the purchase and payment of the product can be made.

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.
5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.
6. Pursuant to General Municipal Law Section 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of the Village of Liberty to solicit quotations or document the basis for not accepting the lowest bid:
 - a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education, training, judgement, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into this category the Village Board of Trustees shall take into consideration the following guidelines: (a) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (b) whether the services require a personal relationship between individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of any attorney; services of any physician; technical services of an

engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

- b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.
- c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.
- d. Goods or services under \$999. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

7. Equal Opportunity Employer

- a. Pursuant to Article 15 of the Executive Law and all other State and Federal statutory and constitutional non-discrimination provisions, the Village of Liberty will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status.

8. Equal Opportunity for Minorities and Women

- a. The Village of Liberty will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination.

9. Business

- a. Pursuant to Section 3 (CFR 85.36) of the Housing and Urban Development Act of 1968, the Village of Liberty will ensure that employment and other economic opportunities will be available to low-moderate income families and businesses and that all procurement transactions will be conducted in a competitive manner.

This policy shall go into effect immediately and will be reviewed annually.

CONSIDER CAPITAL RESERVE ACCOUNT FOR CDBG RAIL TRAIL PROJECT

Motion by Trustee Feasel, seconded by Trustee Mir and unanimously carried approving a **Capital Reserve Account** for the failing sewer system off of Lake Street on the Rail Trail. The Village will open the account with an initial deposit of \$10,000.00

CONSIDER ADVERTISEMENT IN THE SULLIVAN COUNTY DEMOCRAT – GRADUATION 2022

No action was taken on this request.

CONSIDER CHANGE TO PARTNERS IN SAFETY DRUG PANEL

The Board said at the current time they did not want to change the drug panel with Partners In Safety. The drug panel will remain as it is.

DISCUSS WEED CONTROL IN THE VILLAGE

The Board discussed weed control for Main Street in the Village.

Due to the fact that the Village does not own the sidewalks at this point it seems that nothing can be done other than the Code Enforcement Officer sending letters regarding the weeds and any violations.

CONSIDER ADDING MAYOR AS SIGNER ON VILLAGE ACCOUNTS

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried to have Mayor Stoddard as an alternate signer on the Village of Liberty Bank Accounts and the removal of former Mayor Stabak from the Village accounts.

CONSIDER VOTE ON 2022-23 VILLAGE BUDGET

RESOL. # 29-2022: Motion by Trustee Feasel, seconded by Trustee Mir and unanimously carried approving Resolution #29-2022.

2022/2023 VILLAGE OF LIBERTY BUDGET

WHEREAS, the tentative budget for the year 6/1/22 to 5/31/23 has been duly presented to the Board by the Budget Officer and a duly advertised Public Hearing has been held thereon,

RESOLVED, pursuant to Section 5-508 (4) of the Village Law that said tentative budget, as changed, altered and revised, be and hereby is adopted as the budget of the Village of Liberty for the year 6/1/22 – 5/31/23.

GENERAL BUDGET	-	\$4,646,769.00
WATER BUDGET	-	\$1,223,564.00
SEWER BUDGET	-	\$ 1,400,759.00
SANITATION BUDGET	-	\$1,185,735.00
TAX RATE	-	\$23.70 PER THOUSAND
WATER RATE	-	\$ 7.45 – INSIDE
		\$13.10 – OUTSIDE
SEWER RATE	-	\$ 8.37 – INSIDE/OUTSIDE
		\$12.99 - OUTSIDE

SANITATION RATE BASED ON CLASS

	\$324.00 – RESIDENTIAL
	\$648.00 - TWO FAMILY
	\$972.00 – THREE FAMILY
	\$681.00 - SMALL COMMERCIAL
	(NO DUMPSTER)
	\$1619.00 - DUMPSTER

THE MOTION WAS PUT TO VOTE, WHICH RESULTED AS FOLLOWS:

MAYOR STODDARD	-	YES	
TRUSTEE MIR	-	YES	
TRUSTEE STODDARD	-	YES	<u>ADOPTED</u>
TRUSTEE WRIGHT	-	ABSENT	
TRUSTEE LAKE	-	ABSENT	

CONSIDER GENERAL SERVICES CONTRACT WITH DELAWARE ENGINEERING

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried approving and authorizing Mayor Stoddard to endorse the **2022 General Services Contract** with Delaware Engineering, DPC dated April 22, 2022 by David Ohman and April 25, 2022 by Mayor Stoddard.

APPROVAL BILLS FOR PAYMENT OF BILLS

FOR PYMT: Motion by Trustee Feasel, seconded by Trustee Mir and unanimously carried approving Voucher #1846 to Voucher #1931 in the amount of \$238,191.30

Trustee Feasel disclosed that Voucher #1892 was payable to his wife, who is on the Planning Board.

Mayor Stoddard disclosed that Voucher #1928 is payable to her son, who is on the Zoning Board and recused herself from voting.

EXECUTIVE SESSION: Motion by Trustee Mir, seconded by Trustee Feasel to go into Executive Session at 8:45 p.m. to receive Attorney Advice and to discuss the employment history of an individual in the Code Enforcement Office.

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried to come out of Executive Session at 8:55 p.m.

DISCUSSION OF TAX MAP 118-1-8.2 – 2020/21 TAX

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried to forgive the penalties on this property from August 2021 to present due the error by the Village.

The Mayor will write a letter to J & H Abstract LLC letting them know that the Village is under no obligation to forgive the taxes on this property and that the Village will only charge penalties through August 2021.

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

THE MEETING WAS ADJOURNED AT 9:00 P.M.

RESPECTFULLY SUBMITTED,

**JUDY H. ZURAWSKI
CLERK-TREASURER**

