**REGULAR MEETING**

JANUARY 16, 2020

# The Board of Trustees held the Regular Meeting of January 16, 2020 at

# the Village Municipal Building, 167 North Main Street, Liberty New York.

Mayor Ronald Stabak opened the meeting with the Pledge of Allegiance.

**PRESENT:** Mayor Ronald Stabak,Deputy Mayor/Trustee Robert Mir, Trustee Daniel Wright, Trustee Joan Stoddard and Trustee Victoria Ferguson. Also Present: Gay Silver, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

**ALSO** David Ohman (Delaware Engineering), Police Chief Scott Kinne, Police Detective

**PRESENT:** Steven D’Agata, Jill Weyer (Sullivan County Land Bank), Andrew Arias (Cooper, Arias), Dominick Fontana and several members from the Liberty

High School Government class.

**APPROVAL** Motion by Trustee Wright, seconded by Trustee Stoddard and unanimously

**OF** carried approving the following minutes:

**MINUTES:**

REGULAR MEETING - December 5, 2019

**CORRES-** Mayor Stabak said the following correspondence has been received

**PONDENCE**:and is available in the Clerk’s Office.

Incoming

* E-Mail from NYSDEC Re: Former Grossinger Site
* Letter from NYS Home and Community Renewal Re: CDBG Grant 1.2.2020
* Fax from Sullivan Renaissance Re: 2020 Grant Application

**PUBLIC** Mayor Stabak opened the meeting to comments from the public.

**INPUT:**

Jill Weyer – Sullivan County Land Bank

Jill addressed the Board regarding the Sullivan County Land Bank. Her update included the following:

* 32 Properties have been acquired to date in Liberty
* 6 Sales are pending including 3 Single Family Homes, 2 Side Lots and

1 Multi-Family Pilot Project

* 14 Demolitions completed to date
* 1 Property sold to date
* 1 Home for Sale
* 24 Vacant Lots to Dispose or Redevelop

Moving forward she explained that they are working with Sullivan Renaissance to hold a community meeting (February 13th) with adjacent homeowners and interested residents and government officials to discuss potential uses and next steps to bring these parcels back into productive use. Jill said they have thoughts about a Public Park, Community Solar Project, Side-lot sales or new construction, but are not limited to these ideas.

Jill also said they are working on the following projects:

* a detailed renovation budget for 91 Chestnut Street and identifying a potential developer
* Anticipating a sale to a young entrepreneur of 20 Orchard Street
* A complete renovation is underway at 48 Yaun Avenue
* Explained there is a redevelopment opportunity at 27 Grant Street if the Board is interested in pursuing it. She said the land owner is willing to donate the property to the Land Bank.

After a brief discussion, the Board said they would give it some thought and discuss potential development with the Land Bank.

**ATTORNEY** Attorney Silver his comments are all related to agenda items.

**COMMENTS:**

**TREAS.** PRESENTATION FROM ANDREW ARIAS – COOPER, ARIAS AND CO.

**REPORT:**

Andrew Arias of Cooper and Niemann discussed the audit of the 2018/29 fiscal year for the Village of Liberty and reported the following:

GENERAL FUND – Reported the Fund Balance for the fiscal year ending May 31, 2019 is $913,000, which is an increase of $110,000 from the previous year.

WATER FUND – Reported the Fund Balance for the fiscal year ending May 31, 2019 is $509,000 which is an increase of $3,000 from last year.

SEWER FUND - Reported the Fund Balance for the fiscal year ending May 31, 2019 is $244,000 which is an increase of $58,000 from last year.

SANITATION FUND – Reported the Fund Balance for the fiscal year ending May 31, 2019 is $90,000, which is an increase of $5,000 from last year.

Treasurer Zurawski’s written report was as follows:

* List of Current Taxes and collections thru 12/31/2019 of which there is $366,258.80 outstanding. The current taxes are 91% collected.
* List of Delinquent Taxes, which as of 12/31/19 is $370,915.78 not collected.
* Starting and Ending Central Check Numbers for December 2019
* Starting December Central Check #15282
* Financial comparison of General, Water, Sewer and Sanitation

**TABLED UPDATE ON ENGINEERING PROJECTS - D. OHMAN/DELAWARE**

**BUSINESS: ENGINEERING:**

David Ohman of Delaware Engineering reported on the following:

1. **WWTP Upgrade**

* NYSEFC Clean Water State Revolving Fund (CWSRF) **Project #C3-5352-02-00**

The Village received a letter from NYSEFC, on January 18, 2019, to inform the Village that the WIIA program grant award is being revised to $1,914,000 and Total Estimated Project Cost of $7,656,889.

* Project Financing
  + We have been working with Judy and Keough Consulting, and EFC finance department to submit disbursement request, EEO Quarterly Reports, and other related paperwork.
* Professional Services Contract for Design through Construction:
* Design Phase:
* Continuing to Prepare design drawings and specs
* Communicating with equipment supplier and manufacturer’s representative regarding upgrade equipment
* Coordinating with MWBE Subcontractors
* Communicating with Village staff on project issues
* RAS pumps
* The plant staff, with assistance from G.A. Fleet, installed the new pump on 12/12. Nice work Rebecca and all!
* Plan Forward
* Operate new pump as lead pump
* Replace the two remaining pumps with the new style pump under the upgrade
* MWBE Subcontracts and Related Work:
* NYSESD/NYSEFC approved Delaware MWBE utilization plan and waiver request on October 28.
* Work on MSI is complete
* Surveying – Topographic and Boundary:
* Delaware has executed a sub consultant services agreement with Rasmussen Land Surveyors, PLLC to preform topographic survey near the storm water retention basin, fence/swale sludge holding tanks, clarifiers, and driveway, in the amount of $6,150.

Approximate limits of survey. Subcontract Services Agreement will be submitted to EFC for disbursement.

* Delaware has executed a sub-consultant services agreement amendment for additional services with Rasmussen Land Surveyors, PLLC to perform boundary survey of limits Village parcels (WWTP and adjacent) and off adjoining NYS Route 17, in the amount of $1,800. Subcontract Services Agreement amendment for additional services will be submitted to EFC for disbursement.
* Survey work began on 12/2. Topographic survey was provided on 12/27/19.
* Boundary work should be complete later this week.
* Delaware will work to complete preparation and execution of remaining subcontracts (i.e. Atlantic Testing for Special Inspections/Geotech Evaluation/Construction phase materials testing ($15,000); with MWBE firms.
* Schedule
* Continuing with work
* End date will push due to ATAD; will have a revised schedule with the Engineering Report amendment.
* Other Design Related Items:
* Solids Handling and Disposal Options to Consider –
* At the October 17, 2019 meeting the Village Board resolved to move forward with the sludge digester process work and associated changes.
* Moving forward with the Engineering Report Amendment to include this work. The sludge processing and associated changes will increase the project duration but should result in about the same or lower cost than the originally board approved project.
* Septage Receiving
* At the November 7, 2019 meeting the Village Board resolved to move forward with including septage receiving with the enhanced sludge work.
* Adding components to be able to progress FOG (fats oils and grease) were identified and discussed at the December meeting.
* Would add more cost
* Could affect the process
* At the December 5, 2019 meeting the Village Board resolved to move forward with the septage receiving, but not FOG receiving.
* Plan Forward
* Delaware to continue with base design
* Delaware preparing an amendment to the currently approved Engineering Report to add the enhanced sludge processing and associated changes, with septage receiving but not including FOG (grease) equipment – almost complete.
* This will be submitted to NYSEFC for review and approval
* Delaware preparing an amendment to the engineering services contract to address the enhanced solids handling work – almost complete.
* The Village agreed to not adjust the financing until after bidding (e.g. bond resolution, modification of PFA)

1. **NYSDOH Water System Inspection/Cross Connection Control Program**
   * Have a draft of the CCCP- hard copy submitted today to the Village (Mayor, Trustees, Judy, Ken, Gary Silver) for review.
   * Background below:
   * November 14, 2018 NYSDOH letter summarizes October 19, 2018 inspection and requested that the Village develop a Cross Connection Control Program
   * We worked with the Village to develop a response/proposed plan – which was submitted to NYSDOH Monticello Office on March 6.
   * Glenn Illing – NYSDOH responded via email on March 6 accepting the proposed plan.
   * The letter is available for review
   * Upcoming Action Items

* Delaware to refine the draft CCCP document and submit the draft to the Village for review. Invoice work under General Services Agreement.

1. **Rail Trail Area Culvert Drainage/Blockage**

* 2019 CFA Awards were announced 12/19/19. This project was not selected for award.
* This issue is not going to be resolved without some assistance.
* Delaware recommends resubmitting the application for the next round of CFA’s unless we can identify a more urgent project that would be eligible.
* More background information:
* Delaware prepared the Engineering Report – at no cost to the Village – with the project scope and cost of $749,900 and submitted to Mark Blauer on July 16, 2019.
* OCR CDBG Grant application package submitted by Mark Blauer on July 22, 2019 in advance of the July 26 submission deadline.
* Planned work includes:
  + Furnish and Install New Culvert
  + Install New Headwall, Wing-walls and Improve Culvert Approach
  + Furnish and install Bank Armoring Rip-Rap Stone Downstream of the Culvert (including 3’ Buried Below the Stream Bed)
  + Furnish and Install 8” Replacement Sewer Pipe (inside Existing Culvert, Plus Transitions at Both Ends) – Approximately 150 LF
  + Fill in existing Culvert (sand, Flowable Fill, or Other)
  + Furnish and Install New Riser Section for Existing 4’ Diameter Manhole Upstream of Culvert
  + Other required work

-Relocate Existing NYSEG Utility Pole

-Furnish, Install and Remove Temporary Construction Access

-Temporarily Remove, Store, and Replace Existing Guide Rail Posts

to Allow Access During Construction

-Clearance, Brushing, and Grubbing of Rail Trail for Construction

Access

-Furnish and Install 100 LF x 30’ Vertical of Steel Sheeting on

Each Side of the Culvert and Remove after Construction is

Complete

* Provide and Maintain Bypass Pumping Facilities (1 Week)

5. **DPW Garage Site Remediation**

* December 2019 report should be out soon
* Based on September 2019 sampling, still seeing values near garage indicating contamination remains
* NYSDEC will keep going with quarterly monitoring until all results show compliance with water quality standards for a year or more (no real end in sight).
* The second quarter June 2019 groundwater monitoring report indicated that there was a contaminant increase at monitoring well VW-8 (212 ppb VOC’s). The other monitoring wells were within their historic values.
* September 2019 sample results showed levels in VW-8 returned to low/more historic levels.
* Still seems appropriate to consider getting the sampling to locate the limits of the remaining material sooner than later
* In addition, we want to pump more water out of Elm Street well a more comprehensive sampling plan is needed.
  + Aztech cannot perform the additional work as NYSDEC believes it would be a conflict so some other firm will need to do it.
  + We can pursue this if desired by the Village.
* Also, right now it looks like there is more stuff to clean up out there
* Some plan forward options:
  + Continue with NYSDEC quarterly monitoring and no more cleanup – status quo
  + Continue with NYSDEC quarterly monitoring and ask NYSDEC to advise what else is being contemplated to accomplish more cleanup
  + Develop Village plan to investigate the extent of the remaining contamination? Any desire to do this?
  + One of the above and look at what is needed to be able to pump more water
* At May 2019 meeting, the Village decided to seek DASNY SAM grant assistance for conducting a site investigation to better identify remaining contamination under, up gradient and near the DPW garage.
* Rough cost to do the investigation should be about $50,000 - $75,000. Does the Village want to submit something to DASNY for the sampling?
* DPW Garage Relocation
* If sampling does not show that the contamination is principally under the garage, the most time efficient process to get rid of remaining contamination under the garage would likely be to demolish the garage to provide direct access for cleanup followed by about one year of sampling to confirm it is cleaned up
* This would require relocation of the DPW garage and associated items (salt storage, etc.) to a new facility – possibly on Willow Avenue by the current cold storage and fueling station.
* We would work with the Village to seek funding to assist with this work if this is the desired plan
* Tiger’s Den Monitoring Well Decommissioning
* We haven’t received a response from the DEC about the proposed monitoring well decommissioning. They may have lost interest in it for now? We’ll let you know if they get us answers.
* More Background:
  + NYSDEC has asked Aztech Environmental (AE) to look at the monitoring wells at the Tigers Den site and make a recommendation about which monitoring wells (for site contamination) to decommission.
  + A few of the wells are in the area between the Tiger’s Den site and the Village’s production well. The NYSDEC wanted AE to reach out to the Village and ask if the Village would like to have a few of these monitoring wells not decommissioned in case the Village may want to use them in the future.
  + The subject monitoring wells we are considering are MW-13s, MW-13D, MW-14 and MV-17. The well locations are depicted on a map.
* Questions asked by Delaware
  + If you don’t decommission these wells, would the Village have access to them? And if so, for how long?
  + Would the village assume any liability because they are still open?
  + Would the Village be responsible for closing them out?
* AE believes that it is likely the wells will be decommissioned if the Village determines they don’t have a need. AE emailed Keith Browne and Brian Weeks at the DEC to get affirmative answers to your questions. AE let Delaware/the Village know what they say.
* Does Village want to request that NYSDEC keep the wells (don’t decommission now) for possible future use by the Village?
* If we decide to pump at higher rates, would it may be prudent to monitor these wells to see if they are contributing? They would be down gradient of the well.

6. **Elm Street Well and Lead and Copper Compliance**

* Have $100,000 SAM grant for well improvements
* At this time the Village is not planning to pursue a WIIA grant (60% possible) for this work and wants to seek SAM grants for the DPW garage site remediation
* The Village plans to apply the $100,000 towards electrical improvements and a possible new generator
* We conducted a site visit in May and are developing a work and cost spreadsheet with possible upgrades; Village decided to go with Option 1 - **upgrade the electrical service estimated to = $136,000.**
* **Judy submitted the cost summary to DASNY in October**
* DASNY requesting more information about the change in scope and cost from the Village; we prepared a response to the DASNY questions and provided to Judy on November 8.

7. Lily Pond Road Bridge/Waterline

* Need to discuss with SCDPW to keep the line on the bridge and generate an agreement.
* Previous agreement from 2006 puts all cost to remove and replace/reinstall on the Village
* County favors moving the line away from the bridge
* Emailed SCDPW on January 13, 2020 regarding status of bridge replacement (2020?) and replacing waterline on the bridge (like it is now)
* Seems like we need to meet with SCDPW soon.

8. General Engineering Services Contract 2020

* Attached is the General Services contract effective January 1, 2020 thru December 31, 2020 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 contract each time. Good to have in place for auditors also.
* Village assigns us work; we either agree to set price or do on 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 2020 and added a current (2020) 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 2020 General Services contract with Delaware Engineering, DPC.

**CONSIDER CONTRACT WITH ALLEES SIGN CO.**

Motion by Trustee Ferguson, seconded by Trustee Stoddard and unanimously carried approving the Lease Agreement between the Village of Liberty and Allees Sign Company Inc. with a mailing address of P.O. Box 525, Jeffersonville, New York 12748.

The lease will be for a term of one year, commencing January 16, 2020 in the amount of $1,000.00, with $500.00 due upon the execution of this lease and the balance of $500.00 shall be due on the 6th month anniversary of the lease.

**DISCUSSION OF VILLAGE CODE – CHAPTER 35/SANITATION**

The next step in this process is to meet with Attorney Silver and go over the changes that they are proposing.

Trustee Ferguson will meet with Attorney Silver regarding this matter.

**NEW CONSIDER 2020 AGREEMENT WITH PARTNERS IN SAFETY**

**BUSINESS:**

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously

carried to continue the contract with partners in Safety for 2020 for the Village’s random alcohol and drug testing needs. The cost for the 2020 Complete DOT Agreement will be $42.00 per employee.

**CONSIDER GENERAL SERVICES CONTRACT WITH DELAWARE ENGINEERING**

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving and authorizing Mayor Stabak to endorse the 2020 General Services Contract with Delaware Engineering, DPC, dated January 16, 2020.

**CONSIDER RESOLUTION STATING THAT VILLAGE ELECTIONS WILL BE MARCH 18, 2020 – 12 P.M. TO 9 P.M. AT THE VILLAGE MUNICIPAL BUILDING**

**RESOL.** Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously

**1-2020:** carried approving Resolution #1-2020

WHEREAS, the 2020 Village Elections will be held on Wednesday, March 18, 2020;

WHEREAS, the elections will be from 12:00 noon to 9 p.m. at the Village Municipal Building located at 167 North Main Street;

NOW, THEREFORE BE IT RESOLVED, the Village Board of the Village of Liberty adopts this resolution for the 2020 Village of Liberty Elections.

**CONSIDER PAYMENT FOR TO JOHN DEERE RE: 2020 316GR SKID STEER**

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving the payment of $39,061.77 to John Deere Construction Retail Sales for the purchase of a 2020 316GR Skid Steer.

The skid steer will be paid for with CHIPS money, which will leave a carry-over balance for the 2020/21 fiscal year of $13,696.14

**CONSIDER LETTER OF SUPPORT TO RUPCO**

Motion by Trustee Ferguson, seconded by Trustee Stoddard and unanimously carried to write a letter to the Affordable Housing Corporation in support of Rupco constructing modular homes on Land Bank properties.

These modular homes will improve the character of neighborhoods, provide affordable housing options to people employed in the county and will add to the tax base by putting these properties back into service.

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

**COMMENT:**

**TRUSTEE** Mayor Stabak opened the meeting to comments from the Board.

**COMMENTS:**

Mayor Stabak said Senator Metzger is offering the Village a $50,000 grant for LED lighting.

Trustee Wright – No Comment

Trustee Stoddard said the Board and Treasurer Zurawski did a great job with the 2018/19 fiscal year. She said it was the best audit report she has ever seen all her years on the Board.

Trustee Ferguson said discussed the letter of support needed by Rupco.

Trustee Mir – No Comment

**APPROVAL** **POST AUDIT VOUCHERS**

**OF BILLS**

**FOR PYMT:** Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving Post Audit Voucher #26-565 to Voucher #26-569 in the amount of $304,280.48

BILLS FOR PAYMENT

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving Voucher #26-570 to Voucher #26-664 in the amount of $249,760.41.

Wastewater Treatment Plant Upgrade CWSRF Project C3-535-02-00

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving the following payment on the Wastewater Treatment Plant Upgrade CWSRF Project C3-535-02-00:

Delaware Engineering - $7,490.50, $12,765.00 and $10,442.55

District Attorney Account

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving the following bills for payment from the District Attorney Account:

Eastern Electrical Contracting - $770.00

MTA ACCOUNT

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving the following bills for payment from the MTA Account:

2016 - $20,531.37

2017 - $ 6,723.18

**SIGN GRANT**

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving the following bills for payment from the Sign Grant:

W Design - $1785.00

**FLOWER FUND**

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving the following payment from the Flower Fund:

Monticello Greenhouses - $155.00

**EXECUTIVE** Motion by Trustee Ferguson, seconded by Trustee Stoddard and

**SESSION:** unanimously carried to go into Executive Session at 9:10 p.m. to discuss the employment history of former employees in the D.P.W. Police Chief Kinne and Police Detective D’Agata were invited into the session.

Motion by Trustee Ferguson, seconded by Trustee Stoddard and unanimously carried to leave Executive Session at 10:36 p.m.

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

**THE MEETING WAS ADJOURNED AT 10:36 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI**

**CLERK-TREASURER**

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