

WORKSESSION MEETING

MAY 19, 2022

The Board of Trustees held the Worksession Meeting of May 19, 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 Eveleese Lake. Also Present: Judy Zurawski, Clerk/Treasurer.

ABSENT: Trustee Daniel Wright, Trustee Ernest Feasel and Gary Silver, Attorney for the Village

ALSO PRESENT: Police Chief Steven D'Agata, David Ohman (Delaware Engineer) and Dan Fagnani (Delaware Engineering), Randy Wasson (Keystone Associates) and Gene Nescot (NYS Deferred Comp).

APPROVAL OF MINUTES: Motion by Trustee Mir, seconded by Trustee Lake 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.

- ❖ Hand delivered note from the Kiwanis Club thanking the Village for the services they provided throughout the pandemic.

DISCUSSION – RANDY WASSON – KEYSTONE ASSOCIATES

Mr. Wasson (Keystone Associates) discussed the proposed development named Liberty Ridge they are looking to build off of West Street. The development will be a maximum of 129 residential units (64 duplexes) and one single unit.

The issue addressed was the sewer and the fact that the pipes at six inches that are in the area are undersized for such a project.

The project was discussed with the Board, Delaware Engineering and Lynn Barry with the possibly of having the sewer flow down Buckley Street and connect in the Main off Willey Avenue.

DISCUSSION – NEW YORK STATE DEFERRED COMP PLAN

Gene Nescot (Senior Account Executive with the New York State Deferred Compensation Plan) presented the New York State Deferred Compensation Plan as an alternative to the model we have now thru New York Life Insurance. He

explained as a state program the volume of participants allows the fees to be less than other firms.

Mr. Nescot also said that with the NYSDCP there will be no more RFP requirements, annual audits and no fiduciary responsibility.

He explained it takes about three months for the conversion.

Treasurer Zurawski said there are about 10 employees in the current deferred compensation.

Chief D'Agata said the Police Department is very interested in making the switch.

TABLED BUSINESS: DELAWARE ENGINEERING – UPDATE ON PROJECTS

David Ohman and Dan Fagnani of Delaware Engineering discussed the Lily Pond Bridge Relocation with the Board:

1. Board Action Required at Tonight's meeting:

- Review how to work with SCDPW to have County do the temporary and permanent waterline work.
- Adopt resolution
 - Authorizing purchase of materials and items needed for the temporary and permanent relocation of the waterline on an emergency basis
 - Allowing the Village Mayor to sign the Intermunicipal Agreement (IMA) with the County to reimburse the County for costs they incur to complete the water main relocation work

2. Background

- On April 29, 2022 the Village met with SCDPW to review how to have a Contractor fuse the HDPE DR-9 pipe and install the temporary water main (all temporary piping materials and appurtenances furnished by the Village), and for the SCDPW to do the temporary water main support system and install permanent water main work (piping materials and appurtenances and beam furnished by Village). The County is not able to do the leakage testing.

3. Scope of Work (based on April 29, 2022 meeting with SCDPW)

County

- Provide heavy equipment, labor, services to provide a temporary support system for temporary water main, including hardware and appurtenances to strap the temporary water main (by Contractor) to temporary support System.
- Install permanent water main piping materials and appurtenances (piping materials and appurtenances furnished by Village)
- Demolition of temporary water main
- Provide and maintain and distribute the project schedule

H. Osterhoudt Excavating, Inc.

- Temporary water main
- Provide, labor and specialty services equipment (i.e., butt fashion) to install temporary water main piping materials and appurtenances (DR-9 HDPE)
Note: Piping materials and appurtenances furnished by Village, and heavy equipment and hardware and appurtenances to strap the temporary water main to temporary support system by County
- Leakage testing, disinfection and sampling
- Permanent water main
 - Technical oversight and assistance for installation of permanent water main to resolve issues with leakage testing and disinfection
 - Permanent water main leakage testing, disinfection, and sampling

Village

- Operate valves
- Purchase materials on emergency basis; working on a list of materials now
- Collect disinfection water samples, take to lab and pay for testing work (for permanent water main)
- Be available when requested by the County
- Provide day to day site visits to check on work progress by Water Department staff
- Is there anything the Village is uncomfortable doing?

Delaware Engineering, D.P.C.

- Develop material lists and work with Village to procure items on emergency basis
- Work with County and Contractor to come up with the temporary support system
- Observe work during site visits to certify to the installation with NYSDOH (Dennis from WWTP site visits?)
- Onsite construction progress meetings once per month with all parties (County, Water Department, DE)

4. Estimated Cost

- Estimated cost summary below:

	April 20, 2022 Bid Results	May 2022 Estimated Cost Osterhoudt	May 2022 Estimated Cost Vacri
Temporary Water Main	-		-
• Piping Materials (Village direct purchase)	-	\$15,000	\$15,000
• Support System and anchors (SCDPW)	-	\$25,000	\$ 25,000
• Fuse and Install Piping Materials & appurtenances, & testing (H. Osterhoudt)	-	\$25,000	\$ 39,000
• Misc. Other Cost	-	TBD	TBD
Permanent Water Main	-		-
• Piping Materials (Village direct purchase)	-	\$40,506	\$ 40,506
• Support System - Beam (Village direct purchase)	-	\$8,425	\$ 8,425
• Install Piping, Materials & appurtenances, support system and testing (SCDPW)	-	\$25,000	\$25,000
• Technical oversight and assistance for installation	-	\$ 3,500/Day Assume 2	\$ 3,000/day Assume 2 ppl

of permanent water main and to resolve issues with leakage testing and disinfection (H. Osterhoudt Excavating Inc., Day Rate During Construction)		Wks/10 Days \$35,000	\$30,000
• Permanent water main leakage testing, disinfection and sampling (H. Osterhoudt Excavating Inc, Lump Sum	-	\$ 5,000	\$5,000
• Misc Other Cost		\$ TBD	\$ TBD
Total Construction Cost	\$259,000	TBD	\$ TBD
Other Miscellaneous Costs			
• Engineering (Delaware Engineering D.P.C.)		TBD	TBD
• Village Attorney (Local Counsel)		TBD	TBD
Contingency	-	TBD	TBD
Total	\$ 259,000	\$179,931	\$187,931
Village Budget	\$ 150,000		

5. Authorizing Resolution

- We recommend that the Village Board adopt a resolution -2022 Village of Liberty Lily Pond Road Bridge 228 Waterline Relocation
- Authorizing the Village Mayor to sign the Intermunicipal Agreement (IMA) with the County for costs they incur to complete the water main relocation work.

6. Plan Forward

- May 19 Board Meeting
 - Adopt Village Resolution
- After May 19 Board Meeting
 - Proceed with purchase of items and services needed for the work

Delaware Engineering

- Confirm list of items Village and County will do
- DE finalize Village purchase list and services, and issue POs (with cost not to exceed)

County

- Confirm items County will do (and/or will not do) and provide cost to the Village
- Adopt IMA resolution
- May 19 Meeting
 - Delaware Engineering to provide status update

David Ohman reported on the following:

1. WWTP Upgrade

Board Action Required at Tonight's meeting:

- Approve Application and Certificate for Payment No. 1 from Eastman Associates, Inc. in the amount of \$66,870.50
- Consider Field Change Order No. 1 to General Contract for unforeseen conditions by the Influent Building Grit Holding Area.

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.
- **Remaining Work to amend the PFA and budget**
 - All items submitted to NYSEFC last month – should near back from NYSEFC soon.
- **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 execute contract. Delaware will distribute execution copies once NYSEFC approved the Construction Contracts. Construction Contracts were sent to NYSEFC for approval on 4.6.22. Approval is contingent upon NYSEFC approval of Change Order NO. 2 for the Updated Davis Bacon Wage Rates, and some questions on dates of execution of contracts and Change Order No. 1. We are continuing to work through this with NYSEFC program and legal.

Payment Requests:

Contract No. VL1-G-21 – General Construction

- Application and Certificate for Payment No. 1
- The full application package has been 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 February 16, 2022 through April 29, 2022 in the amount of \$66,870.50 for partial payment for Mobilization, Demobilize, Bond and Insurance, Influent Building Site work and Foundations, Sludge Building Concrete Slabs, Electrical Room Demo, Site work and Foundations and NYSEFC Contract Compliance. The total cost to date of \$68,870.50 equated to 1.255 of the contract price with a balance to finish including retainage of \$5,226,429.50
- 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. 1, to General contract No. 1 to General Contract No.VL1-G-21 for Eastman Associates, Inc. for the period of February 16, 2022 through April 29, 2022 in the amount of

\$66,870.50, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment will be contingent upon NYSEFC's approval of the contractor's MWBE Utilization Plan and construction contract, Change Order No. 2 (wage rate updates) and 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. 1. To General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of February 16, 2022 through April 29, 2022, in the amount of \$66,870.50, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding the payment will be contingent upon NYSEFC's approval of the contractor's MWBE Utilization Plan and construction contract, Change Order No. 2 – wage rate updates and that payment to the contractor will be made following receipt and that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
- 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 –no response to date. Discussions and emails with NYSEFC program and legal are underway to resolve contract and change order questions
 - **Change Order No. 2** – Update Davis Becon Wage Rates
 - At the April 7th meeting the Village Board resolved to:
 - Authorize the Village Mayor to execute Change Order No. 2 for the Davis Beacon Wage Rate for the General contract VL 1-G-21 – General Construction resulting in no change to the contract cost
 - Change order, fully execute by Village/Contractor/Engineer, was sent to NYSEFC on April 22, 2022 for approval
 - Approval pending
 - **Field Change No. 1** – Influent Building Grit Holding Area unforeseen Conditions
 - Eastman has discovered a failing existing catch basin in the Grit holding area
 - Delaware has photos
 - Work was unforeseen and the work required to address the situation is appropriate in scope

- Eastman’s May 17, 2022 proposal in the amount of \$5,220.63 appears to adequately address the unforeseen conditions and pricing appears to be fair and reasonable
- Eastman desires to proceed with the work of the change now in order to minimize the impact of this added work on the project schedule
- We forwarded Eastman’s proposal to NYSEFC via email on 5-19-22 to request insight on eligibility – and EFC has said it will be eligible for funding and can be done as a field Change Order not requiring NYSEFC approval.
- As such, we believe that the proposed work is necessary to complete the planned upgrade work in this area, pricing is fair and reasonable and work contractor to continue with work in this area
- Funds to cover the change will come from the project contingency
- **Should the Village agree to move forward with the change, we recommend that the Village Board authorize the Mayor to execute Field Change Order No. 1 – Influent Building Grit Holding Area Unforeseen Conditions, for Contract No. VL1-G-21 by Eastman Associates, Inc. in accordance with the scope and cost of the May 17, 2022 change proposal by Eastman in the amount of \$5,220.63 which will increase the cost of the contract.**
- **Contract No. VL1-E-21 – Electrical Construction**
 - **Change Order No. 1** – add Bid Alternate Belt Filter Press Work
 - Totaling \$96,000
 - Change order sent to NYSEFC for approval on 3/1 – no response to date. Discussions and emails with NYSEFC program, and legal are underway to resolve contract and change order questions
 - **Change Order No. 2** – Update Davis Bacon Wage Rates
 - At the April 7th meeting the Village Board resolved to:
 - Authorize the Village Mayor to execute Change Order No. 2 for the Davis Beacon Wage Rate for the Electric contract VL 1-E-21 – General Construction resulting in no change to the contract cost
 - Change order, fully executed by Village/Contractor/Engineer, was sent to NYSEFC on April 22, 2022 for approval.
 - Approval pending

Contract No. VL1-P-21 – Plumbing Construction

- **Change Order No. 1** – Update Davis Bacon Wage Rates
- At the April 7th meeting the Village Board resolved to:
 - Authorize the Village Mayor to execute Change Order No. 2 for the Davis Beacon Wage Rate for the Plumbing contract VL 1-P-21 – General Construction resulting in no change to the contract cost
- Change order, fully executed by Village/Contractor/Engineer, was sent to NYSEFC on April 22, 2022 for approval.
- Approval pending

Contract No. VL1-HV-21 – HVAC Construction

- **Change Order No. 1** – Update Davis Bacon Wage Rates
- At the April 7th meeting the Village Board resolved to:
 - Authorize the Village Mayor to execute Change Order No. 2 for the Davis Beacon Wage Rate for the HVAC contract VL

1-HVAC-21 – HVAC Construction resulting in no change to the contract cost

- Change order, fully executed by Village/Contractor/Engineer, was sent to NYSEFC on April 22, 2022 for approval.
- Approval pending
- **Monthly Construction Meeting**
 - Was held on 5/11/22 with the primes
- **Engineering During Construction**
 - Continue to receive and process material and equipment submittals, and application for payment
- **On-Site Construction and Observation Services**
 - Fulltime services continuing
 - Excerpt from the Revised Anticipated Project:

February 21, 2022	Supplemental Bond Resolution becomes effective (20 days from Publication)
February – March 2022	Issue Notice to of Award, and prepare execution copies of contract, and issue Notice to Proceed Pre-Construction Meeting (March 23 rd)
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 with NYSEFC’s Harry Nelson, there will be no more EFC grant award in the near future.
 - However, there are 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 NYSEFC to discuss this is 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.
- Village received Hardship Eligibility Letter from NYSEFC on November 29, 2021 stating that this project is eligible for 0% loan/interest free financing with up to 25% grant possible.
- April 20, 2002 NYSEFC posting of awards – this project did not get WIIA grant.

- **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 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.

2. **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.

3. **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 worked with Judy to get the information requested back to DASNY.

- We updated 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
- NO updates to report

4. Rail Trail Area Culvert Drainage/Blockage

- Board Action Required at Tonight's meeting:
 - SEQRA review and consider resolution
 - Consider resolution for local funding contribution
- 2021 CDBG 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 receive 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.
 - This was the 3rd time that CDBG funding was not awarded for this on March 15 Judy/Village requested an exit interview per details in the project.
 - In 2021, the same project was denied funding through the FEMA Building Resilient Infrastructure and Communities (BRIC)
 - FEMA recently announced changes to their Hazard Mitigation Grant Program (HMGP) that increased the federal share of the grant to 90% for communities that meet certain population and income guidelines for which the Village appears to qualify. It also extended the deadline from April 1st to June 1st. A recent webinar on HMGP indicated that projects that were denied funding under the BROOC program are strongly encouraged to apply. This application will require a 10% local match which is estimated at \$100,000.
 - The Mayor has given the green light to proceeding with the HMGP application process, and work on the application has started. The Village will need to provide a funding commitment letter with the application.
- **2022 CDBG Application**
 - Consolidated funding application (CFA) process opened in early May
 - Applications for this year's CFA will be accepted through 4:00 pm on July 29th
 - Request for Qualifications
 - At the May 5 meeting the Village Board resolved to authorize the Village Clerk to publish a Request for Qualifications during May with response due in early June. Judy and I can work on the RFQ legal notice to appear on May 10th

with responses due June 1st. This was revised on May 14, to target date for publication is Friday May 20th with responses due June 13th (5/14 email from Blauer Associates)

- **Public Hearing**
 - Hearing is scheduled, for the 2022 CDBG application to occur on at the June 2 at 6:55 pm Village board meeting, and the legal notice to appear in The Democrat on Friday, May 20 edition of the Villages official newspaper.
- **Local Funds**
 - Part of the 2022 CFA application involves re-committing to local funds as part of the total overall budget. Although not mandated, committing to some local funding with these projects is expected by OCR
 - Although not mandated, committing to some local funding with these projects is expected by OCR
 - Therefore, we recommend that the Village adopt a resolution as suggested
- **SEQRA**
 - The Village needs to go thru the SEQRA process and publish a SEQRA resolution in May/June and solicit environmental comments from SHPO, Ag & Markets, US Fish and Wildlife and NYS DEC.
 - SEQRA resolution that can be approved either on May 19th or June 2nd
 - We believe that the rail trail culvert project to be a Type 2 action as it involves the maintenance or repair of an existing facility.
 - We recommend that the Board resolve, per the SEQRA resolution provided, that the Rail Trail Culvert project be declared a Type 2 SEQRA thereby requiring no further review.

5. DPW Site Groundwater Monitoring/DPW Garage Site Remediation

- Nothing new this month
- 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

6. 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.
- 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)

7. WWTP SDPES 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:
 - o 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.
 - o 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.
- May 2022 Update
 - o We have received a majority of the test results from the Village and the data received has been entered into the NY-2A form
 - o Some results have not yet been received from the lab and there were several parameters which used the incorrect testing method. We reviewed the list of missing data with the laboratory and we have requested sample bottles from the lab to be delivered to Village to resample for these parameters
 - o We notified NYSDEC that we can't give you definite timeline of when we can expect have the complete NY-2A Application, but we will update you once we receive the remaining test results
 - o NYSDEC indicated that there was not rush on this technical review, the permit has been administratively renewed for several more years

8. Liberty Ridge Development

- Discuss sewer issues with Board and developer's representative
- Existing drawings are available

UPDATE ON 157 SOUTH MAIN STREET

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

CONSIDER VOTE ON LOCAL LAW #2-2022 - AMENDMENT OF CODE SECTION 87-34 - ANIMAL HUSBANDRY

This item was **tabled** until the Village Attorney is available at the next meeting

CONSIDER CLEANING SERVICES FOR MUNICIPAL BUILDING

This item will remain tabled until we can see if there are any other services available and the cost.

CONSIDER ADOPT-A-ROAD PROGRAM APPLICATION

Mayor Stoddard said there were a few more issues to work out and she would send the questions that the Deputy Clerk/Treasurer asked around to the Board.

NEW BUSINESS: CONSIDER TRANSFER TO COVER UNFUNDED PORTION OF THE REVONAH HILL WATER TANK CAPITAL PROJECT AND CLOSE OUT ACCOUNT

RESOL. # 37-2022: Motion by Trustee Lake, seconded by Trustee Mir and unanimously carried approving Resolution #37-2022.

WHEREAS, the Village of Liberty Board of Trustees approves the transfer of \$5,074.83 to the Capital Project Account;

WHEREAS, this money was originally paid out of the Water Fund at the start of the capital project;

THEREFORE BE IT RESOLVED, once this transfer is complete the Revonah Hill Water Tank project will be completed and closed out.

CONSIDER NEW FINANCIAL ADVISORY SERVICES AGREEMENT

This item was **tabled** until the next meeting.

CONSIDER RESOLUTION - RAIL TRAIL SANITARY SEWER/SEQR

RESOL # 38-2022: Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving Resolution #38-2022:

WHEREAS, the Village of Liberty will apply to the NYS Office of Community Renewal Program Year 2022 Small Cities Community Development Block Grant via a Public Infrastructure application for its Rail Trail Culvert and Sanitary Sewer Main Replacement Project;

WHEREAS, the Village agrees to expend Village controlled ARPA Coronavirus Local Fiscal Recovery Act funds for the following line item:

GRANT ADMINISTRATION - \$49,000

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Trustees of the Village of Liberty hereby commits \$49,000 to the CFA 2022 Small Cities CDBG project from funds available through the ARPA Coronavirus Local Fiscal Recovery Act.

CONSIDER RESOLUTION – RAIL TRAIL SANITARY SEWER/CULVERT REPLACEMENT PROJECT – SEQR TYPE II ACTION

RESOL # 39-2022: Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving Resolution #39-2022:

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQRA) provides that certain actions identified in subdivision © of that section are not subject to environmental review under the Environmental Conservation Law; and

WHEREAS, the Village of Liberty is proposing to replace an existing sanitary sewer main and culvert; and

WHEREAS, 6 NYCRR Part 617.5©(1) identifies the “maintenance or repair involving no substantial changes in an existing structure or facility” as a Type II action under SEQR and has been predetermined not to have a significant impact on the environment and is, therefore precluded from environmental review under Environmental Conservation Law Article 8; and

WHEREAS, the proposed project does not meet or exceed any of the thresholds established in Section 617.4;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the foregoing:

The Village of Liberty Board of Trustees hereby determines that the proposed “Rail Trail Sanitary Sewer/Culvert Replacement Project” is a Type II action and is, therefore, not subject to further review under 6 NYCRR Part 617.

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

MAYOR JOAN STODDARD	-	YES
TRUSTEE ROBERT MIR	-	YES
TRUSTEE ERNEST FEASEL	-	ABSENT

TRUSTEE EVELEESE LAKE	-	YES
TRUSTEE DANIEL WRIGHT	-	ABSENT

CONSIDER PUBLIC HEARING FOR 2022 CFA APPLICATION – COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDING

Motion by Trustee Lake, seconded by Trustee Mir and unanimously carried to hold a Public Hearing on June 2, 2022 at 6:55 p.m. for the purpose of hearing public comments on the Village’s community development needs and to discuss the possible submission of the Community Development Block Grant for the 2022 Program Year.

SET UP SCHEDULE FOR BOARD TO TOUR WWTP AND WATER TREATMENT PLANT

Mayor Stoddard said that she would check Mark Kellam’s Saturday work schedule and set up the tour for the Board to see the both the Waste Water Treatment Plant and the Lily Pond Water Treatment Facility.

CONSIDER BUDGET MODIFICATIONS FOR THE 2021-22 BUDGET

RESOL.# Motion by Trustee Lake, seconded by Trustee Mir and unanimously carried
40-2022: approving Resolution #40-2022.

Whereas, the Board of Trustees approves the following budget modifications for the 2021/22:

CONSIDER CARRY-OVER OF VACATION TIME

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving the carry-over of the following employee's vacation time for any employee that submits their request prior to June 1st . To date the following employees have submitted their carry over requests:

Judy Zurawski - 32 Days
Angela Giacalone - 23 Days
Alice Gonzalez - 22 Days

CONSIDER SUMMER SCHEDULE FOR BOARD MEETINGS

Motion by Trustee Lake, seconded by Trustee Mir and unanimously carried to set the following schedule for the summer:

Regular Meeting - July 21, 2022
Regular Meeting - August 18, 2022

There will be no Worksession Meetings in July and August.

CONSIDER SET UP OF ACCOUNT FOR MVP HEALTH INSURANCE AND STARTING BALANCE

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried to set up a MVP Health Insurance Account in the amount of \$5,000.

This account is for co-pays and deductibles that will be paid by the Village.

CONSIDER FLOWER THE VILLAGE DONATION FORM

The Board reviewed the donation form and said they were fine with sending it out.

CONSIDER RESOLUTION FOR THE RELOCATION OF THE LILY POND BRIDGE 228 WATERLINE

RESOL.# 41-2022: Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving Resolution #41-2022:

**LILY POND ROAD BRIDGE 228
WATERLINE RELOCATION**

WHEREAS, the Village of Liberty's water main is currently located on the Sullivan County Bridge 228, located on Lily Pond Road in the Town of Liberty; and

WHEREAS, the County is replacing Bridge 228 and requires the existing water main to be removed to allow for bridge replacement; and

WHEREAS, the existing water main conveys finished water from the Lily Pond Water Treatment Facility to the Village water system and is the principal service of water for the Village; and

WHEREAS, the existing water main will be removed, and temporary water main facilities will be installed and maintained, throughout bridge construction; and

WHEREAS, a new waterline system will be installed on the new County Bridge 228 once bridge construction is completed enough to allow this to do so; and

WHEREAS, the Village solicited for and opened public bids on April 20, 2022 for the water main work with costs ranging from \$259,000 to \$506,398; and

WHEREAS, the Village has budgeted \$150,000 for said work; and

WHEREAS, the Village desires to minimize the financial impact of this project to water system customers; and

WHEREAS, the County has offered to provide labor, equipment and services to perform the waterline relocation work in order to minimize project costs; and

WHEREAS, the Village will provide materials needed for the work; and

WHEREAS, time is of the essence to facilitate bridge removal and replacement as soon as possible due to the prior condition of the bridge; and

WHEREAS, costs for materials needed for the work will exceed \$35,000 in total; and

WHEREAS, supply of water main materials are affected by current supply chain issues in both price and availability; and

WHEREAS, continued supply of potable water to the Village cannot be provided in adequate quantity to satisfy daily demands from other Village sources; and

WHEREAS, an Inter-Municipal Agreement (IMA) will be required for the Village to utilize County services; and

THEREFORE BE IT RESOLVED, That the Village Board has identified the continued use and maintenance of the Lily Pond water main is necessary to maintain health and safety for the Village customers, and combined with supply chain and schedule issues, necessitate that the Village declare the waterline work as an emergency condition, allowing for direct purchase of materials and services from available sources, generally identified in the summary attached, rather than utilizing Village standard procurement requirements, and services associated with the removal, temporary waterline system and new permanent waterline system, subject to approval of the form and content of such Inter-Municipal Agreement by the Attorney for the Village of Liberty, and the Mayor is authorized to execute such Inter-Municipal Agreement.

The resolution was put to a vote, which resulted as follows:

MAYOR JOAN STODDARD	-	YES
TRUSTEE ROBERT MIR	-	YES
TRUSTEE ERNEST FEASEL	-	ABSENT
TRUSTEE EVELESSE LAKE	-	YES
TRUSTEE DANIEL WRIGHT	-	ABSENT

CONSIDER RESOLUTION RETAINING H. OSTERHOUDT TO PERFORM SERVICES FOR THE LILY POND WATER LINE RELOCATION

RESOL. # 42-2022: Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving Resolution #42-2022:

WHEREAS, the Village of Liberty Board of Trustees authorize retaining H. Osterhoudt to perform services to assist the Village and the County with waterline replacement work per the scope and costs with some ability to adjust final costs to reflect actual work performed.

CONSIDER PAYMENT APPLICATION 1 TO EASTMAN ASSOCIATES

RESOL. # 43-2022: Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving Resolution #43-2022:

WHEREAS, the Village hereby resolves to authorize the Village Clerk to proceed to process Payment Application No. 1 to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of February 16, 2022 through April 29, 2022, in the amount of \$66,870.50, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding the payment will be contingent upon NYSEFC's approval of the contractor's MWBE Utilization Plan and construction contract, Change Order No. 2 – wage rate updates and that payment to the contractor will be made following receipt and that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

WWTP - CONSIDER FIELD CHANGE ORDER NO. 1

RESOL. # 44-2022: Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving Resolution #44-2022:

WHEREAS, the Village Board authorizes the Mayor to execute Field Change Order No. 1 – Influent Building Grit Holding Area Unforeseen Conditions, for Contract No. VL1-G-21 by Eastman Associates, Inc. in accordance with the scope and cost of the May 17, 2022 change proposal by Eastman in the amount of \$5,220.63 which will increase the cost of the contract.

APPROVAL BILLS FOR PAYMENT OF BILLS

FOR PYMT: Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving Voucher #1943 to Voucher #2010 in the amount of \$250,239.26.

EXECUTIVE SESSION: Motion by Trustee Lake, seconded by Trustee Mir and unanimously carried to go into Executive Session at 9:10 p.m. to discuss contract negotiations.

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried to come out of Executive Session at 9:40 p.m.

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

THE MEETING WAS ADJOURNED AT 9:41 P.M.

RESPECTFULLY SUBMITTED,

**JUDY H. ZURAWSKI
CLERK-TREASURER**

