

WORKSESSION MEETING

MARCH 16, 2023

The Board of Trustees held the Worksession Meeting on March 16, 2023 at the Village Municipal Building, 167 North Main Street, Liberty New York. Mayor Joan Stoddard opened the meeting with the Pledge of Allegiance.

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

ALSO PRESENT: Police Chief Steven D'Agata, David Ohman (Delaware Engineering), Dan Fagnini (Delaware Engineering), Roy Rysinger, Keith Herbert, Motty Hemich and Abraham Weberman

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

REGULAR MEETING - March 2, 2023

CORRESPONDENCE: Mayor Stoddard said the Village did not receive any correspondence

TABLED BUSINESS: DELAWARE ENGINEERING – UPDATE ON PROJECTS

David Ohman and Dan Fagnini presented the following report:

1. Lily Pond Road Bridge Waterline

- Board Action Required at Tonight's meeting:
 - None
- **Construction Status Update**
- The County has completed all bridge work, and reopened the road
- The temporary watermain has been installed and was put into service on 8/22/22. Line will remain in service until the new line work is complete in the spring.
- At the December 2022 Department Head meeting, the Village decided that it would be best to run on the temporary line until spring time and wait for warmer temperatures to fix the leak and bring new watermain online.
- We worked with the County, Village and Osterhoudt to identify freezing protection measures (e.g. some frost/concrete curing blankets fastened to the above grade piping, and staked on grade where depth of burial is less than 3'). The County also discussed increasing depth of burial with more backfill in these areas.
- Frost protection blankets were installed on January 18 on the temporary pipe across the bridge and over the partially buried ends.
- Remaining to be completed in the spring

- Investigate leak on the south end; address leak and replace valve? This work may require Village temporary water service to some Parksville area – Village’s plan to do so will be confirmed in advance of performing this work.
 - Pressure/leak testing, disinfection testing, complete insulation of piping, demo and removal of temporary structures/items and site restoration.
- The Village needs to get a plan together to do the value/leak repair for the Lily Pond Road bridge watermain
- Osterhoudt does not want to work on the leak while the trunk line to the Village is pressurized
- The Village/Water Department believes that the contractor should be able to expose the valve and fittings, and complete the repair without shutting down the trunk line
- Due to the high pressure of the watermain, a new Mechanical Joint Connection Coupling was used to connect the new watermain to the exiting watermain so that the valve and +/-10 feet of watermain remained unexcavated for safety.
- **The leak does not appear to be coming from the new coupling, but to be seeping through the ground from the valve area. The area only leaks when the new crossing is pressurized and is not likely a valve seat issue.**
- More than likely the leak is a result of a MJ fitting gasket/seal on the valve (unexcavated during construction) that was already lose and leaking, or damaged during installation of the new watermain.
- **Tightening the bolts on the inline valve may reseal, and could possibly be done safely, if not, a more significant repair may be required**
- **More discussion is needed to confirm a plan forward**
- Payments to Vendors & Contractors
- Temporary Watermain Invoices
 - C & M #1 – Temporary Watermain HDPE Pipe = \$2,168.00 - Paid
 - C & M #2 – Temporary Watermain Materials including returned items – \$4,256.98 - Paid
 - Vari-tech – Temporary Watermain HDPE Pipe Vari-Tech PO Approved at 06/02/22 Mtg. - Paid
 - SCDPW Support System and Anchors – **IMA/Invoice Pending**
 - Osterhoudt – Temporary Watermain Installation - \$24,715.44 – Paid
 - White Cap – Temporary Watermain Frost Blankets = \$377.14 – Paid w/Village CC
- Permanent Watermain Invoices
 - C & M #1 – Permanent Watermain Pipe and Materials = \$32,667.50 - Paid
 - C & M #2 – Permanent Watermain DI Pipe & Materials = \$23,686.40 – Paid
 - C & M #3 – Permanent Watermain Flex Joint = \$14,375.00 – Invoice Paid
 - Sherburne Steel Sales – Permanent Watermain Beam = \$8,425 - Paid

ESTIMATED COST SUMMARY

	April 20, 2022 Bid Results	May 2022 Estimated/Budget Cost	November 2022 Estimated Cost Osterhoudt
Temporary Water Main	-		-
<ul style="list-style-type: none"> • Piping Materials (Village direct purchase) • C&M Invoice #1 Temporary Watermain HDPE Paid • C & M Invoice #2 Temporary Watermain Matls Paid • Vari-tech PO Approved at 06/02/22 Mtg – Paid • White Cap PO Frost Blankets - Paid 	-	\$15,000	- \$2,168.00 \$4,256.98 \$2,648.00 377.14
<ul style="list-style-type: none"> • Support System and anchors (SCDPW)(cost pending) 	-	\$25,000	\$ 25,000 (cost pending)
<ul style="list-style-type: none"> • Fuse and Install Piping Materials & appurtenances, & testing (H. Osterhoudt) - Paid 	-	\$25,000	\$24,715.44
<ul style="list-style-type: none"> • Misc. Other Cost 	-	TBD	TBD
Permanent Water Main	-		-
<ul style="list-style-type: none"> • Piping Materials (Village direct purchase) • C & M Invoice #1 Permanent Watermain Insulated Pipe - Paid • C & M Invoice # 2 Permanent Watermain DI Materials – Paid • C & M Invoice #3 Perm Flex Joint - Paid 	-	\$40,506	\$32,667.50 \$23,750.50 \$14,375.00
<ul style="list-style-type: none"> • Support System - Beam (Sherburne SS) - Paid 	-	\$8,425	\$ 8,425
<ul style="list-style-type: none"> • Install Piping, Materials & appurtenances, support system and testing (SCDPW) (Cost Pending) 	-	\$25,000	\$25,000 (cost pending)
<ul style="list-style-type: none"> • Technical oversite and assistance for installation of permanent water main and to resolve issues with leakage testing and disinfection (H. Osterhoudt Excavating Inc., Day Rate During Construction) 	-	\$ 3,500/Day Assume 2 Wks/10 Days \$35,000	\$ 3,500/day Assume 2 ppl,2 Wks/10 Days = \$35,000 (cost pending)
<ul style="list-style-type: none"> • Permanent water main leakage testing, disinfection and sampling (H. Osterhoudt Excavating Inc., Lump Sum 	-	\$ 5,000	\$ 5,000 (Cost Pending)
<ul style="list-style-type: none"> • Misc Other Cost 		\$ TBD	\$ TBD
Total Construction Cost	\$259,000	TBD	\$ TBD
Other Miscellaneous Costs			
<ul style="list-style-type: none"> • Engineering (Delaware Engineering D.P.C.) 		TBD	TBD
<ul style="list-style-type: none"> • Village Attorney (Legal Counsel) 		TBD	TBD
Contingency	-	TBD	TBD
Total Village Budget	\$ 259,000	\$179,931	\$203,384
Paid to Date			\$113,384
ESTIMATED BALANCE TO FINISH			\$ 90,000

Based on February 2023 discussions with the County, their cost may be less than budgeted above.

2. WWTP Upgrade

Board Action required at tonight's meeting:

- **WWTP Phase 2 –**
 - **Review and consider adopting a Supplemental Bond Resolution for Phase 2 work Consider the Villages interest in:**

- WWTP Phase 1 Consider Applications and Certificate for Payment approval Payment No. 11 from General Contractor – Eastman Associates, Inc. - in the amount of \$302,371.14
- Payment No. 6 from Electrical Contractor – J & J Sass Electric Inc., in the amount of \$240,627.21
- Payment No. 7 from HVAC Contractor – Treffeisen in the amount of \$4,370.00
- Payment No. 5 from Plumbing Contractor – Treffeisen in the amount of \$24,015.62

For the Enhanced Sludge Project – Phase 2

- At the January 26 meeting the Village Board resolved to move forward with WWTP Upgrade Option 3B – Phase 2 (with septage receiving) for the CWSRF Project No. C3-5352-02-01. WWTP Phase 2 Upgrade – Solids Process and handling, only upon receipt of a WIIA grant, understanding that Septage Receiving will be designed and bid as bid alternate and the Village will have the ability to decide if they want to move forward with Septage Receiving at time of award of the construction contracts.
- At the January 26 meeting the Village Board resolved to authorize the Mayor to check the box with the wording that the Village would like to proceed with the CWSRF financing for CWSRF Project No. C3-5352-02-01 WWTP Phase 2 Upgrade – Solids Process and handling:
 - √ only upon receipt of a WIIA grant
- On January 27 Delaware notified NYSEFC via email that at the January 26 meeting the Village Board agreed to return the Reply Form indicating that the Village would like to proceed with the CWSRF financing “√ only upon receipt of a WIIA grant”, and that we are working with the Village on a Reply Form follow-up response package for EFC consideration that will further explain that Village’s desire to move forward with forward with the project.
 - Will need NYSEFC to clarify how waiting for WIIA determination in November – December 2023 will affect the 0% Loan Hardship determination received on 2021 which has a September 2023 deadline to execute a Project Financing Agreement (can hardship deadline be extended?)
- Bond Resolution
 - Bond Counsel provided Supplemental Bond Resolution for the updated project financing application and PER Amendment from \$7.1M to \$9.9 (\$2.1M increase from \$7.8 to \$9.9 M) and associated instructions and documents to the Village Clerk.
 - The WIIA Grant Reply Form was returned to proceed with CWSRF financing “√ only upon receipt of a WIIA grant” on February 6
 - **We recommend that the Village agrees to update project listing form and submit updated project financing application and PER Amendment (\$7.1M to \$9.9M) and adopt Supplemental Bond Resolution for Phase 2 work (\$2.1M increase from \$7.8M to \$9.9M) and authorize the Village Clerk to forward required legal notices for publication.**
 - **See Supplemental Bond Resolution for Phase 2 work prepared by Orrick**
- **More Background/history on NYSEFC WIIA Program**
 - Currently the Phase 2 project is listed on the IPO at \$7.1M and NYSEFC has advised Village in November 2021 that it is eligible for hardship 0% loan but has not been elected for WIIA grant.

- SRF application and PER have been submitted to NYSEFC as part of the last WIIA grant application.
 - We have submitted CWSRF and WIIA funding applications but did not receive WIIA grant (April 2022 letter) so project is currently on hold.
 - We worked with Village to submit another WIIA application in September 2022
 - NYSEFC announced WIIA Awards on 11/3/22
 - The Project was NOT Selected for WIIA grant (25%) Award; in like most other grant programs, EFC does not provide a scoring rubric for projects requesting WIIA funding (this is somewhat subjective vs hard scoring). They do, however, provide a list of 5 evaluation criteria:
 - Water quality improvement or reduction in risk to public health
 - Financial needs of the community
 - Readiness to advance construction
 - Level of demonstrated community support
 - Consideration of environmental justice areas
 - We confirmed that sludge treatment and disposal facilities are eligible projects under the WIIA program
 - The Phase 2 project checks 4 of the 5 boxes, but ultimately the project will not result in water quality improvement or in a reduction in risk to public health
 - The Village could apply in the next round, like in early September 2023 but not sure it will score high enough to get funded
 - On November 14, 2022 the Village received that the project was not selected to receive an award during round. A reply was included for the Village to fill out the form letting EFC know what the Villages plans are.
 - On December 29, 2022 the Village received a follow-up email on the Villages interest in moving forward with the SRF loan, even though they were not awarded the grant. We notified EFC that we are currently reviewing the impact on rates of pulling select pieces of Phase 2 into the current Phase 1 project as well as looking at the rate impact of doing all of Phase 2 with several funding options and that we are planning to look at the rate impact of doing all of Phase 2 with several funding options and that we are planning to discuss this with the Village at the January 19, 2023 meeting and would then get back to NYSEFC.
 - **NYS WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA) GRANT OPPORTUNITY**
 - CWSRF and WIIA funding applications submitted for 2021-22 state fiscal year – SFR – No Hardship, WIIA – Grant Denied (4/22)
 - On July 7 the New York State Environmental Facilities Corporation (EFC) is offering \$225 million in grants for clean and drinking water (WIIA) projects during the 2022-23 state fiscal year
 - The deadline to submit your application is 5:00 p.m. on Friday, September 9, 2022
 - Available Funding
 - WIIA Clean Water Projects
 - An applicant with an eligible clean water project may receive an WIIA grant award as described below:
 - A project, including phases of the project, would be awarded up to the lesser of \$25 million or 25% of net eligible project costs
 - New online WIIA/IMG Application

- All remaining items that need to be done for the redo of the Phase 2 WIIA application before September 9, 2022 have been complete
 - NYSEFC confirmed receipt of WIIA Application on 9/6/22
 - At the July 2022 meeting the Village Board resolved to:
 - Authorize submission of the New York State Environmental Facilities Corporation's Water Infrastructure Improvement Act Grant Application for the Phase 2 WWTP Upgrade Project
 - Authorize the Mayor to endorse the attached NYSEFC form to serve as the applicant representative, and
 - Authorize Delaware Engineering to submit the 2022 NYSEFC CWSRF WIIA application
 - We worked with Judy to complete the PLUS Update form and checked the box indicating desire for BIL funding
 - We prepared a letter to NYSEFC from the Mayor expressing interest in BIL funding and advising EFC of the project status, need for the project, etc. – letter to be attached as with PLUS listing and also be emailed directly to the NYSEFC program coordinator for BIL as well as our project program engineering contact Jon Amos and his superior Bill Brizzell.
 - Robert and Dan worked with Judy to get the listing update and letter uploaded and emailed before 4 pm on June 17, 2022.
- **More info on WIIA FYI**
 - 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 IUO 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 sign at the September 17 meeting, and submitted to NYSEFC prior to September 21, 2020 deadline to finalize the IUO and get on the annual list for financing.
 - NYSEFC released the CWSRF Final Intended Plan (IUP) for FFU 2021. The Phase 2 project is listed 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, 2022 NYSEFC posting of awards – this project did not get WIIA grant.
 - **Other Possible Additional Financing Opportunities**
 - **Bipartisan Infrastructure Law (BIL)**
 - NYSEFC and NYSDOH will be administering new federal funds from the BIL
 - Adds money to existing Clean Water State Revolving Fund (CWSRF) – for wastewater and Drinking water State Revolving Fund (DWSRF) programs
 - Some additional grant funding may be available

- Latest since the last Board meeting, 2023 DRAFT Clean Water Revolving Fund (CWSRF) Intended Use Plan (IUP) and associated documents for public comment, with BIL General Supplemental Funding came out on August 18, 2022 – Webinar scheduled for September 12, with comments due back by September 20, 2022.
- We are looking to understand how this will affect this project – not completely clear at this time
- As before, we have a number of questions into NYSEFC and do not have all the answers yet
- We will continue to seek answers from NYSEFC
- We will advise as we receive more information
- 2023 IUP will be finalized in the near future
- This project was not selected for BIL grant (50%) Award in 2022
 - Project Blended Affordability Score = 52
 - BIL Funding Line = 62-63
 - BIL line may move up or down in next rounds but likely that competition will increase
- Anticipate reapplying in 2023

- **Update/Review of Project Progress for Phase 1 WWTP Upgrade:**

- **Other Possible Additional Financing Opportunities**
 - **Bipartisan Infrastructure Law (BIL)**
 - Phase 1 – This project is not eligible for BIL General Supplemental Funding
 - **Update/Review of Project Process**
 - Construction – General
 - Control Bldg, Influent Building & Sludge Building Improvements
 - Brick pointing may require additional attention
 - Brick cleaning may require additional attention
 - Painting of building façade – Pending
 - Control Bld, bathroom and locker room floor tile – Work Complete
 - Influent Chanel Process Improvements
 - Grit Tank Work (screen, collector, gates, diffusers)
 - Grit – Grit Classifier, start startup (Complete), punch list items open
 - Gates – Complete
 - Grit Collector – Anticipated delivery by 3/17/2023
 - Mechanical Screen – Startup Complete
 - Grit Blower – Startup Complete, second blower pending
 - Influent Area Utility Markout – Work Complete by J & J Sass Utility Location Services, Eastman Associates to Maintain markings during project
 - Influent Building Process Improvements
 - Other Work (e.g. process pumps and piping, etc.) – Pending
 - Secondary Clarifier Process Improvement
 - Value Replacement – Work Complete

- Clarifier Equipment Preliminary Demolition – Work Complete
- Clarifier Equipment Full Demolition – Work Complete
- Clarifier Tank Repair – Half of repair complete, Pending Weather
- Clarifier Equipment Painting – Touch painting remaining, waiting on weather
- Clarifier Equipment Installation – Ongoing (95%), waiting on trough skimmer parts, Startup pending
- Site restoration – Pending
- Sludge Building Process Improvements
 - PAC Tank installed, piping and controls – Ongoing
 - Eastman continues to work with Village Staff to maintain WWTP treatment process until chemical feed system is complete
 - RAS Pump #2 Installed – Electrical Connection (temporary)
 - RAS Pump #2 Check Value – Problem solved
 - RAS Pump #3 Installed – Electrical Connection (temporary)
 - RAS Pump #1 Pad (pump, pad & valves) – Pads, Valves complete, piping pending
 - Effluent water system feed (for future/Phase 2) – Work Complete
 - Post Aeration Blowers – Blowers & piping complete, startup pending
 - Post Aeration Blowers – Blowers & piping complete, startup pending
 - Belt Filter Press – Delivery anticipated late June
 - RAS Pump – One (1) delivered
- Storm water Retention Basin Improvements – Work Complete
- New Electrical Building
 - Floor Slab – Work Complete
 - Siding – Mostly Complete
 - Interior finished – Work Complete
 - Access landing grating & railings – Work Complete
 - Roof installed, flashing & trim work - Pending
- Post Aeration Tanks
 - Gates – Pending
 - Air System - Pending
- SCADA & Instrumentation
 - VFD's – Onsite except for one
 - Instruments – 90% of instruments onsite
- Site Work
 - Control Building PVC roof drain piping – Work Complete
 - Influent Area Utility Mark out – Work Complete, Eastman Associates to maintain markings during project
 - Sludge Building PVC roof drain piping – Work Complete
- Yard Piping
 - Influent Area – 1" copper water line – Work Complete

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

- New Electric Building
 - Layout, sleeves and grounding grid
 - Power up temporary facilities
 - Installing under slab conduits – Work Complete
 - **New electrical panels to be installed immediately following delivery**
 - New generator transfer switch – Delivery anticipated week of April 3rd
 - New generator – Delivery anticipated week of September 4th
- Control Building
 - Install new outlets, switches, wiring, lighting and conduits - Ongoing
- Influent Building
 - Installing conduits for duct bank connection to buildings – Work Complete
 - Layout of new panel locations for new conduits – Work Complete
 - Installed new power panel – Ongoing
 - Installing new lighting – Ongoing, 80% complete
 - Sludge Building Service upgrade (CO#3) galv. Conduits – Work Complete
 - Installing conduits for equipment – Ongoing, 80% complete
 - Installing conduits for SCADA – Ongoing, 80% complete
- Sludge Building
 - Blower Room – Lights & Heating conduit – Ongoing, 80% complete
 - Post Air Blowers – Ongoing, 30% complete
- Oxidation Ditch
 - Install new conduits & conductors to Ox Ditch mixers and CPs – Work Complete
- Secondary Clarifier – Connected with temporary power
- Site Work
 - New underground duct bank, layout complete, installation – Work Complete
- **New disconnect, four (4) received, tentative/anticipated delivery date is April**

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

- Not onsite
- Sludge Building Water Service – Work Complete, DOH Compliance testing pending
- Control Building Kitchenet – Work Complete

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

- Not onsite
- Provide schedule for new roof curbs (GC anticipates roof installation by April 30)

- Control Building heaters – Ongoing
- Electrical Building HVAC - Ongoing
- Influent Building heater installation (1) – Work Complete
- Sludge Building heater installation (2) – Ongoing, one heater installed, temporary power
- **NYSEFC Additional Funding**
 - The NYSEFC Closed on the PFA for the additional funding up to \$9.4M on 6/30/22
 - No further actions required....all set until long term closing
- **CONSTRUCTION CONTRACTS**
- **Payment Requests:**
 - **Contract No. VL1-G-21 – General Construction**
 - Application and Certificate for Payment No. 8
 - At the February 16 meeting Village resolved to authorize the Village Clerk to process Payment Application No. 10 to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of January 1, 2023 through January 31, 2023, in the amount of \$100,429.25 as requested by the Contractor, including submittal of the payment request to NYSEFC for reimbursement understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
 - **Application and Certificate for Payment No. 9**
 - **The full application package provided to the Village Clerk under separate cover.**
 - We have reviewed the Payment Application from Eastman Associates, Inc. the contractor for the subject project, for the period of February 1, 2023 through February 28, 2023 in the amount of \$302,371.14, for partial payment for Compressors and Grit Separator Purchases, Piping and Valves and Secondary Clarifier Install, and Post Aeration Blowers Install.
 - The total cost to date of \$2,890,714.60 equates to 54% of the contract price with a balance to finish, including retainage of \$2,475,198.22
 - 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. 11, to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of February 1, 2023 through February 28, 2023 in the amount of \$302,371.14, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
 - **Therefore, should the Village agree with our recommendation, then we recommend the following:**
 - **The Village hereby resolves to authorize the Village Clerk to proceed to process Payment Application No. 11, to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of February 1, 2023 through February 28, 2023, in the amount of \$302,372.14, as requested by the contractor, including submittal of the payment request to NYSEFC for**

reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

- **Contract No. VL1-E-21 – Electrical Construction**
 - Application and Certificate for Payment No. 5
 - At the February 16 meeting the Village resolved to authorize the Village Clerk to proceed to process Payment Application No. 5, to Electrical Contract No. VL1-E-21 for J & J Sass Electric, Inc. for the period of January 1, 2023 through January 31, 2023 in the amount of \$67,013.29, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
 - **Application and Certificate for Payment No. 6**
 - **The full application package provided to the Village Clerk under separate cover.**
 - We have reviewed the Payment Application from J & J Sass Electric, Inc., the contractor for the subject project, for the period of February 1, 2023 through February 28, 2023 in the amount of \$240,627.21, for partial payment for Influent Building Labor and Materials, Sludge building - Labor and Materials, Influent Building Process Improvements – Labor and materials, Oxidation Ditch Process Improvements – Labor and Materials, Secondary Clarifier Process Improvements – Labor and Materials, Sludge Building Process Improvements – Labor and Materials, Yard Piping – Labor and Materials, Site Work – Labor and Materials, New Electrical Building Improvements – Labor and Materials, Miscellaneous Items/Other Expenses, and NYSEFC Contract Compliance Work, and partial payment for Change Order #3.
 - The total cost to date of \$829,666.92, equates to 44% of the contract price with a balance to finish, including retainage of \$1,059,639.08.
 - 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. 6, to Electrical Contract No. VL1-E-21 for J & J Sass Electric Inc. for the period of February 1, through February 28, 2023 in the amount of \$240,627.21, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
 - **Therefore, should the Village agree with our recommendation, then we recommend the following:**
 - **The Village hereby resolves to authorize the Village Clerk to proceed to process Payment Application No. 6, to Electrical Contract No. VL1-E-21 for J & J Sass Electric, Inc. for the period of February 1, 2023 through February 28, 2023, in the amount of \$240,627.21, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.**
- **Contract No. VL1-P-21 – Plumbing Construction**
 - Application and Certificate for Payment No. 4

- At the July meeting Village resolved to authorize the Village Clerk to process Payment Application No.4 to Plumbing Contract No. VL1-P-21 for A. Treffeisen and Sons, LLC. for the period of January 1, 2023 through January 31, 2023, in the amount of \$733.30 as requested by the Contractor, including submittal of the payment request to NYSEFC for reimbursement understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
 - **Application and Certificate for Payment No. 5**
 - **The full application package provided to the Village Clerk under separate cover.**
 - We have reviewed the Payment Application from A. Treffeisen and Sons, LLC, the contractor for the subject project, for the period of February 1, 2023 through February 28, 2023 in the amount of \$24,015.62, for partial payment for Influent Building Materials Presently Stored.
 - The total cost to date of \$32,413.62 equates to 28.00% of the contract price with a balance to finish, including retainage of \$83,075.98.
 - 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. 5, to Plumbing Contract No. VL1-P-21 for A. Treffeisen and Sons, LLC. for the period of February 1, 2023 through February 28, 2023 in the amount of \$24015.62, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
 - **Therefore, should the Village agree with our recommendation, then we recommend the following:**
 - **The Village hereby resolves to authorize the Village Clerk to proceed to process Payment Application No. 5, to Plumbing Contract No. VL1-P-21 for A. Treffeisen and Sons, LLC for the period of February 1, 2023 through February 28, 2023, in the amount of \$24,015.62, as requested the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.**
- **Contract No. VL1-HV-21 – HVAC Construction**
 - Application and Certificate for Payment No. 6
 - At the December meeting the Village resolved to authorize the Village Clerk to proceed to process Payment Application No. 3, to HVAC Contract No. VL-1-HV-21, A. Treffeisen and Sons, LLC, for the period of January 1, 2023 through January 31, 2023 in the amount of \$22,762.00, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipts of reimbursement from NYSEFC.
 - **Application and Certificate for Payment No. 7**
 - **The full application package provided to the Village Clerk under separate cover**
 - We have reviewed the Payment Application from A. Treffeisen and Sons, LLC, the contractor for the subject project, for the period of February 1, 2023 through February 28, 2023 in the amount of \$4,370.00, for partial payment for Influent Building, Labor and

Materials, Sludge building Labor and Materials, and CO#1 BFP devices.

- The total cost to date of \$53,416.00 equates to 46% of the contract price with a balance to finish, including retainage of \$67,501.18.
 - We agree with the level of work completed to date and the costs presented therein. As such, we recommend that the Village resolve to authorize the Village Clerk to proceed to process Payment Application No. 7, to HVAC Contract No. VL1-HV-21 for A. Treffeisen and Sons, LLC. for the period of February 1, 2023 through February 28, 2023 in the amount of \$4,370.00, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
 - Therefore, should the Village agree with our recommendation, then we recommend the following:
 - The Village hereby resolves to authorize the Village Clerk to proceed to process Payment Application No. 7, to HVAC Contract No. VL1-HV-21 for A. Treffeisen and Sons, LLC. for the period of February 1, 2023 through February 28, 2023, in the amount of \$4,370.00, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.
- **Change Orders**
 - **Contract No. VL1-G-21 – General Construction**
 - **Change order No. 1** – Add Bid Alternate Belt Filter Press work
 - Totaling \$763,000
 - Change Order sent to NYSEFC for approval on 3/1/22
 - Approved by NYSEFC on 6.24.22
 - **Change Order No. 2** – Update Davis Bacon Wage Rates
 - No Cost Change
 - Approved by NYSEFC on 6.24.22
 - **Change Order No. 3**
 - Totaling \$48,730.65 for:
 - Item 1 – Influent Building Grit Holding Area Unforeseen Conditions, Item 2 – Stormwater Pump Piping Modifications
 - Item 3 - WAS –Piping Modifications and Item 4 – NPW Supply Piping
 - Approved by NYSEFC on 9/21/22
 - **Change Order No. 4**
 - Totaling \$23,882.17 for:
 - Item 1 – Post Aeration Blower Piping, Item 2 – Emergency Generator Bollards
 - Item 2 – WAS Piping Modifications, and Item 4 – NPW Supply Piping
 - Approved by NYSEFC on 11/30/22

- **No New Change Orders this month**
- **Possible/Pending Change Order(s)**
 - Secondary Clarifier Slab Repair
 - \$7,500 tank repair allowance
 - Eastman estimate = \$9,464
 - Work needs to be done. Dennis is tracking T & M, will work additional cost into a change order at a later date
 - Control Floats & HOAs for New Equipment in Existing Panels
 - Control Floats
 - **Getting cost info and will prepare CO for Village action**
 - **Control Floats**
 - Stormwater Basin (2-floats)
 - Drain Well (3-Floats)
 - HOAs
 - HOAs for New Equipment in Existing Panels
 - Grit Screw Collector (2)
 - Sludge/Stormwater Blowers (2)
 - Drain Well Pump (1)
 - **Cable Internet (Spectrum to WWTP)**
 - **\$29,475 10.13.22 Quote**
 - **(\$8,000) Deduct**
 - **\$21,475 Net Cost to Village as Direct expense (no markup)**
 - **\$24,700 Net Cost to Village as through the Contractor (15% O&P)**
 - **EFC has confirmed that this work is eligible as long as we can provide justification on how this will help the plant (remote access to SCADA system, real time data, etc.)**
 - **At the February 16 meeting the Village agreed to proceed with this change as a direct expense thru the Village.**
 - **We would like to have this completed as soon as possible to support startup of the new SCADA System.**
 - **We are working with Spectrum to proceed with Purchase Order**
 - **We plan to confirm pricing for Spectrum Service**
 - **Current Verizon Phone/Internet is \$1,448.00/Yr \$121/Mo.**
 - **We will continue to work with Judy to issue the Purchase Order**

Contract No. VL1-E-21 – Electrical Construction

- **Change Order No. 1** – add Bid Alternate Belt Filter Press Work
 - Totaling \$96,000
 - Approved on 6.24.22 by NYSEFC
- **Change Order No. 2** – Update Davis Bacon Wage Rates
 - No cost change
 - Approved by NYSEFC on 6.24.22
- **Change Order No. 3 – 600A Service Upgrade for the Sludge Building**
 - Totaling \$18,306
 - Approved by NYSEFC on 11/30/22
- **No new Change Orders this month**
- **Pending Change Orders (s)**

- **None**

Contract No. VL1-P-21 – Plumbing Construction

- **Change Order No. 1** – Update Davis Bacon Wage Rates
 - No Cost Change
 - Approved on 6.24.22 by NYSEFC
- **Change Order No. 2 – Influent and Sludge Building’s PRVs**
 - Totaling \$5,689
 - Approved on 09/23/22 by NYSEFC
 - **No New Change Orders this month**
 - **Pending Change Orders (s)**
 - **None**

Contract No. VL1-HV-21 – HVAC Construction

- **Change Order No. 1** – Update Davis Bacon Wage Rates
 - No cost change
 - Approved on 6.24.22 by NYSEFC
- **Change Order No 2 – New Sludge Building Exhaust Fan & New Control; Building Garage Utility Heater**
 - Item 1 – New Sludge Building Exhaust Fan
 - Totaling \$8,387.78
 - Approved by NYSEFC on 11/30/22
- **No New Change Orders this month**
- **Pending Change Orders(s)**
 - **None**
- **Monthly Construction Meeting**
 - The latest monthly construction meeting was held on site on 03.08.23 with the prime contractors, Delaware and Village Staff

- **Engineering During Construction**

- Continuing to receive and process material and equipment submittals, and application for payment

- **On-Site Construction and Observation Services**

- Full time services continuing, when contractors are onsite
- Excerpt from the Revised Anticipated Project:

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 Pre-Construction Meeting (March 23 rd)
March 2022 – August 2023	Construction to Substantial Completion (Eastman Schedule shows 8/31/23, General delivery has been pushed to 9.21)
September 2023	Construction Completion (Final) and Project Closeout
November 2023	Long Term Loan Closing

- **Document Collection - Ongoing**
 - **The document Collection Form, and requested documents were uploaded on January 17, 2023 (ahead of the January 20, 2023 deadline).**
 - **On February 13, 2023 NYSEFC provided notice that, project documents were reviewed and no follow-up actions are recommended.'**
 - The Village is required to maintain forms and documents outlined in Section 8 Summary of Contractor Requirements for SRF-Funded Projects, from Guidance on Mandatory State Revolving Fund Terms and Conditions
 - EFC will conduct a review of construction progress and program related documents
 - The Village will need to produce any and all of the forms and documents from the summary
 - This review could occur during construction or at any time after the project has been complete
 - Please be prepared to provide any miscellaneous and related documents request by the Village or EFC in complete and timely manner
 - As part of the construction phase of the Village of Liberty project, 5352-02-00, EFC has begun its review of construction progress and program related documents
 - A request for the required documentation was sent to the project managers for the prime contracts on 12.28.22. Required documentation generally includes, but may not be limited to:
 - Subcontracts with Lobbying Certs
 - MWBE-SDVOBE Monthly Reports with proof of payment
 - Certified payroll form with accompanying Statement of Compliance (DB)
 - AIS Certification
- **Professional Services Contracts**
- **Nothing new this month**
 - 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
 - **Contract amendment or new contract will need to be prepared to cover PER modifications and design through construction phase work. Village could follow RFQ process to allow for funding under SRF rather than just using WIIA Fund.**

- Historic Info:
 - 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.
 - **NYSDEC WWTP Upgrade Reviewed/Updated SPDES/Permit Review Meeting**
 - **DEC would like to have a meeting with Delaware Engineering to discuss the upgrade project at the Village of Liberty WWTF.**
 - The purpose of the meeting will be to get a full understanding of the planned upgrade at the facility and to coordinate the work with the reviewed/updated SPDES permit to come.
 - **What are some dates that would work for Joan & WWTP Staff to meet with Delaware Engineering and NYSDEC?**

3. Elm Street Wellfield/Electrical Improvements

- **Nothing new to report this month**
- 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 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 to update Grant #11665 for electrical improvements work
- Received June 2022 request from Senator Martucci’s office to provide more information to support moving \$100,000 from Grant #9119 into #11665
- We worked with Judy to get the information requested back to Martucci’s office
- In light of pending NYSDEC cleanup cost correspondence, should the Village pull back the request to Sen. Martucci and consider putting #11665 funds back to #9119 to provide \$200,000 for the cleanup costs?

4. Rail Trail Area Culvert Drainage/Blockage

- **Board Action Required at Tonight’s meeting:**
 - **Review and consider adopting a resolution to authorize a public hearing for the 2023 CDBG Application to occur April 6th at 6:55 p.m. Village Board Meeting.**
- 2022 CDBG Application
 - List of awards published on November 15, 2022 did NOT include this project
 - Does the Village want to resubmit to CDBG? If so:

- **An exit interview with NYSOCR, Mayor Joan, Judy and Mark Blauer was held on 2/22 at 11 a.m. Exit interview takeaways:**
 - The Railtrail application scored 64 points
 - The lowest funded project score was 70
 - We lost most of the points (24) due to lack of NOV/consent order and the meager amount proposed for leveraged funds (4.67%).
 - Of the remaining 12 points lost, we can make up most of them with some minor updates to the ER and application.
 1. Add maintenance plan
 2. Add Ref to the 10SS for WWF
 3. Add mechanism for LMI households to afford new hook-up
 4. Add “grant agreement execution” date to project timeline within 45 days of award notice
 5. Address possible labor shortages and supply chain issues in ER in regard to the Villages ability to complete the project in 24 months.
 - HCR also indicated that there was an issue with the Stockbridge-Munsee tribe about digging in the area. Mark and I both recall this as being resolved, but apparently not adequately to in the appl/ER for HCR
- **The Village would like to reapply. Mark is pushing for early completion of all appl parts so we can set up presubmission review of the entire document in HCR.**
- **2023 CDBG Application**
 - **Our guess is that CFA round opened May 1st with applications due July 28th**
 - **Mark Blauer contacted CDBG and confirmed that we could conduct of FY 2023 CDBG hearing before the CFA announcement**
 - **The engineering RFO process from last year is still valid**
 - The first step is for the Village board to authorize the hearing
 - We need to mimic what we did last year including posting the ad around town, taking dated photographs and posting the hearing on the Village website
 - Mark suggested schedule is as follows:
 - At the March 16 Board Meeting the Village authorized a hearing for April 6th at 6:55 p.m. – or other similar time – by motion or resolution
 - March 24 – Publish hearing ad in the Sullivan County Democrat. Ask for Proof of publication
 - April 6th – Conduct hearing
 - **Therefore, we recommend that the Village consider a Public Hearing for 2023 CFA Application – Community Development Block Grant Program Funding, and resolve to hold a Public Hearing on April 6, 2023 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 2023 Program Year.**
 - **Local Funds & SEQRA Resolution (at next month’s meeting)**
 - We may want to adopt the SEQR resolution again to endure scoring
 - We can produce resolutions on April 20th related to:
 - Committing to assist LMI households connect to the sewer system, if any, should anyone ever need help connecting to the system;
 - Commitment again to local funds as part of the budget.
- **Hazard Mitigation Grant Program (HMGP) – FEMA & Dept. of Homeland Security**

- **All information submitted in July 2022. Awaiting further information**
- Project is identified in the Sullivan County Multi-Jurisdictional Hazzard Mitigation Plan (SCMJHMP)
- Programs offers up to 90% grant, normally 75% grant
- Delaware completed the application and it was submitted on 6.1.22
- Could take up to 1-year before award determinations are made
- The Village received RFI from DHSES – Rail Trail Area Culvert – August 15, 2022 Formal RFI Response from DHSES
- This request for information (RFI) identifies additional items necessary, to complete the sub application(s)
 - Please work through each item listed below, clearly label any new supporting documentation included, and complete all forms provided, prior to submitting the completed RFI
 - All items requested are due to AndreaSangrey@dhSES.ny.gov for final review no later than August 26, 2022 (10 business days from the date of this letter)
- At the August 18 meeting the Village Board resolved to adopt a resolution to commit to the Village to provide up to the estimated 10% project cost match, if funds are awarded for the HMGP/FEMA/DHSES sub application, and authorize Village Mayor to sign the letter
- Delaware Engineering submitted the RFI response package on 8/26/22

5. DPW Site Groundwater Monitoring/DPW Garage Site Remediation

- **Nothing new to report this month**
- Based on sampling results still seeing values near garage indicating contamination remains
- December 2022 sampling report indicated levels slightly lower than September 2022 for the MW-22B & MW-22A and slightly higher for MW-8
- **Next sampling to be conducted in March 2023**

6. NYSDOH Water System Inspection/Cross Connection Control Program

- **Delaware will submit a draft for Village Board, Village Code & Village Attorney Review**
- A digital version of the Village's 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 per the below listed:
 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)

7. WWTP SDPES Permit

- **March 2023 Update**

- On January 23, 2023 the Village received notice that NYSDEC has reviewed the NY-2A application, and that there are some items that either are missing or need further clarification, and provided a Notice of Incomplete Application detailing the deficient items, including minor comments on the Application Form and sampling information.
- Delaware reviewed the comments, developed draft responses pending collection of missing information. NYSDEC has reviewed the draft responses and plan forward and determine it to be acceptable.
- Sampling that needed to be redone using the noted acceptable EPA methods has been completed
- The only outstanding piece of missing information is the following and is related to Pepisco:
Comment:

Section 4, Item 1 & Table G: There are no industrial users listed in the NY-2A application. NYSDEC inspections and documentation indicate that there is a discharge to the WWTF, and if so please fill out Section 4 and Table G.

- Based on the Village's current Code Pepisco should be identified as an industrial user on NY-2A application Section 4, Table G, and move forward with implementing Industrial User Sewer Agreement based on water use/discharge
- We also need to develop a plan forward with the Village to proceed with this so that the permit review process can continue at NYSDEC – work with WWTP, Mayor and Gary. We suggest Village contact Pepisco to set up a meeting ASAP so that we can understand their current and future plans and how to address SIU requirements and potential mitigating measure they may employ.
- **What does the Village need to do to confirm that Pepisco is an SIU?**
 - **Meet with Pepisco – Pending**
 - **Collect available monitoring data – Pending meeting with Pepisco**
 - **Conduct additional sampling and monitoring**
 - **Summarize and compare against current Village Code and a Guidance for Identification of Significant Industrial Users, NYDEC 1989**
 - **We are not sure of the timeline to determine SIU status (NYSDEC wants NY-2A ASAP)**
- **If Pepisco is determined to be an SIU (or there are other SIUs contributing to the system) a Mini Pretreatment Program will end up in the SPDES permit, which will require the Village to:**
 - Conduct and submit Industrial Survey to identify SIUs (Village Code and Guidance for Identification of significant Industrial Users, NYDEC 1989.
 - Collect and submit documentation of Development Procedures for obtaining and ensuring compliance with applicable standards (i.e., requirements and schedules for discharge permits, industrial self-monitoring, industrial monitoring by the permittee, etc.)
 - Conduct and submit results of the Treatment Plant/Industry Mentoring
 - Develop Local Sewer Law including local limits for substances capable of causing SPDES permit violations.
 - Annual Reporting Requirements
- More history below:
- October 2022

- On 9.21.22 received notice from NYSDEC that the full application is required by October 7, 2022
- NY-2A Package submitted 10/5/22 and NYSDEC confirmed their receipt
- Background
 - 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 a 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 April 8 requesting an update
 - We responded 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 his 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
 - We have received a majority of the test results from the Village and the data received has been entered into the NY-2A form
 - 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
 - We notified NYSDEC that we can't give you definite timeline of when we can expect to have the complete NY-2A Application, but we will update you once we receive the remaining test results
 - NYSDEC indicated that there was no rush on this technical review, the permit has been administratively renewed for several more years
- June Update
 - Sampling results anticipated to be back on time.
 - Based on the Village's current Code, PepsiCo should be identified as an industrial user on NY-2A application Section 4, Item 1 & Table G, and move forward with implementing Industrial User Agreement based on eater use/discharge

8. Liberty Ridge Development

- **Nothing new this month**
- At the May 19 meeting, developers' rep advised to consider connecting to the sewer main located on Buckley Street rather than line on West Street that flows into line behind former Yaun bldg. and Green Lane.
- Nothing new received by DE
- Consider checking flow in manholes on Buckley and downstream with Lynn.

9. PepsiCo

- **Based on the November 2022 sampling results and the Sewer use code,**

Pepisco at present is a Significant Industrial User and we need to respond to Item 7. WWTP SDPES Permit.

- **Need to identify who we/Village can call to have a meeting to understand their plans forward to become an SIU and to see what plans they may be considering to reduce WW strength to meet the code requirements for an SIU and if they will now or have plans to discharge > 25,000 gallons per day on average.**
- **Meeting with WWTP and Pepisco (Walter) pending**
- Wastewater sampling conducted in November 2023 – received from Mark Kellam from PepsiCo
- BOD5=8110m mg/1, COD = 11,700 mg/1, TSS 404 mg/1, pH 4.8, FOG = 54 mg/1
- This analysis is Part of PepsiCo’s ongoing efforts to design and implement an engineering solution for their waste management. This may include future wastewater treatment. The entire scope of the project is still being assessed. PepsiCo will be continuing to do analysis like this to further characterize their wastewater in the coming months.
- What are the plans for the facility?
- Will there be more buildings?
- More water needed or wastewater discharged?
- Reviewing discharge data with WWTP staff

10. Economic Development Water and Sewer Infrastructure Capacity Planning Study

- Held a kick off meeting with Town on November 14, 2022
- Met at Village Hall on February 7 with Village (Mayor Joan, Judy, Lynn Barry, Dave Harman and Mark Kellam) and Town (Supervisor DeMayo and Dean Farrand) with the focus on Village infrastructure and needs.
- Meeting notes were sent to the Town and Village on 3/14
- Delaware is working on a DRAFT of this report
- Delaware will follow up with additional information needs with the Village
- Will involve planning staff as well as Town and Village water and sewer staff
- At the September 6, 2022 meeting the Board authorized the Town Supervisor to endorse the Economic Development Water and Sewer Infrastructure Capacity Planning Study, dated August 15, 2022 to conduct:
 - Economic Development Water and Sewer Infrastructure Capacity Planning Study
 - Update to Parksville Sewer Service Alternatives Study
 - Select Grant Writing

11. Sullivan County Land Bank – North Delaware Avenue

- We are working with the County to provide an opinion on potential use of Land Bank properties including North Delaware Avenue and 13 other locations. Site visit was conducted and a draft evaluation has been provided to the County.
- Draft provided to Mayor and Judy
- We understand that the Village does not have interest in taking over the property at North Delaware Avenue
- **The Land Bank parcel Analysis for the properties was submitted on 2/24 to Sullivan County**
- **Delaware will follow up with a digital copy for Village records**

12. NYS DOH – Water Supply Emergency Response Plans Update

- **The Village received notice on September 30, 2022 from NYSDOH that they need to provide Water Supply Emergency Response Plans Updates.**

- **This is a generic letter reminding the Village that the Emergency Response Plan and Vulnerability Assessment must be kept up to date and that every 5 years needs to be submitted to the commissioner for review, and provides other generic information about other relevant requirements.**
- **There are some things that the Village will need to do to comply with the requirements in letter, but nothing that required immediate attention.**
- The “small systems” templates that the Village’s ERP and VA are based have been revised to meet regulatory requirements and systems wishing to continue small systems templates must use the 2022 version. We will have to extract the information from the Village’s current ERP and VA, and update the new template.
- There are a few new sections in the templates that will require new information (e.g., pandemics and supply chain shortages, strategies to detect malevolent acts or natural hazards that threaten system security and resilience, water sampling data tables, etc.).
- There aren’t any specific deadlines, but we will plan to work with the Village over the next few weeks to convert to the new templates, update the information and fill in any new or missing information.
- We will work with the Village to update these
- The Village also received an email (11/16/2022) from the EPA regarding Certification of the ERP. The EPA requirements for the ERP differ slightly from the NYS requirements.
- Delaware will work with the Village to reconcile discrepancies between the Federal and State requirements to allow for the submission of the EPA certification. EPA certification is an online form.
- Presently, less than 5% of the water systems in NYS have certified their ERPs with the EPA.

13. Sanitary Collection System I/I Investigations

Board Action Required at Tonight’s meeting

- Review and consider adopting a resolution authorizing The Mayor to Sign The NYSEFC Engineering Planning Grant Agreement and Appropriation of Local Match
- Delaware had a conference call with Steve Grimm of New York Rural Water Association (NYRWA) to understand what services are offered – Smoke Testing, Camera Work, etc.
- NYRWA was booked up for the rest of the year, but recommended that the Village call in January 2023 to schedule sewer I/I investigation for the 2023 season.
- The Village will need to define their desired area of invitations (e.g., smoke testing on/n the Main Street area)
- **The Village needs to contact NTRW soon if they want to reserve these services**
- **For smoke testing, NYRW will require three (3) personnel during testing, and the Village will need to provide the liquid smoke. There is no fee for this service.**
- **For camera work, NYRW will require two (2) personnel during work. This is a \$300/day maintenance fee, and the Village has to provide a UBS Storage Device**
- **The Village does not have municipal force to help with traffic control for 2 days**
- **We reached out to NYRW earlier this week and these are the dates that are available for investigations: 6/26 – 6/30, 7/5 – 7/6, 7/24 - 7/27, 7/31 – 8/4, 8/21 – 8/31, 9/5 - 9/7, 9/11 – 9/14, October?**
- **We can email to reserve dates, and time is of the essence, these are the only dates left since opening up on 1/2/23**

- **Does Village have staff to assist and if so what dates work for the Village?**
- To do a more comprehensive study, possible grant includes a NYSEFC Engineering Planning Grant (EPG) to help fund development of and engineering report
 - Grants are available to help municipalities jump start their work early on with funding for initial planning, so they can be better prepared to seek financing to help them complete their waste water, sewer and water quality projects
 - Grants of up to \$100,000 are available to municipalities to help fund an engineering report (DEC Order on Consent or EC draft or final SPDES permit), up to \$50,000 for other – Village has no consent orders or SPDES issues so Village eligible for up to \$50,000 grant and 20% local match)
 - Eligible Activities – The preparation of an engineering report, conducting an environmental review.
 - In order to be considered for EPG funding, applicants must complete a Consolidated Funding Application. Applicants will be evaluated based on the criteria.
 - Local match is required – All grants require a local match equal to **20 percent** of the requested grant amount. The match may include cash and/or in-kind services. Other grants may not be used for local match. The applicant must identify the source of the match at the time that the application is submitted.
 - Likely submission date July 2023 – final date TBD.
 - At the February 16 meeting the Village Board agreed to commit/pursue an EPG for sewer I/I study for up to \$50,000 (requires a local match of up to \$10,000, if successful)
 - Delaware has prepared a resolution to authorize the Village Mayor to Execute Planning Grant Agreement with the NYS Environmental Facilities Corporation and Authorization and Local Match
 - Note: CFA Program not announced yet, program requirements could change from last year.
 -
- **More Information below:**
- Eligible Applicants - Municipalities as defined in the Definitions section of this document with median household income (MHI):
 - Equal to or less than \$75,000 according to the United States Census, 2019 American Community Survey for municipalities located in Regional Economic Development Council (REDC) regions of Capital District, Southern Tier, North Country, Mohawk Valley, Central NY, Finger Lakes, or Western NY; or
 - Equal to or less than \$95,000 according to the United States Census, 2019 American Community Survey for municipalities located in REDC regions of Long Island, New York City, and Mid-Hudson.
 - A municipality may have no more than two active EPG awards at the same time. An active EPG award means a project has been awarded funding but does not yet have an accepted engineering report
- Eligible Activities - A municipality must use EPG funding for the preparation of an engineering report for an eligible CWSRF project. This includes planning activities to determine the scope of water quality issues, evaluation of alternatives, and the recommendation of a capital improvement project. An environmental review for the recommended alternative is also an eligible activity. Design and construction costs are not eligible.
 - Funding priority will be given to municipalities whose planning activities are for a capital project:
 - Required by an executed United States Environmental Protection Agency (EPA) Administrative Order, NYS Department of Environmental Conservation (DEC) Order on Consent; or
 - Required by a DEC draft or final State Pollutant Discharge Elimination System (SPDES) permit (e.g. nutrient removal, inflow and infiltration, disinfection); or
 - For upgrading or replacing an existing wastewater system; or
 - For constructing a wastewater treatment and/or collection system for an area with failing onsite septic systems; or
 - Addressing a pollutant of concern in a watershed implementation plan (see Definitions section).

- Evaluation Criteria - Priority will be given to municipalities whose planning activities are:
 - Required by an executed DEC Order on Consent; or
 - Required by a DEC draft or final State Pollutant Discharge Elimination System (SPDES) permit (e.g. nutrient removal, inflow and infiltration, disinfection); or
 - For upgrading or replacing an existing wastewater system; or
 - For constructing a wastewater treatment and/or collection system for an area with failing onsite septic systems; or
 - Addressing a pollutant of concern in a watershed implementation plan (see Definitions section).
EPG Scoring Rubric, attached
 - An application to fund a report for a proposed capital improvement project that will positively impact water quality in an EJ community or will positively impact the quality of drinking water serving an EJ community will receive additional points in the evaluation.
- This program will follow the NYS CFA application schedule/deadline anticipated to be late July 2023 (last Friday usually, hasn't been announced yet)
- A board resolution is a motion or formal proposition adopted by an entity's governing body setting forth the intent of that body. An applicant seeking EFC financial assistance must submit a certified copy of a resolution that authorizes, among other things: undertaking of the project and the maximum total cost of the project; expenditures for the project, including identification of any non-municipal source of funds; obligation of funds necessary to meet any required local match, including any cash and/or in-kind services; and application to EFC for financial assistance. The resolution must also designate a representative of the applicant who is authorized to sign the funding agreement with EFC and any associated documents. If the applicant is issuing debt for the project and has adopted a bond resolutions, a separate board resolution may not be necessary.

14. Church Street Culvert Repair

- Two galvanized culvert pipes by the Jeff Bank (4-foot diameter) because the bottoms are rotting out, which is causing sink holes in the Jeff Bank parking lot
- The Village desired to seek a grant for the two galvanized culvert pipes by the Jeff Bank
- There is a lot involved with culvert work – NYSDEC permits, fish passage, etc.
- Delaware plans to make a site visit on 12/15/22 to do an inspection, take photos, measure pipes, etc.
- Plan is to schedule a meeting with the Bank to discuss what their needs are and if they would consider opening up the enclosed waterway to make it potentially eligible for GIGIP funding
- Lynn was to contact the Bank to see what engineering drawings they have for the building site that would have put in the culverts.
 - Overview – Green stormwater infrastructure projects improve water quality by reducing and treating stormwater at its source through infiltration and/or evapotranspiration. Green stormwater infrastructure projects selected for funding go beyond offering a greener solution. They:
 - Maximize opportunities to leverage the multiple benefits of green stormwater infrastructure,
 - Spur innovation the field of stormwater management,
 - Build capacity to construct and maintain green stormwater infrastructure
 - Facilitate the transfer of new technologies and practices to other areas of the State.
 - Funding – The maximum percentage grant is up to 90% of eligible project costs for a green stormwater infrastructure project in a municipality that meets the Median Household Income criteria, or that serves, protects or benefits an environmental justice area. All other green infrastructure projects are eligible to receive up to 75% of total eligible project costs.
 - **We have culvert GIGIP grant application to our list**

15. Liberty Planning Board Review – Stewart’s Shop

- Reviewed the plan set (dated 9-27-2022) submitted to Stewart’s Shop for their proposed new facility located at 131 Mill Street (NYS Route 52)
- Prepared a list of site plans items that need to be addressed and recommendations
- Delaware received additional documentation from the applicant including an application to the ZBA for 3 area variances for non-conforming structures and required landscaping buffers, and 4th variance requesting relief from the requirements of the Flood Damage Protection Law
- Delaware reviewed submissions and prepared review letter.
- Applicant withdrew his request for flood plain construction variance and has decided to construct the facility in accordance with the local Flood Damage Protection Law. ZBA will hold a public hearing on area variance requests.
- Next steps are for the Planning Board to complete the site plan review and for the applicant to submit a flood plan development permit and stamped plans. SPR can’t be completed until the variances are approved. The next Planning Board meeting – April 13th.

16. Edgar Street Culvert (by Post Office & Liberty Pub)

- Lynn Barry notified us of a 3’ x 7” crack in the asphalt/top of the culvert in roadway between the parking lot for the Post Office and Liberty Pub
- Lynn checked with the County to see if it is a Village or a County Bridge – it is a Village Bridge
- We made a site visit on January 19 with Lynn and found that the concrete abutments appear to be in good condition.
- Building adjacent to culvert is scheduled to be taken down in the near future.
- Culvert/stream could be rerouted after this has been complete, but would be very costly.
- Most of the decking (arched steel) is in fair condition, and only certain areas appear to be failing
- We recommend the Village contact someone who can perform a bridge safety inspection and provide an estimate for the remaining lifespan and recommendations for repair.

17. General Engineering Contract 2023

- **The General Services contract effective January 1, 2023 thru December 31, 2023 will be provided under separate cover for Village consideration – Pending**
- 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 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 2023 and added a current (2023) 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 2023 General Services contract with Delaware Engineering, D.P.C., dated 2023.**

CONSIDER SETTING PUBLIC HEARING FOR PROPOSED LOCAL LAW #2-2023

Motion by Trustee Lake, seconded by Trustee Mir and unanimously carried to hold a Public Hearing on Thursday, April 20, 2023 at 6:55 p.m. for the purpose of hearing public comments on proposed local law #2-2023, amending Village Code 87-26.

This local law is subject to a 239-M Review with the County of Sullivan.

CONSIDER TEXTMYGOV

Mayor Stoddard said that she is waiting for a call back from the Town of Fallsburg to discuss their program, Code Red, in more detail.

UPDATE ON SULLIVAN 180 GRANT

Trustee Feasel said he has the entire preliminary work down on the grant, except for meeting with Code Enforcement Dan Pollan and his Clerk to get addresses of the store owners on Main Street with vacant buildings so they can be contacted about the placement of artwork in the store fronts.

Jasmine Bullaro can write letters and call the store owners regarding this project.

DISCUSS STREET LIGHTING PROBLEMS AROUND THE VILLAGE

Police Officer Vogler was able to make contact with the representative from NYSEG who said the bulbs are still under warranty and that she will be working with the Village to get everything fixed.

CONSIDER DISCUSSIONS ON PARKING LOT SALE/OFF OF CHURCH STREET

Attorney Silver said he had done follow up work on the Church Street Parking Lot and found that the Village can sell the municipal parking lot if the following requirements are met:

1. The Village declares the parking lot as surplus
2. The Village receives fair and adequate consideration for the parking lot.

Attorney Silver said the Board would have to determine if the use by the public warrants declaring the parking lot as “surplus” and whether the Liberty Theatre would allow the public to use it when no events are taking place. He also said there would be an issue of having cars towed if they were parked there during an event and not in attendance at the event.

The best way to move on the sale, if the board is interested, is to obtain an appraisal.

NEW PRESENTATION FROM H2O INNOVATIONS (JCO)

BUSINESS:

Roy Rysinger (Vice President) discussed what he believes his company could supply an exceptional level of service at the Village's water treatment system. He said they could provide a water system superintendent, dually certified in water and wastewater possessing a NYSDEC minimum Grade 2A certification, and NYSDOH grades IIA, IIB & D certifications. He said personnel could be cross-trained to work in both the Water Plant and the Waste Water Treatment Plant.

Mr. Rysinger gave the Village several locations in which they do dual running of the plants. He said they provide daily facility coverage, including all weekends and holidays, they maintain 24-hour emergency communication and they would work in concert with the Village's Department of Public Works for water breaks that require excavation, traffic control, shoring, backfill and other duties associated with such work and repairs.

Mr. Rysinger also stated with the new contract for the name change the CPI increase will be made a flat 1%.

The Village said they would review their proposal and contact them with any questions they may have.

CONSIDER SEWER CREDIT #2-4600/5 HADDEN PLACE/FERRER

No motions were made, request denied.

CONSIDER SETTING DATES FOR 2023-24 BUDGET

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried to hold a Worksession Meeting on Tuesday, March 28th at 6:00 p.m. to discuss the 2023-24 Budget.

Motion by Trustee Lake, seconded by Trustee Feasel to hold a Public Hearing on Thursday, April 27, 2023 at 6:55 p.m. for the purpose of hearing comments on the 2023-24 Village of Liberty Budget.

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried to hold a Special Meeting on Thursday, August 27, 2023 at 7:00 p.m. to consider the adoption of the 2023-24 Village of Liberty Budget and any other business that may come before the Board.

CONSIDER RESOLUTION – RAIL TRAIL SANITARY SEWER/CDBG 2023

RESOL # 7-2023: Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving Resolution #7-2023:

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

NOW, THEREFORE BE IT RESOLVED, the Village of Liberty Board of Trustees approves the application to the NYS Office of Community Renewal Program Year 2023 Small Cities Community Development Block Grant via a Public Infrastructure application for its Rail Trail Culvert and Sanitary Sewer Main Replacement Project.

CONSIDER PUBLIC HEARING FOR 2023 CFA APPLICATION – COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDING

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried to hold a Public Hearing on Thursday, April 6, 2023 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 2023 Program Year.

CONSIDER MOU WITH THE TOWN OF LIBERTY RE: DISCOUNTED SEWER RATES

The Board asked Attorney Silver to move forward with a Memorandum of Understanding that the Village will consider an adjusted rate if the Town forms a sewer district and the project at the Sullivan County Golf Course creates a specific amount of jobs.

CONSIDER MOU WITH TOWN RE: LAPOLT PARK

Mayor Stoddard said although LaPolt Park is Village property the Town has agreed to maintain it if we set up an agreement with them.

Attorney Silver said he would work up a Memorandum of Understanding for the Board to review.

SET UP COMMITTEE TO MEET WITH TOWN OF LIBERTY RE: CREEKSIDE PARK

Mayor Stoddard said the Town has received a \$50,000 grant to upgrade Creekside Park (located behind Lapolt Park).

The Village Board set up a committee of Trustee Lake and Trustee Aracci to meet with the Town to discuss and formulate ideas for the park.

CONSIDER 2023 CHANGE TO PERSONNEL POLICY – ELECTION DAYS

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried to close the Village Offices on Tuesday, November 7th for Election Day for calendar year 2023.

This change is due to the fact that the County is using the Village Board Room to conduct voting for Districts 2 and 6. The Village Offices will remain open for the entire day on Tuesday, March 21st – Village Election Day.

CONSIDER PAYMENT REQUESTS FOR WWTP PROJECT

Motion by Trustee Aracci, seconded by Trustee Mir and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 11 to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of February 1, 2023 through February 28, 2022, in the amount of \$302,371.14 as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 6 to Electrical Contract No. VL-E-G-21 for J & J Sass Electric, Inc. for the period of February 1, 2023 through February 28, 2023, in the amount of \$240,627.21 as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

Motion by Trustee Feasel, seconded by Trustee Aracci and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 5 to Plumbing Contract No. VL1-P-21 for A. Treffeisen & Sons LLC for the period of February 1, 2023 through February 28, 2023, in the amount of \$24,015.62 as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 7 to HVAC Contract No. VL1-H-21 for A. Treffeisen & Sons LLC. for the period of February 1, 2023 through February 28, 2023, in the amount of \$4,370.00 as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

CONSIDER LOAN COMMITTEE – IMMACULATE CONCEPTS

A loan committee of Mayor Stoddard and Trustee Lake was set up to review the CDBG loan application from Joel Gandulla/Immaculate Concepts.

CONSIDER BOND RESOLUTION TO PAY FOR INCREASED COST OF PHASE II WWTP UPGRADES.

RESOL.# Motion by Trustee Mir, seconded by Trustee Aracci and unanimously
8-2023: carried approving Resolution #8-2023.

A Resolution authorizing, Subject to Permissive Referendum, The issuance of an additional \$2,100,000 Bonds of the Village of Liberty, Sullivan County, New York, to pay the increased cost of Phase II WWTP Upgrades in and for said Village.

WHEREAS, the Board of Trustees of the Village of Liberty, Sullivan County, New York previously approved Phase I WWTP upgrades, in and for said Village of Liberty, Sullivan County, New York (the “Village”), including incidental costs in connection therewith, at a maximum estimated cost of \$7,800,000; and

WHEREAS, it has now been determined that the maximum estimated cost of such capital project has increased by \$2,100,000 over the previous authorized; and

WHEREAS, It is now desired to authorize the issuance of an additional \$2,100,000 bonds of said Village for such purpose to pay a portion of the cost thereof;

NOW, THEREFORE, RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Liberty, Sullivan County, New York (the “Village”), as follows:

Section 1. For the specific object or purpose of paying additional costs of Phase II WWTP upgrades consisting of the sludge dewatering, enhanced sludge handling system and other necessary improvements, in and for said Village of Liberty, Sullivan County, New York, there and hereby authorized to be issued an additional \$2,100,000 bonds of the Village of Liberty, Sullivan County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of such \$9,400,000 maximum estimated costs is as follows:

- (i) by the issuance of \$7,800,000 bonds authorized pursuant to a bond resolution dated September 3, 2020; and
- (ii) by the issuance of an additional \$2,100,000 bonds of said Village hereby authorized to be issued therefore pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 4 of paragraph A of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Liberty, Sullivan County, New York, are hereby irrevocably pledged for the payment of the principal of and interest in such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the

principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes is hereby delegated to the Village Treasurer, the Chief Fiscal Officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The Village Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit, or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village, for such purpose, together with a notice of the Village Clerk in substantially form provided in Section 81.00 of the Local Finance Law.

Section 11. This resolution is adopted subject to Permissive Referendum

The question of the adoption of the forgoing resolution was duly put to a vote on roll call, which resulted as follows:

MAYOR JOAN STODDARD	-	YES	
TRUTEE ROBERT MIR	-	YES	
TRUSTEE ERNEST FEASEL	-	YES	ADOPTED
TRUSTEE EVELEESE LAKE	-	YES	
TRUSTEE JOE ARACCI	-	YES	

CONSIDER RESOLUTION – EXECUTE PLANNING GRANT AGREEMENT

RESOL # Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried
9-2023: approving Resolution #9-2023

AUTHORIZATION FOR MAYOR STODDARD TO EXECUTE PLANNING GRANT AGREEMENT WITH THE NYS ENVIRONMENTAL FACILITIES CORPORATION AND AUTHORIZATION AND APPROPRIATION OF LOCAL MATCH

WHEREAS, Mayor Stoddard is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about to fulfill the Village of Liberty’s obligation under the Grant Agreement and;

WHEREAS, the Village of liberty authorizes and appropriates a minimum 20% local match as required by the Engineering Planning Grant Program for the Village I/I Study. Under the EPG program, this local match must be at least 20% of the EPG grant award of up to \$50,000. The source of the local match and any amount in excess of the required match shall be through Village Funds. The maximum local match shall not exceed \$10,000 based upon a total estimated maximum project cost of \$50,000. The Village Mayor may increase this local match thorough the use of in-kind services without further approval from the Village of Liberty;

NOW, THEREFORE, BE IT RESOLVED

The adoption of the forgoing resolution was duly put to a vote on roll call, which resulted as follows:

MAYOR JOAN STODDARD	-	YES	
TRUTEE ROBERT MIR	-	YES	
TRUSTEE ERNEST FEASEL	-	YES	ADOPTED
TRUSTEE EVELEESE LAKE	-	YES	
TRUSTEE JOE ARACCI	-	YES	

DISCUSS CROWD MANAGER REQUIREMENTS/LIBERTY THEATRE

The Board discussed Crowd Managers in lieu of the upcoming opening of the Liberty Theatre. The owner had agreed in the past that the occupancy would not exceed 299 persons; therefore a sprinkler system would not be required.

The Code Enforcement Officer is requesting an updated local law that would require four crowd managers for events of one-hundred people or more.

The Board discussed the changes and said they would continue to work on this matter.

APPROVAL BILLS FOR PAYMENT OF BILLS

FOR PYMT: Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried approving Voucher #2847 to Voucher #2923 in the amount of \$230,310.12.

EXECUTIVE SESSION: Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried to go into Executive Session at 8:34 p.m. to discuss a contract negotiations in the Water Department as well as other Contract Negotiations.

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried to come out of Executive Session at 8:53 p.m.

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

THE MEETING WAS ADJOURNED AT 8:53 P.M.

RESPECTFULLY SUBMITTED,

**JUDY H. ZURAWSKI
CLERK-TREASURER**

