

## **WORKSESSION MEETING**

**JUNE 16, 2022**

The Board of Trustees held the Worksession Meeting of June 16, 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, Trustee Ernest Feasel and Trustee Eveleese Lake. Also Present: Gary Silver, Attorney for the Village and Judy Zurawski, Clerk/Treasurer.

**ABSENT:** Trustee Daniel Wright

**ALSO PRESENT:** Police Chief Steven D'Agata, David Ohman (Delaware Engineer) and Dan Fagnani (Delaware Engineering), Susan Hamlin, Hazel Yaun, Matt Shortall (Sullivan County Democrat) and several members of the Police Detective Andrew Cross and Police Detective Ryan Lowe's families.

### **INTRODUCTION AND SWEARING IN OF NEW POLICE DETECTIVES**

Police Chief D'Agata introduced two Police Officers that are being promoted from the rank of Police Officer to Detective. Officer Ryan Lowe earned his degree at Alfred College and Officer Andrew Cross attended SUNY Oswego. Both Officers bring a considerable amount of experience to these positions and will carry out the department's mission of public safety.

Mayor Stoddard administered the Oath of Office to Detective Lowe and Detective Cross.

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

**PUBLIC HEARING - MAY 19, 2022 – LOCAL LAW #2-2022**

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

**PUBLIC HEARING - JUNE 2, 2022 – CDBG**

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

**REGULAR MEETING - JUNE 2, 2022**

## **SUSAN HAMLIN AND HAZEL YAUN**

Susan Hamlin and Hazel Yaun stopped into the meeting to continue discussions about the condition of the Village, some of which they feel is a safety concern. They suggested that the Code Enforcement Office may need more help and the possibility of volunteers (Susan volunteered).

Mayor Stoddard explained that often the process takes a while to get thru the Court system making progress slow.

## **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 project status update

### **2. Background/Update**

- On April 29, 2022 the Village met with SCDPW to review how to work with a Contractor to 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 leakage testing.
- Based on June 14 email from Roman DiCio, still waiting for NYSEG but plan to start onsite work in July and finish before end of the year.
- Temporary materials PO mailed to vendors
- Permanent material order and PO ready to go
- Working with details and construction details with SCDPW and Osterhoudt

### **3. Scope of Work (based on April 29, 2022 meeting with SCDPW and subsequent activities)**

#### County

- Provide heavy equipment, labor, services to provide a temporary support system for temporary water main, including hardware, thrust restraint, and appurtenances to strap the temporary water main (by Contractor) to temporary support system
- Install permanent support beam (furnished by Village)
- 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
- Prepare Intermunicipal Agreement (IMA) and review with Village
- County resolves to proceed with IMA

### H. Osterhoudt Excavating, Inc

- Temporary water main
  - Provide labor and specialty services (i.e., butt fashion) to fuse and 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 and 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 - underway
- Work with the County and Contractor to come up with the temporary support system - underway
- 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 Summary**

- We don't have all of the information yet, Estimated Cost Summary below:

	<b>April 20, 2022 Bid Results</b>	<b>May 2022 Estimated Cost Osterhoudt</b>	<b>May 2022 Estimated Cost Osterhoudt</b>
<b>Temporary Water Main</b>	-		-
<ul style="list-style-type: none"> <li>• Piping Materials (Village direct purchase)</li> <li>• Core &amp; Main PO Approved 6.2.22 Mtg</li> </ul>	-	\$15,000	\$ 5,604

• Vari-tech PO Approved at 6.2.22 Mtg			\$ 2,648
• Support System and anchors (SCDPW)	-	\$25,000	\$ 25,000
• Fuse and Install Piping Materials & appurtenances, & testing (H. Osterhoudt, lump sum)	-	\$25,000	\$ 25,000
• Misc. Other Cost	-	TBD	TBD
<b>Permanent Water Main</b>	-		-
• Piping Materials (Village direct purchase)	-	\$40,506	\$ 71,180
• Support System - Beam (Village direct purchase)	-	\$8,425	\$ 8,425
• Install Piping, Materials & appurtenances, support system and testing (SCDPW)	-	\$25,000	\$25,000
• 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 persons, 2 Wks/10 Days \$35,000	\$ 3,500/day Assume 2 persons, 2 Wks/10 days = \$35,000
• <b>Permanent water main leakage testing, disinfection and sampling (H. Osterhoudt Excavating Inc, Lump Sum</b>	-	\$ 5,000	\$5,000
• <b>Misc. Other Cost</b>		\$ TBD	\$ TBD
<b>Total Construction Cost</b>	<b>\$259,000</b>	TBD	\$ TBD
<b>Other Miscellaneous Costs</b>			
• Engineering (Delaware Engineering D.P.C.)		TBD	TBD
• Village Attorney (Local Counsel)		TBD	TBD
<b>Contingency</b>	-	TBD	TBD
<b>Total</b>	<b>\$ 259,000</b>	<b>\$179,931</b>	<b>\$202,857</b>
<b>Village Budget</b>	<b>\$ 150,000</b>		

## 5. Authorizing Resolutions

- Permanent piping materials purchase order scope with C&M and Osterhoudt has been finalized and is ready to issue PO and order.
- **Therefore, we recommend the following:**  
The Village Board hereby resolves to authorize the Village Clerk to proceed to process the Purchase Order from Core & Main for the permanent piping materials for the Lily Pond Watermain Relocation project, in the amount of \$71,180.30.

## 6. Plan Forward

### Village

- After May 19 Board Meeting Proceed with purchase of items and services needed for the work
  - C&M for Temporary Materials = \$5,604.00, PO approved at 06/02 Mtg.
  - Vari-Tech for Temporary Materials = \$2,648.40, PO approved at 06/02 Mtg.
  - Sherburne Steel Sales for Beam = \$8,425.00, PO approved at 06/02 Mtg.
  - C&M for Permanent Materials = \$71,180.30, PO to be approved at 06/16 Mtg.
    - Send PO to Core & Main

- Review crossing and thrust restraint details with SCDPW, Osterhoudt, & Delaware

#### Delaware Engineering

- Confirm list of items Village and County will do
- DE finalize Village purchase list and services, and work with Judy to issue POs (with cost not to exceed)
- Review crossing and thrust restraint details with SCDPW, Osterhoudt, & Village

#### County

- Confirm items County will do (and/or will not do) and provide cost to the Village
- Adopt IMA resolution
- Review crossing and thrust restraint details with SCDPW, Delaware, and Village
- July 21 Meeting
  - Delaware Engineering to provide status update.

### **David Ohman reported on the following:**

#### **1. WWTP Upgrade**

Board Action required at tonight's meeting:

- Consider for Approval Application and Certificate for Payment No. 2 from General Contractor – Eastman Associates, Inc. - in the amount of \$91,166.75
- Acknowledge the Phase 1 Revised Project Funding Agreement (PFA) action needed by June 23.
- **Update/Review of Project Progress**
  - Other Possible Additional Financing Opportunities
  - Bipartisan Infrastructure Law (BIL)
  - NYSEFC and NYSDOH will be administering new federal funds (\$246 M) from the BIL
  - Adds money to existing Clean Water State Revolving Fund (CWSRF) for wastewater and Drinking Water State Revolving Fund (DWSRF) program
  - Some additional grant funds may be available
  - May 24 webinar provided some information but programs parameters and protocols appear to need refinement before we can be certain the best plan forward
  - We have a number of questions into NYSEFC and do not have all the answers yet.
  - Need to submit expression of interest in BIL funding using DWSRF and/or CWSRF IUP listing forms and upload via the municipality (e.g. Judy) by 4 pm June 17
- **For Phase 1:**
  - The Village is not able to use the CWSRF PLUS Update form to express desire to considered for BIL funding (General Supplementary) because we have already closed on financing

- So based on communications with NYSEFC, we will provide and email a letter to NYSEFC (i.e. to NYSEFC program coordinator for BIL as well as our project program engineering contact Jon Amos and his superior Bill Brizzell) from the Mayor expressing interest in BIL funding and advising EFC of the project status – will be done before 4 pm on June 17
- **For Phase 2 (Sludge Processing)**
  - We have submitted CWSRF and WIIA funding applications but did not receive WIIA grant (April 2022 letter) so project is currently on hold
  - We are working with Judy to complete the PLUS Update form and will check the box indicating desire for BIL funding.
  - We will also prepare 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 contract John Amos and his superior Bill Brizzell.
  - Robert and Dan will work with Judy to get the listing update and letter uploaded and emailed before 4 p.m. on June 17.

### **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**
  - PFA Amendment to get project to \$9.4M is scheduled to close on June 30, 2022
  - Judy received final PFA on June 13 for Village final review and if OK sign – involves Gary and Bond Counsel
  - Village to review and if OK get signatures and back to NYSEFC by June 23, 2022.
- **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.
  - Working with Keough Consulting (Fiscal Administration), Contractor, and NYSEFC Program Compliance Specialist to resolve issues with MWUP and Waiver Request for this contract
  - Reimbursement for pay requests cannot be received until contracts are approved.

- MWBE Utilization Plan & Waiver Request Summary
  - **Eastman Associates, Inc. (General) – Under Review/Pending Approval**
  - **J & J Sass Electric (Electrical) – Approved, met 20% MWBE Goal**
  - **A. Treffeisen (Plumbing) – Not approval as submitted**
  - **A. Treffeisen (HVAC) – Not approval as submitted**

**Payment Requests:**

**Contract No. VL1-G-21 – General Construction**

- Application and Certificate for Payment No. 2
- The full application package will be provided to the Village Clerk under separate cover once final version received from the contractor.
- We have reviewed the Payment Application from Eastman Associates, Inc. the contractor for the subject project, for the period of April 30, 2022 through May 31, 2022 in the amount of \$91,166.75, for partial payment for Utility Building, Masonry Repair, Chlorine Building Siding and Trim, Influent Building Sitework and Foundations, Sludge Building Demo, Influent Building Piping, Secondary Clarifier Piping and Values, Sludge Building Pump Installation, Yard Piping, Sidewalks, New Electric Room Demo, Site Work, Foundations, Wall Framing & Sheathing and NYSEFC Contract Compliance. The total cost to date if \$158,037.25 equates to 3.14% of the contract price with a balance to finish, including retainage of \$5,135,262.75.
- 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. 2, to General contract No. 1 to General Contract No.VL1-G-21 for Eastman Associates, Inc. for the period of April 30, 2022 through May 31, 2022 in the amount of \$91,166.75, 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. 2. To General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of April 30, 2022 through May 31, 2022, in the amount of \$91,166.75, as requested by the contractor, once the final package is received from 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 7<sup>th</sup> 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 is contingent upon 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.
      - The date was reviewed with the Village Attorney and adjusted as recommended by NYSEFC, and was resubmitted to NYSEFC on June 10, 2022 for approval.
  - Project Modification No. 1 (formerly Field Change Order No. 1) – Influent Building Grit Holding Area Unforeseen Conditions (to be incorporated into Change Order No. 3 – 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
  - Village agreed to move forward with this change at the May 19, 2022 meeting as a Field Modification change as directed by NYSEFC
  - We will work this into the next change order as Modification No. 1
  - **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 7<sup>th</sup> 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 7<sup>th</sup> 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 – Plumbing 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 7<sup>th</sup> 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**

- The second meeting was held on site on 6.8.22 with the prime contractors, and NYSEFC Program Specialist

- **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 <sup>rd</sup> )
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**
  - **Project currently on hold pending financing considerations**
  - The CWSRF and WIIA funding applications were submitted but did not receive WIIA 25% grant (April 2022) letter so project is currently on hold.
  - Based on April 22, 2022 call with NYSEFC's Harry Nelson, there will be no more EFC grant award in the near future.
  - **Other Possible Additional Financing Opportunities**
  - **Bipartisan Infrastructure Law (BIL)**
  - We are working with Judy to complete the PLUS Update Form and will check the box indicating desire for BIL funding.
  - We will also prepare 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 will work with Judy to get the listing update and letter uploaded and emailed before 4 p.m. on June 17.
- **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:**

- Consideration Application for Certificate for payment No. 1 from TAM Enterprises, Inc. in the amount of \$49,898.00
- **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.
- Application and Certificate for payment No. 1 (Final)
  - We have reviewed the Payment Application from TAM Enterprises, Inc. for all the Grit Pump and Piping Installation Work
  - We agree with the level of work completed. As Such, we recommended that the Village resolve authorize the Village Clerk to proceed to process Payment Application, to TAM Enterprises, Inc. for the Grit Pump and Piping Installation Work, in the amount of \$49,898.00, as requested by the contractor,
  - Therefore, should the Village agree with our recommendation, then we recommend the following:
    - The Village hereby resolves to authorize the Village Clerk to proceed to process payment Application No. 1 (Final), for TAM Enterprises, Inc. for the Grit Pump and Piping Installation Work, in the amount of \$49,898.00, as requested by the contractor.
  - Submitted to the Village Clerk on 6/14/22
  - Keough Consulting to include in the next disbursement request.

## **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:
  - No action is required tonight
  - 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 Phillion 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 3<sup>rd</sup> 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 1<sup>st</sup> to June 1<sup>st</sup>. 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)

- Delaware submitted a response to the RFQ on 6/10/22
- Village to review RFQ's complete scoring
- Public Hearing
  - The legal notice to appear in the Democrat on Friday May 20 edition of the Villages official newspaper.
  - At the June 2 at 6:55 p.m. Village Board meeting a hearing was held for the 2022 CDBG Application.
  - No objections or concerns were raised at the public hearing, the Village resolved to submit/continue with the 2022 CDBG Application.
  - Applications for this CFA will be accepted through 4:00 p.m. on July 29<sup>th</sup>.
- Local Funds
  - At the May 19 meeting, the Village adopted the resolution regarding local funding.
- SEQRA
  - At the May 19 meeting the Village Board resolved, [er the SEQR resolution provided, that the Rail Trail Culvert project be declares a Type 2 SEQRA thereby requiring no further review.
- Hazard Mitigation Grant Program (HMGP) – FEMA & Dept. of Homeland Security
  - 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

#### **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 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)
- Delaware is working to develop a draft cross connection control program document utilizing system information, current codes and reference documents.

## 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:
  - Delaware is working with the WWTP to complete the required sampling, and staff is working on completing the application form – sampling was completed the week of 4/18/22.
  - Response to the Request for Information is anticipated to be ready to submit to NYSDEC by Mid-May
- NYSDEC responded on April 21 that this timeline is acceptable.
- We will continue to work with Mark to acquire the sampling results data and will summarize that data and other forms, info and get back to NYSDEC.
- 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 have the complete NY-2A Application, but we will update you once we receive the remaining test results
  - NYSDEC indicated that there was not 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.

## 8. Liberty Ridge Development

- 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. Water System Emergency Response Plan**

- Revised documents submitted and received by NYSDOH on December 13, 2021
- No response back from NYSDOH to date
  - Electronic copies were sent to Ken Hessinger and Dave Harman on Dec. 15.
  - Two copies of the documents were being delivered to Judy. One to stay at Village Hall file storage and one to go to Water Plant.
- Risk and Resilience assessment Certification Statements were requested by USEPA and were submitted to the EPA on January 27, 2022.
  - Added certificate date to Risk and Resilience assessment Certification Statements and resubmitted to the EPA on February 7, 2022.
- The Village received an email from the Department of Homeland Security requesting a meeting to discuss responses provided in the cyber security question (part of ERP)
- The meeting is scheduled for July 20, 2022 at 10 am (zoom) with Fred Moore, Rob Scheurech Turnkey Controls and DE.

#### **10. Pepsico**

- What are the plans for the facility?
- Will there be more buildings?
- More water needed or wastewater discharged?
- Reviewing discharge data with WWTP staff

#### **11. School Street Culvert**

- On site meeting today at 11:30 a.m. with Sullivan Renaissance and Mayor Joan and Lynn Barry to consider a preliminary feasibility assessment of the collapsed box culvert by the Creekside Park (in the School Street Parking Lot) assessment could include alternative approaches and preliminary cost estimates
- Looking for SR to provide some funding

#### **UPDATE ON 157 SOUTH MAIN STREET**

The Board said this item will remain **tabled** until the foreclosure process can take place. It is currently scheduled for August 2022

#### **CONSIDER CLEANING SERVICES FOR MUNICIPAL BUILDING**

Mayor Stoddard said she sent information back to Constable Custodians requesting the services we would like and the frequency. To date she has not heard back from them.

**CONSIDER NEW FINANCIAL ADVISORY SERVICES AGREEMENT**

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried approving the **Financial Advisory Services Agreement** between the Village of Liberty and Capital Market Advisors, LLC having its principal place of business in Great Neck, New York.

The agreement is dated June 16, 2022 and can be terminated by either party with thirty (30) days written notice.

**NEW BUSINESS: CONSIDER GOING OUT TO BID WITH TOWN OF LIBERTY FOR FUEL OIL, GASOLINE AND DIESEL FUEL**

**RESOL. # 46-2022:** Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving Resolution #46-2022

**WHEREAS**, the Board of Trustees of the Village of Liberty approves the joint fuel bid with the Town of Liberty;

**WHEREAS**, this bid is for fuel oil, gasoline; and diesel fuel;

**WHEREAS**, the bid will cover the period of September 1, 2022 through August 31, 2023 and there will be a \$100 participation charge.

**NOW, THEREFORE, BE IT RESOLVED** that the Village of Liberty Board of Trustees authorizes participation in the Joint Municipal Fuel Bid.

**CONSIDER PAYMENT TO TAM ENTERPRISES, INC. – GRIT PUMPS**

Motion by Trustee Feasel, seconded by Trustee Lake and unanimously carried authorizing Village Clerk/Treasurer Judy Zurawski to proceed to process Payment Application No. 1 (Final), for TAM Enterprises, Inc. for the Grit Pump and Piping Installation Work, in the amount of \$49,898.00, as requested by the contractor.

**CONSIDER AMOUNT FOR CAPITAL RESERVE – CDBG SEWER PROJECT**

Motion by Trustee Feasel, seconded by Trustee Mir to set up a Capital Reserve account in conjunction with 2022 CDBG/CFA project - #117751 High Risk Culvert Collapse & Sanitary Failure Mitigation.

The initial deposit for this account will be \$5,000.

**CONSIDER TAXI LICENSE – SUL-MED**

**RESOL.# 47-2022:** Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving Resolution #47-2022:



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

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

**WHEREAS**, all permits for taxicab licenses are due to expire June 1, 2022;

**WHEREAS**, one regular licenses has been reviewed by the Village of Liberty Police and is now pending before the Village Board; now therefore be it

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

**RESOLVED**, those for reference purposes, the license/permits are for:

**Sul-Med Transportation - Permit 22**

**CONSIDER SEWER CREDIT #7-1500/64 NORTH MAIN STREET**

No motions were made on the credit request from Calogero Giannone – Account #7-1500/64 North Main Street.

**CONSIDER RATIFICATION OF INSURANCE CARRIER FOR 2022/23 INSURANCE COVERAGE**

**RESOL.#** Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried  
**48-2022:** approving Resolution #48-2022

**WHEREAS**, the Village of Liberty Board of Trustees approves insurance coverage with Agent Owen McKane, of The Reis Group;

**WHEREAS**, the 2022-2023 Insurance Carrier will be Trident Insurance and will carry the Village's Property, Crime, General Liability, Public Officials and Law Enforcement Liability, Auto, Inland Marine as well as an Umbrella Policy;

**NOW, THEREFORE BE IT RESOLVED**, the 2022-2023 Premium will be \$149,706.38

**CONSIDER RESOLUTION – CERTIFYING OFFICER FOR CFA APPLICATION #117751**

**RESOL.# 49-2022:** Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving Resolution #49-2022

**WHEREAS**, the Village Board approves to designate Mayor Stoddard as the Certifying Officer for the Village of Liberty’s High Risk Culvert Collapse & Sanitary Failure Mitigation CFA #117751 project.

**CONSIDER GOING OUT TO BID FOR WWTP CHEMICALS FOR 2022/2023 FISCAL YEAR**

Motion by Trustee Feasel, seconded by Trustee Mir and unanimously carried to go out to bid for Waste Water Treatment Chemicals for the period of August 1, 2022 thru July 31, 2023.

The bid opening will be Thursday, July 14, 2022 at 11:00 a.m.

**CONSIDER GOING OUT TO BID FOR WATER CHEMICALS FOR THE 2022/2023 FISCAL YEAR**

Motion by Trustee Feasel, seconded by Trustee Mir and unanimously carried to go out to bid for Water Chemicals for the period of August 1, 2022 to July 31, 2023.

The bid opening will be Thursday July 14, 2022 at 11:15 a.m.

**CONSIDER PARADE PERMIT – 7.4.22**

Motion by Trustee Lake, seconded by Trustee Mir and unanimously carried approving the **Parade Permit** to be held on **July 4, 2022** sponsored by the Liberty Chamber. The parade will begin at 12 noon and march thru Main Street to the Elementary School.

**CONSIDER REQUEST FOR QUALIFICATIONS – SCORING FOR CDBG PROJECT**

**RESOL # 50-2022:** Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried approving Resolution #50-2022

**WHEREAS**, the Village of Liberty Board of Trustees conducted a RFQ Process to complete the Federal Procurement process before the anticipated July 2022 deadline for CFA Applications and;

**WHEREAS**, the Village of Liberty advertised via a RFQ Legal Notice and undertook direct outreach to likely firms and;

**WHEREAS**, the Village of Liberty received one response from Delaware engineering D.P.C., on June 10, 2022 and;

**WHEREAS**, the Village of Liberty scored the one response and gave it a 100 point score and;

**WHEREAS**, Delaware Engineering, D.P.C. as top ranked respondent will be asked to submit a specific contract if the FY 2022 CFA Application is approved.

**NOW, THEREFOR BE IT RESOLVED that** by the motions listed above the Village Board approves the following Request for Qualifications submitted by Delaware Engineering, D.P.C. for the 2022 CFA Application Project.

**CONSIDER TURBIDIMETERS FOR WATER DEPARTMENT (BUDGETED ITEMS)**

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving the payment of \$38,976.31 to Turnkey Control Solutions, Inc. (Endicott, New York) for the purchase of a new turbidimeter and the related hardware, labor, mileage and travel.

This expenditure is in the 2022-23 Budget

**CONSIDER WWTP UPGRADE PAYMENT #2 – GENERAL CONTRACT NO. VL1-G-21**

Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried resolves to authorize the Village Clerk to proceed to process Payment Application No. 2 to General Contract No. VL1-G-21 for Eastman Associates, Inc. for the period of April 30, 2022 through May 31, 2022, in the amount of \$91,166.75, as requested by the contractor, once the final package is received from 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.

**APPROVAL BILLS FOR PAYMENT OF BILLS**

**FOR PYMT:** Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried approving Voucher #2017 to Voucher #2092 in the amount of \$143,960.14.

**Lily Pond Bridge Work**

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried approving the following bill for the Lily Pond Bridge Work:

**Core and Main - \$71,180.30**

**EXECUTIVE SESSION:** Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried to go into Executive Session at 8:10 p.m. to discuss the employment history of a particular employee in the Code Enforcement as well as the Police Department.

Police Chief D'Agata was invited into the Session

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried to come out of Executive Session at 8:36 p.m.

**CONSIDER TWO NEW POLICE OFFICERS**

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried that in the event that the Chief of Police hires two new officers by June 23, 2022 as discussed during Executive Session the budget for the Police Department for 2022-23 shall be increased by \$488.00.

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

**THE MEETING WAS ADJOURNED AT 8:38 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI  
CLERK-TREASURER**



