**REGULAR MEETING**

JULY 11, 2019

# The Board of Trustees held the Regular Meeting of July 11, 2019 at

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

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

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

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

**PRESENT:** Balidemaj and Fadil Gocaj.

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

**OF** carried approving the following minutes:

**MINUTES:**

WORKSESSION MEETING – June 20, 2019

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

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

Incoming

* Letter from N. Isseks Re: Hurleyville 6.24.19
* Letter from SC Planning Re: Training 6.28.19
* Letters from NYCOM Re: CHIPS 7.2.19
* Letter from M. Pena Re: Conditions in Liberty 6.28.19
* E-Mail Letter from OSC Re: AIM payments 7.8.19

Outgoing

* Letter to Town of Liberty Court Re: Board Room 7.26.19

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

**COMMENT:**

Feriz Balidemaj and Fadil Gocaj – 14 Upper Ferndale Road

Fadil Gocaj (14 Upper Ferndale Road) discussed the ongoing sewer problem at his uncle’s residence, which is causing a great deal of contamination in his basement. He said he is willing to dig and fix the problem but does not want to cause any problems with the Village lines.

The Board asked him to stop into the Village Office and execute a work order and once that is finalized the Working Supervisor from the Waste Water Treatment Plant will coordinate with him (draw out the lines) so that he can correct his problem.

He said he would be in the office on Monday to process the necessary paperwork.

**ATTORNEY** Attorney Silver said his comments will be made on the appropriate items.

**COMMENTS:**

**TREAS.** Treasurer Zurawski said the current taxes are 79% collected and processed.

**REPORT:**

Treasurer Zurawski said she has been approached by a Mark Nelson who

is a local window washer and interested in washing the Municipal Building windows. His rate is $50 and he suggested twice a month.

The Board said they thought twice a month was a little excessive but they were willing to have him do it once and then discuss it further.

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

**BUSINESS: ENGINEERING:**

David Ohman of Delaware Engineering reported on the following:

1. **WWTP Upgrade**

* NYSEFC Clean Water State Revolving Fund (CWSRF) **Project #C3-5352-02-00**
  + The Village received a letter from NYSEFC letter on January 18, 2019, to inform the Village that the WIIA program grant award is being revised to $1,914,000 and Total Estimated Project Cost of $7,656,889.

Professional Services Contract for Design through Construction:

* Design Phase:
* Continuing to Prepare design drawings and specs
* Communicating with equipment supplier and manufacturer’s representative regarding upgrade equipment
* Coordinating with MWBE Subcontractors
* Communicating with Village staff on project issues
* MWBE Subcontracts and Related Work:
* Prepared MWBE Utilization Plan #1 and Partial Waiver Request and submitted to NYSEFC March 29
* Executed subcontract on April 22 with Municipal Solutions (MSI) (WBE) to assist us in soliciting for MWBE subcontract services and modify our partial waiver request.
* In the latest correspondence Delaware provided MSI with an updated MWBE solicitation log and related info so that MSI can search the NYS MWBE Directory for certified firms, and provide a list of firms to solicit for services, for tasks and services not already under contract (i.e., Financial Admin and Fiscal Services).
* When the solicitation is complete MSI will help Delaware prepare letter summarizing subcontract opportunities, solicitation and the partial waiver request (partially completed from Delaware’s efforts toward the partial waiver request).
* Other NYSEFC Items:
* July 9, 2019 letter from NYSDEC with a planned closing date of August 8, 2019 for the Project Financing Agreement (PFA).
* Requested some documents be executed and returned by August 1 – see attached.
* Short Term Financing
* Village will wait for NYSEFC short-term financing rather than securing a BAN
* An updated schedule for work is available
* Other Design Related Items
* Solids Handling and Disposal Options to Consider -
* Existing Belt Filter Press performance is <15-16% Sludge/Solids
* Sludge >20% can go to incinerator ($165/ton Synagro)
* Sludge <20% can go to landfill (Seneca Falls) $170/Ton (GottaDo Contracting)
* Local Hauler Lange can’t keep up with the volume
* Sludge Disposal budget is ≈$300,000/year (100 Wet Ton Monthly Average at 16% solids x 12 Months x $170 Ton = $205K, plus other O & M)
* Upgrade alternatives: Belt Filter Press or Screw Press (in PER), Centrifuge, or Belt Press in conjunction with Aerobic Digester (not in PER)
  + Option 1 – Belt Filter Press and Screw Press performance estimated to be 18% with disposal same as now.
  + Option 2 – Centrifuge performance is estimated to be 21-22% but requires significantly more power 75HP VS <15HP for Belt Filter and Screw Pressing and additional O & M costs with disposal same as

now (increase in cost approximately $240K; need to discuss with NYSEFC if this will require PER Amendment and updated/revised bond resolution as well as a change to the PFA)

* + Option 3 – Belt Press or Screw in Conjunction with Aerobic Digester
    - Existing Sludge holding and decant tanks converted to aerobic digester to produce Class A Bio-solids (fully degraded bio-solids such that pathogens are non-delectable and meet guidelines for land application with no restrictions.
    - Reduced volume and chemical costs
    - Disposal of solids would be much easier and also cost very little to dispose of locally rather than truck to accepting landfill or incinerator
    - Aerobic Digester system equipment cost is approximately $1.4M plus o & P, and Installation (40%) ≈ $2M (not om PER)
    - Added capital cost for this = $2M at 0% interest for 28 years - $71, 500/year plus estimated additional electric cost of will likely be less than the $200,000 being spent now to dispose of sludge.
    - May require sludge building electrical service improvements
    - Do Local disposal options for class A bio-solids?
    - This is not included in the current scope of work or approved engineering report or Project Financing Agreement so it would take some work to include this BUT it would mitigate concerns with future sludge disposal.
    - PER NYSEFC Harry Nelson, not necessarily considered a change in scope as the original project originally contained plans to address solids handling (technically in PER)
    - Adding these additional processes would require PER Amendment/Addendum (for cost and design of selected equipment/process), updated/revised SEQR determination, updated/revised bond resolution. A conference call with NYSEFC would be insightful.
  + New Structure for solids storage? (also not in PER)
  + Storage/Access/Layout constraints?
  + May also be needed for any option
  + SEQR?
* COMPARISON OF THE THREE OPTIONS
* A DRAFT of Sludge Dewatering Design Calc. that compares operating parameters (e.g. run time, feed rates, chemical and electrical costs, etc.) of a Belt Press (1.5M & 2 M), Screw Press and Centrifuge is available.
* A DRAFT Sludge Dewatering/Aerobic Digester Summary that compares financial impacts (i.e. capital costs, user rates, disposal rates and general pros and Cons, etc.) of a Belt Filter Press (1M & 2M), Screw Press, Centrifuge and Aerobic Digester system with a Gravity Belt Thickener (GBT) option is attached
* Rebecca is investigating disposal options

1. **NYSDOH Water System Inspection/Cross Connection Control Program**
   * Working on the CCCP – plan to have a draft this month
   * Background below:
   * November 14, 2018 NYSDOH letter summarizes October 19, 2018 inspection and requested that the Village develop a Cross Connection Control Program
   * We worked with the Village to develop a program plan and response letter – which was submitted to NYSDOH Monticello Office on March 6
   * Glenn Illing – NYSDOH responded via email on March 6 accepting the proposed plan.
   * The letter is available for review
   * Action Items

* Delaware is developing the CCCP document
* Invoice work under the General Services Agreement

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

* Next steps underway:
* Develop a conceptual design and cost and review with Village
* Develop an Engineering Report to go with the CDBG grant application (up to $750,000) that is being prepared by Mark Blauer in advance of the July 26 submission deadline

BACKGROUND

* Delaware met with NYSEG planners on March 14 to inquire if the ROW requires continuous, uninterrupted access.
  + If not, can we open-cut a hole in the rail trail and put a bridge in?
  + If not, what are the options?
* NYSEG generally in agreement that they will work with the Village to come up with a way to move or support the transmission line to accommodate the culvert work – planners believed that they will require rail trail to be accessible for line work for the entire length (can’t leave an open ditch for water to flow thru).
* Submit our desired work plan to them and they will review and see how it can be accommodated
* Need to have a plan – then get back to them.
* Delaware and Peter Parks met on March 26 with Brian Drumm with NYSDEC Region 3 Permits and Wildlife (trout stream) to review what the possible options are (i.e. open cut w/minor stream permit work)
* No NYSDEC permit is needed as the current stream is perennial and is not classified
* We can move the stream a bit as needed to accommodate the new culvert
* May need something from USACOE but would likely be covered under Nationwide 3 Permit
* Delaware ran hydraulic analysis which revealed the need for an 8’ diameter pipe or 7.5’ square culvert to carry the 200 year flow with 1’ freeboard, (BIG PIPE)
* Likely Scope based on May 2019 meeting with contractor:
  + Install a new 100’ long by 8’ diameter culvert pipe to convey the stream by open cut methods. Due to depth of excavation 20 – 35’ deep, bench down part way and install temporary steel sheeting to allow for pipeline installation
  + Replace the existing sanitary sewer pipe that is located in the bottom of the existing 44” x 48” laid up stone culvert with a new 8” diameter HDPE jointless(?) pipe or ductile iron – consider installing it inside of a larger diameter steel casing pipe to protect the pipe and allow for it to be replaced in the future if needed – and fill in the space inside the existing culvert with sand or flowable fill to mitigate the impact of failure of the culvert on the sewer pipe
  + Work with NYSEG to temporarily or permanently relocate the existing transmission overhead line and nearby pole
  + Clean up upstream of the existing culvert and put in a new headwall on culvert and means to keep brush and debris out of the new culvert
  + Provide a permanent access way into the area upstream of the culvert to facilitate periodic cleaning
  + Provide stream work armoring with heavy rip rap stone downstream of the culvert to mitigate impact of new culvert discharge on a near perpendicular existing stream bank
  + Access the work area off on Route 52 using the rail trail to mitigate impacts to nearby recently paved streets and avoid having trucks going up and down Lake street (very Steep). Include cost to remove and replace the items guiderail blocker posts near Route 52 access, trim trees for equipment access and restore/augment the surface of the rail trail due to equipment and truck travel during construction

4. **DPW Garage Site Remediation**

* Based on September and December 2018 sampling report, not much different
* Still seeing values near garage indicting contamination remains
* Next Sampling is June 2019
* NYSDEC will keep going with quarterly monitoring until all results show compliance with water quality standards for a year or more (no real end in sight).
* In addition, we want to pump more water out of Elm Street well a more comprehensive sampling plan is needed.
  + Aztech cannot perform the additional work as NYSDEC believes it would be a conflict so some other firm will need to do it.
  + We can pursue this if desired by the Village.
* Also, right now it looks like there is more stuff to clean up out there
* Some plan forward options:
  + Continue with NYSDEC quarterly monitoring and no more cleanup – status quo
  + Continue with NYSDEC quarterly monitoring and ask NYSDEC to advise what else is being contemplated to accomplish more cleanup
  + Develop Village plan to investigate the extent of the remaining contamination? Any desire to do this?
  + One of the above and look at what is needed to be able to pump more water
* At May 2019 meeting, the Village decided to seek DASNY SAM grant assistance for conducting a site investigation to better identify remaining contamination under, up gradient and near the DPW garage.
* Rough cost to do the investigation should be about $50,000 - $75,000. Does Village want to continue with this? If so we will get a more detailed estimate for the work.

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

* Have $100,000 SAM grant for well improvements – Does Village want to seek more SAM Grant $ for this project?
* At this time the Village is not planning to pursue a WIIA grant (60% possible) for this work and wants to seek SAM grants for the DPW garage site remediation
* The Village plans to apply the $100,000 towards electrical improvements and a possible new generator
* We conducted a site visit in May and are developing a work and cost spreadsheet with possible upgrades – it will be > $100,000 so the Village can identify what they’d like to put as top priorities.
* We will continue to work with Ken to come up with a plan to develop this spreadsheet and come back to the Board with recommendations for work up to $100,000
* DASNY is requesting an updated application from the Village
* We are working to prepare for Judy a write up on scope and cost for the new/revised DASNY application for the revised/lower cost project.

1. Lily Pond Road Bridge/Waterline

* Need to discuss with SCDPW to keep the line on the bridge and generate an agreement.

**UPDATE ON CDBG LOANS**

Attorney Silver said at this point he has no update and this item could be removed from the Agenda.

**UPDATE ON LIBERTY CENTRAL SCHOOL DISTRICT RE: SURVEYOR**

Mayor Stabak reported he has walked the property with Rebecca and he is waiting to hear from the surveyor.

Attorney Silver suggested the Mayor nudge him a little to keep him on top of the project.

**NEW** **CONSIDER RATIFICATION OF INSURANCE CARRIER FOR 2018/19**

**BUSINESS: INSURANCE COVERAGE**

**RESOL.#** Motion by Trustee Mir, seconded by Trustee Ferguson and

**69-2019**:unanimously carried approving Resolution #69-2019.

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

**WHEREAS**, the 2019-2020 Insurance Carrier will be HCC/U.S. Specialty 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 2019-2020 Premium will be $164,395.33.

**CONSIDER MUNICIPAL ADVISOR SERVICE AGREEMENT**

Motion by Trustee Stoddard seconded by Trustee Wright and unanimously carried to enter into a Municipal Advisor Service Agreement with Sage Municipal Advisors LLC and authorize Mayor Stabak to execute the agreement contingent on the following changes:

1. Paragraph 3 provides for an option to renew, but does not spell out the terms. This paragraph should read as follows:

“Terms of this Engagement. The term of this Agreement begins on the Effective Date and ends on May 31, 2020. Client shall have the right to renew this Agreement, on the same terms as this Agreement, for one additional fiscal year from June 1, 2020 through May 31, 2021 by providing written notice to Municipal Advisor (by first-class mail, overnight mail or e-mail) of such renewal on or before April 30, 2020.”

1. The last subparagraph of paragraph 4 only provides the Village with 30 days after receipt of an invoice to pay Municipal Advisor. Since the Village Board only meets two times per month (subject to meetings being cancelled for weather, schedules of the Mayor and Trustees, and lack of a quorum), we need this changed to 60 days after receipt of an invoice so that the Village is not inadvertently in default in payment due to a cancelled meeting(s).

This agreement will provide services with respect to the issuance of municipal securities. The agreement will expire May 31, 2020.

**CONSIDER EVENTS PERMIT RE: LIGHT OF LIGHT MARCH**

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving the Event Permit – Lights of Liberty - scheduled for Friday, July 12, 2019 from 7 p.m. to 9:00 p.m.

The event is sponsored by Ana Manzi and Anne Harte for Lights of Liberty, which is a walk in solidarity of the children who are being help in the border camps.

The walk will be from Barbuti Furniture to Ideal Food Basket on the sidewalk.

Police Chief Kinne said he will have two foot patrol officers along the walk route.

**CONSIDER PUBLIC HEARING RE: LOCAL LAW RE: WATER SERVICE**

The Board discussed this proposed change and felt more information needed to be obtained before moving forward.

This item was tabled until more research can be obtained on the Local Law change.

**CONSIDER PUBLIC HEARING RE: LOCAL LAW RE: SEWER**

The Board discussed this proposed change and felt more information needed to be obtained before moving forward.

This item was tabled until more research can be obtained on the Local Law change.

**CONSIDERING PUBLIC HEARING RE: LOCAL LAW #2-2019 RE: TOWING**

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried hold a Public Hearing on Thursday, August 15th at 6:55 p.m. to consider Local Law #2-2019. This local law will amend Chapter 65 of the Code of the Village of Liberty to expand the geographical area within which a garage or service station may be located to be on a service call list, to provide that permit fees shall be set by Resolution of the Village Board, and to change the insurance requirements for a permittee.

**CONSIDER PUBLIC HEARING RE: SANITAITION**

Mayor Stabak discussed this proposed change and felt the current law needed to be reviewed by everyone on the Board and to make sure all terminology is as it should be before moving forward.

This item was tabled until the review process is completed.

**CONSIDER CORRECTION OF ERRORS**

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

**70-2019:** carried approving Resolution #70-2019:

WHEREAS**,** the Board of Trustees of the Village of Liberty approves the Correction of Error Application for the following applicant:

CYNTHIA KARSON

TAX MAP #118-1-4

WHEREAS, a clerical error exists which lists the Taxable Value at $49,087, instead of the proper amount of $45,581;

NOW, THEREFORE BE IT RESOLVED, that a refund of $80.15 will be issued to Cynthia Karson – Tax Map #118-1-4.

**CONSIDER EXECUTION FORM OF THE $5,742,668 E.F.C. CLEAN WATER FACILITY NOTE – 2019A**

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

**71-2019:** carried approving Resolution #71-2019.

WHEREAS, the Village Board resolves to authorize Mayor Stabak to execute the “Execution Form of the $5,742,668 E.F.C. Clean Water Facility Note – 2019A”, each of the two originals of the “Project Finance Agreement dated August 8, 2019;

WHEREAS, all the necessary supporting documentation for the $5,742,668.00 Short-term CWSRF Financing and $1,914,222 WIIA Grant to the Village of Liberty for the WWTP Upgrade Project, CWSRF Project No. C3-5352-02-00 will also be executed;

NOW, THEREFORE BE IT RESOLVED, Mayor Stabak will execute all the documents needed by the Village of Liberty needed for the Clean Water Facility Note.

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

**COMMENT:**

Police Chief Scott Kinne addressed the Board regarding the Police Department Dodge Durango that is in the 2019-20 budget. He said he has just heard from the state bid dealer, Robert Green that the 2019 model is no longer available and they are taking orders for 2020 models. He said he is not sure yet but it could mean an up charge of two (2%) percent or approximately $700. He said if need be he could pay for one of the accessories out of the Federal Drug Account.

The Board gave their approval to order the 2020 Dodge Durango.

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

**COMMENTS:**

Mayor Stabak – No Comment

Trustee Wright – No Comment

Trustee Stoddard addressed the following:

* Said in her opinion if residents are going to get better with their garbage/sanitation disposal the fines will have to be increased.
* Said the Village streets are in such disrepair that she would be in favor of allocating some fund balance to see them patched and repaired.

Trustee Ferguson discussed the shredding day that was included in the previous board packet.

Trustee Mir thanked Trustee Wright for the great job he did handling the Village Municipal Building during the July 4th festivities.

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

**OF BILLS**

**FOR PYMT:**Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously carried approving Post Audit Voucher #26-077 to Voucher #26-082 in the amount of $295,273.70

**BILLS FOR PAYMENT**

Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously carried approving Voucher #26-083 to Voucher #26-155 in the amount of $290,742.94.

FLOWER FUND

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

Monticello Greenhouses - $1,400.00

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

**SESSION:** carried to go into Executive Session at 9:02 p.m. to discuss a personal matter in a particular department.

Motion by Trustee Mir, seconded by Trustee Stoddard and unanimously carried to leave Executive Session at 9:19 p.m.

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

**THE MEETING WAS ADJOURNED AT 9:20 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI**

**CLERK-TREASURER**

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