

## **WORKSESSION MEETING**

**MAY 16, 2024**

The Board of Trustees held the Worksession Meeting on May 16, 2024 at 7:00 P.M. in 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 Jayneen Mills. Also Present: Attorney for the Village Gary Silver and Judy Zurawski, Clerk/Treasurer.

**ALSO PRESENT:** David Ohman (Delaware Engineering), Dan Fagnani (Delaware Engineering), Police Chief Steve D'Agata, Bruce Davidson, Supervisor Frank DeMayo, Denise Frangipane, Monty Heimlich, David Bunce, David Burke (Director of Public Works) and Nick Russo.

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

**REGULAR MEETING - May 2, 2024**

**CORRESPONDENCE:** Mayor Stoddard said the Village has received the following correspondence.

❖ Letter from M. Feldman Re: Lemonade Supermarket Parking Lot 5.8.24

**TABLED BUSINESS:** **SUPERVISOR FRANK DEMAYO/DENISE FRANGIPANE – SULLIVAN 180 RE: BASKETBALL COURT**

Supervisor DeMayo and Denise Frangipane presented the Board with the plans for the basketball court that is proposed to be built next to the skate park.

He explained to the Board that a grant has been awarded from Sullivan 180 for \$100,000 and in addition they received \$90,000 from Liberty Properties for the sale of the BOCES building on Weirk Avenue, with this money being given to the Liberty CDC for youth related activities within the Village.

He said there is actually a State Bid for basketball courts which should help them considerably.

Supervisor DeMayo said he knew there was some concern about parking spots and the loss thereof for the court. He presented the Board with a survey he had done of the Village municipal parking, showing 320 spots and a maximum of only 24 being used for this venture.

Denise Frangipane spoke on behalf of Sullivan 180, stating they are all about building a healthy community with a focus on youth. She said the Town Parks

are not within walking distance and there seems to be a sense of disconnect for young people. She explained with this within the Village limits, many young people can walk to it.

Supervisor DeMayo added that it will also be available for adults and tournaments.

Mayor Stoddard asked if it would be locked at night.

Supervisor DeMayo said it will be locked at night as well as fenced in.

The Village Board stated they still have a firm commitment to this project.

Supervisor DeMayo and Attorney Silver said they will most likely be able to add to the Intermunicipal Agreement already in place for the Skate Park to start the process on the new Basketball court.

### **DELAWARE ENGINEERING – UPDATE ON WWTP UPGRADE**

David Ohman presented the following report:

#### **1. Lily Pond Road Bridge Waterline**

- Board Action Required at Tonight's meeting:
  - None

- **Construction Status Update**

- Permanent Watermain into Service
- Satisfactory pressure test occurred on 4/21 and satisfactory bacteriological testing occurred on 4/26 & 4/27
  - NYS DOH was notified of the satisfactory pressure and bacteriological test results and no issue with placing the permanent watermain in service and the schedule for reinstalling the hydrants on 5/15 is also acceptable.
  - Permanent watermain was put into service on 5/4/23
  - Reinstallation of hydrants and demo and removal of temporary structures/items and site restoration - Completed May 15, 2023
  - Installation of insulation and embossed aluminum exterior cover system on the flexible coupling/spool pieces/etc. on the bridge crossing by C & K – Completed July 6, 2023
- Remaining to be completed includes:
  - Installation of two exposed 45-degree fittings (installation by County, pending) – Mostly Complete
  - Removal of extra materials
    - 2 sticks of DIP insulated TR Flex) and delivery to the Village water shop or Lily Pond – being coordinated with the County and Village – **Still Pending**
    - Working with David Burke to confirm that all work is one or identify items that need to be fixed
    - Certification of construction (DOH-5025) and As-Builts will be completed and submitted to NYSDOH soon
    - Any remaining work will be completed as punch list work

- Payments to Vendors & Contractors
  - We believe all invoices have been paid.

## 2. WWTP Upgrade

- **Board Action Required at Tonight's meeting:**
- **WWTP Phase 1**
  - **Consider Application(s) and Certificate(s) for approval:**
    - **Payment No. 15 (Final) for Electrical Contractor – J & J Sass - \$99,843.85**
  - **WWTP Phase 2 Enhanced Sludge Upgrade RRQ for Professional Services**
    - None
- Update/Review of Project Progress for Phase 1 WWTP Upgrade:
  - Construction Schedule
  - Completion Date: Almost all WWTP Upgrade work is substantially complete and wrapping up in May-June 2024
  - Punch list work for General Contractor Eastman Associates and Electrical Contractor J & J Sass Electric ongoing
  - Contract Completion Dates
 

	<u>Original</u>	<u>Revised Contract Completion Date per CO's</u>
• Eastman	8/10/23	12/31/23 (Substantial completion pending acceptance)
• Sass	9/14/23	2/10/24 (Extn. Due to delivery of generator)
• Treffeisen	8/30/23	9/30/23 (Substantial completion accepted at Nov mtg)
• Treffeisen	8/30/23	9/30/23 (Substantial completion accepted at Nov mtg)

### **CONSTRUCTION CONTRACTS**

- Summary of Remaining Contractor Work

#### General Contract – Eastman Associates, Inc. (Contract No. VL1-G-21 – General Construction)

- SCADA Instrumentation
  - SCADA Installation – Complete
- Punchlist Work – Mostly Complete

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

- New Electric Building
  - New Generator - Complete
- Punchlist Work
  - Clean and Touch-up paint on new generator - Complete
  - Provide Equipment O&M manuals

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

- All work and Punch list work complete

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

- All work and Punch list work complete

- **NYSEFC Phase 1 Funding**

- The NYSEFC Closed on the PFA for the additional funding up to \$9.4M on 6/30/22

- **Converting Short-Term Financing to Long Term Financing**

- All outstanding documentation submitted to NYSEFC

- Long Term PFA
  - On 5/6/24 NYSEFC sent the Village two repayment schedules or the Village of Liberty long-term financing, project No.C3-5352-02-00 for Village consideration beginning on 7/14/24, with Completion of the Document due by 5/7/24
  - Net Level Debt = \$247,30
  - 50% Rule = 197,869.00 in 2024, increasing annually by approximately \$3,411 up to \$296,803.00 in 2053.
- The Village Mayor and Clerk reviewed the two repayment schedules and elected to choose the 50% Rule repayment schedule and Village Clerk, and bond counsel, signed and e-mailed back to me the completed form with the box checked indicating that the Village would like to use on 5/6/24
- The long term PFA closing currently targeted/scheduled for June 20, 2024.
- The revised Exhibit Approval Memo for long-term financing was returned, with contact listing form, to NYSEFC on March 28, 2024 and is in process with NYSEFC
- On March 27, 2024 NYSEFC provided an Exhibit Approval Memo along with an Exhibit B, Exhibit C and a contact listing form for the Village of Liberty, project #C3-5352-02-00 long-term financing. Completion and/or correction of the following documents were due to be received by EFC no later than March 28, 2024.
- We reviewed Exhibit Approval Memo and determined that the budget needed minor modification (rounding). NYSEFC provided a revised Exhibit Approval Memo All outstanding documentation submitted to NYSEFC
- On December 14, 2023 (and follow up email on January 4, 2024) the Village received notice from NYSEFC – Financial that in order to begin work on converting the short-term financing to long-term financing, with information requested by Friday December 29, 2023.
- The majority of the required outstanding documentation was submitted to NYSEFC on February 28, 2024.
- The Engineering Services Contract Amendment No. 3, the last piece of outstanding documentation was submitted to NYSEFC on March 8, 2024 and approved March 12, 2024.

### **Substantial Completion**

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

- At the February 15, 2024 meeting the Village resolved to authorize the Village Mayor to endorse the Certificate of Substantial Completion form for Contract VL1-G-21 – General which shall fix the date of Substantial Completion as December 31, 2023 and final contract amount of \$5,558,792.00, including the punch list of items to be completed or corrected before final payment.
- Delaware forwarded the certificate to the prime contractor for execution and request project closeout paperwork
- We will assemble the project closeout package including final payment application to the Village once all is received from the contractor.

#### **Contract No. VL1-E-21 – Electrical Construction**

- At the February 15, 2024 meeting the Village resolved to authorize the Village Mayor to endorse the Certificate of Substantial Completion form for Contract VL1-E-21 – Electrical which shall fix the date of Substantial Completion as of February 2, 2024 and final contract amount of \$1,996,877.03 including the punch list of items to be completed or corrected before final payment.
- Delaware forwarded the certificate to the prime contractor for execution and request project closeout paperwork (i.e., affidavit of release of liens for subcontractors and equipment suppliers, provide maintenance bond, etc.)
- Delaware has received all project closeout paperwork

- We will assemble the project closeout package including final payment application to the Village once all is received from the contractor.

### **Contract No. VL1-P-21 – Plumbing Construction**

- All work complete, contract closed out
- At the November 16 meeting, the Village resolved to authorize the Village Mayor to endorse the Certificate of Substantial Completion form for Contract VL1-P-21 Plumbing which shall fix the date of Substantial Completion as September 30, 2023 and final contract amount of \$118,625.37, including the punch list of items to be completed or corrected before final payment.
- Delaware will forward the certificate to the prime contractor for execution and request project closeout paperwork (i.e. affidavit of release of liens for subcontractors and equipment suppliers, provide maintenance bond, etc.)
- All punch list work is complete
- The complete closeout package, including final payment application, was forwarded to the Village on February 6, 2024.
- The Village Clerk provided final payment of \$5,931.27.

### **Contract No. VL1-H-21 – HVAC Construction**

- All work complete, contract closed out
- At the November 16 meeting, the Village resolved to authorize the Village Mayor to endorse the Certificate of Substantial Completion form for Contract VL1-HV-21 HVAC which shall fix the date of Substantial Completion as September 30, 2023 and final contract amount of \$131,498.39, including the punch list of items to be completed or corrected before final payment.
- All punch list work is complete
- The complete closeout package, including final payment application, was forwarded to the Village on February 6, 2024
- The Village Clerk provided final payment of \$6,574.92

### **PAYMENT REQUESTS**

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

##### **Payment Application No. 22**

- At the March 21, 2024 meeting, the Village resolved to authorize the Village Clerk to proceed to process Payment Application No. 22, for General Contract No. VL1-G-21, to Eastman Associates, Inc., for partial payment of retainage, in the amount of \$145,039.61, as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement with the understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

##### **Payment Application No 23 (Final Payment)**

- Pending Completion of the Punch list and Remaining Work

#### **Contract No. VL1-E-21 – Electrical Construction**

##### **Payment Application No. 14**

- At the February 15, 2024 meeting the Village resolved to authorize the Village Clerk to proceed to process Payment Application No. 14 for Electrical Contract No. VL1-E-21 to J&J Sass Electric, Inc., for the period of November 1, 2023 through January 31, 2024, in the amount of \$223,982.48, 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.

Payment Application No. 15 (Final Payment)

The full application package will be provided to the Village Clerk under separate cover pending receipt of the maintenance bond and completion project closeout package

- We have reviewed the Payment Application from J&J Sass Electric, Inc., the contractor for the subject project, **in the amount of \$99,843.85 for final payment of retainage** (5% of the revised contract amount). **The total cost to date of \$1,996,877.03, equates to 100% of the contract price, with no balance to finish, with all punchlist and remaining work items complete.** The Village may process final payment contingent upon receipt of the complete Closeout Package including final payment application.
- We agree with the level of work completed to date and the costs presented therein. As such, we recommend that the Village resolve authorize the Village Clerk to proceed to process Payment Applications No. 15 (Final), for the Electrical Contract No. VL1-E-21 to J&J Sass Electric, Inc., in the amount of \$99,843.85 for final payment (all punchlist and remaining work items complete) as requested by the contractor, contingent upon receipt of the complete Closeout Package, 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, Delaware Engineering recommends the following:**

**The Village hereby resolves to authorize the Village Clerk to proceed to process Payment \$99,843.85, for final payment (all punchlist and remaining work items complete) as requested by the contractor, contingent upon receipt of the complete Closeout Package, 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**

- All work complete, contract closed out

**Contract No. VL1-H-21 – HVAC Construction.**

- All work complete, contract closed out
- Change Orders
  - All Change orders are finalized

WWTP Alarms

- The Village needs to reactivate the Verizon phone line (copper), can't connect the WWTP alarms to the Police Department
- We'll look at getting these to go via new Spectrum under Phase 2

**Monthly Construction Meeting**

- The final construction meeting was held on site on 1.10.24 with the prime contractors, Delaware and Village Staff.
- No further meeting Meetings are planned

**Engineering during Construction**

- Wrapping up & working on close-out and as-builts.

**On-Site Construction and Observation Services**

- Part time services continuing, when contractors are onsite
- Anticipate to be done in May-June 2024 for remaining punchlist/site restoration
  - **Excerpt from the Anticipated Project Scheduled Below:**

February 21 2022	Supplemental Bond Resolution becomes effective (20 day from publication)
February – March 2022	Issue Notice to of Award, and prepare execution copies of contract, and issue Notice to Proceed
March 23, 2022	Pre-Construction meeting
March 2022 – March 2024	Construction to Substantial Completion General Substantial Completion 12/31/23 Plumbing Substantial Completion 9/30/23 HVAC Substantial Completion 9/30/23 Electrical Substantial Completion 2/1/24
May-June 2024	Construction Completion (Final) and Project Closeout
March – July 2024	Long Term Loan Closing

- **Document Collection –**
  - Nothing new this month
  - 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
- **Professional Services Contracts**  
WWTP Phase 1 Upgrade Project

**Engineering Services Contract Amendment No. 3 - Subcontract Final Costs (March 2024):**

- At the March 7, 2024 meeting the Village Board authorized the Village Mayor to sign Delaware Engineering, D.P.C.'s Professional Service Contract Amendment No. 3 – Final Subcontract Costs for the Phase 1 WWTP Upgrade March 6, 2024, a decrease in contract amount of \$8,606, thereby adjusting the overall contract price to \$1,351,394
- The Engineering Services Contract Amendment No. 3, the last piece of outstanding documentation was submitted to NYSEFC on March 8, 2024 and approved on March 12, 2024

Phase 2 Sludge Handling WWTP Upgrade Project

- **See Architectural and Engineering (A/E) Procurement Requirements discussed below**
- **Update/Review of Project Progress for Phase 2 WWTP Upgrade:**

- **Cost Summary**

- Total Estimated Project Cost from PER: \$9,899,686

Current Funding Scenario

- BIL Grant Award: \$4,950,000 (50% of project costs)
- WIIA Grant Award: \$2,474,922 (25% of project costs)
- Village's Commitment \$2,750,000 (25% of project costs)

Current Funding Scenario w/ Enhanced WIIA

- Possible Enhanced WIIA: \$2,474,922 (Addt<sup>l</sup> 25% of project costs, total 50% WIIA)
- Village's Commitment \$0 (0% of project costs)
- Pending 2024 WIIA award announcement, typically fourth quarter 2024
  
- Clean Water State Revolving Fund (CWSRF) Funding Submittal – also covers BIL funding request:
  - Completed and uploaded on June 15, 2023
  
- **Bipartisan Infrastructure Law (BIL)**
  - All required documents submitted
  - BIL Grant/PFA in progress with NYSEFC, short-term financing Exhibit Approval Memo pending, see SRF Application Receipt Letter & Missing Items, below
  - On December 12, 2024 the Village received notice that the Phase 2 WWTP Upgrade Project (CWSRF Project No. C3-5352-02-01) may qualify to receive grant funding from NYSEFC through the federal Infrastructure Investment and Jobs Act of 2021, also known as the Bipartisan Infrastructure Law (BIL)
  - The amount of BIL grant available for your project is estimated as \$4,950,000 (50% of \$9,900,000), based on the information provided to EFC. In addition to BIL grant, the project may be eligible for interest-free financing
    - Delaware submitted the BIL Grant (50%) Acknowledgement and Interest in BIL the Funding Form on behalf of the Village email by the January 19, 2024 deadline
    - At the January 18, 2024 meeting the Village **resolved to accept** the grant award and intent to proceed with this project **was confirmed** by completing and signing the *Acknowledgement and Acceptance of WIIA Grant Award* form and e-mailing it to [nyswatergrants@efc.ny.gov](mailto:nyswatergrants@efc.ny.gov) no later by the January 19, 2024 deadline.
    - At the January 18, 2024 meeting the Village resolved to authorize the Village Mayor to sign the BIL Grant (50%) Acknowledgement and Interest in BIL Funding Form and for the Village Clerk/Delaware email it to [CWSRFinfo@efc.ny.gov](mailto:CWSRFinfo@efc.ny.gov) no later than January 19, 2024
  
- **WIIA Grant Funding (25% grant)**
  - All required documents submitted, confirmation of receipt pending
  - WIIA Grant/PFA in progress with NYSEFC, short-term financing Exhibit Approval Memo pending, see SRF Application Receipt Letter & Missing Items, below
  - WIIA Grant Funding Application submitted on August 9, before the before August 11 deadline.
  - On December 12, 2024 the Village received notice that the Phase 2 WWTP Upgrade Project (CWSRF Project No. C3-5352-02-01) has been awarded a NYS WIIA grant (25%) in an amount not to exceed



\$2,474,922 (25% of \$9,899,686)

- Delaware submitted Acknowledgement and Acceptance Form on behalf of the Village email by the January 19, 2024 deadline
  - Total Estimated Project Cost from PER: \$9,899,686
  - Grant Award: \$2,474,922 (included in Estimated Project Cost)
  - Please confirm your acceptance of the grant award and intent to proceed with this project by completing and signing the *Acknowledgement and Acceptance of WIIA Grant Award* form and e-mailing it to [nyswatergrants@efc.ny.gov](mailto:nyswatergrants@efc.ny.gov) no later than January 19, 2024. Without Village confirmation, NYSEFC may bypass your project and award these grant funds to another community.
  - At the January 18, 2024 meeting the Village resolve to authorize the Village Mayor to sign the WIIA Grant (25%) Acknowledgement and Acceptance Form and for the Village Clerk/Delaware email it to [nyswatergrants@efc.ny.gov](mailto:nyswatergrants@efc.ny.gov) no later than January 19, 2024
- **Enhanced/Additional WIIA Grant Funding (Add'l 25% Grant, 50% Total)**
  - All required documents submitted, confirmation of receipt pending
  - Enhanced WIIA Grant are being evaluated with 2024 WIIA applications (due June 16, 2024), and are anticipated to be announced late fourth quarter 2024
  - Impact on pending PFAs is unknown
  - On March 6, 2024 NYSEFC notified the Village via email that as a recent 2023 awardee (25%), this project has been identified as potentially eligible for a new enhanced WIIA award (which will fund 50% of net eligible costs)
    - Projects with a population of 3,500 or less may qualify for an enhanced WIIA award which will fund 50% of net eligible project costs. To qualify for the enhanced WIIA award:
      - the community must meet the hardship criteria as defined in the 2024 Clean Water Hardship Policy; OR
      - the project (without the grant) would result in residential user rates exceeding 1.5% of the Median Household Income (MHI) of the community.
  - NYSEFC is offering the Village the opportunity to be reassess for an additional 25% grant on top of the current award
  - The Village may or may not qualify
  - The reassessment will not jeopardize the 2023 WIIA award
  - At the March 7, 2024 meeting the Village authorized the Village Mayor to sign the WWTP Phase 2 – Enhanced Sludge Handling letter of interest for the 2024 Clean Water Enhanced WIIA Grant and for the Village Clerk or Delaware Engineering to submit to [nyswatergrants@efc.ny.gov](mailto:nyswatergrants@efc.ny.gov) by the March 22, 2024 deadline
  - Delaware submitted the letter of interest to NYSEFC on March 11, 2024. No confirmation of receipt to date from NYSEFC.
  - Enhanced WIIA Awards in process with NYSEFC

- NYSEC may recommend to delay Short Term-Financing for this award, if awarded, or the PFA may be modified in the future, or grant may be offered as loan principal forgiveness
- **SRF Application Receipt Letter & Missing Items**
  - All required documents submitted with confirmation of receipt
  - PFA short-term financing Exhibit Approval Memo in progress with NYSEFC, pending Agreement for engineering construction services
  - On January 17, 2024 the Village received notice confirming receipt of the Phase 2 WWTP Upgrade Project (CWSRF Project No. C3-5352-02-01) Financing application and list of items required to execute a Project Finance Agreement
  - On March 11, 2024, Delaware, on behalf of the Village of Liberty, in response to the to the January 17, 2024 NYSEFC correspondence confirming application receipt and Items Required to Execute a PFA
  - NYSEFC confirmed receipt and will let the Village know if they need any additional information
- **Architectural and Engineering (A/E) Procurement Requirements**
  - DEDPC will be submitting a contract to Village for consideration soon
  - At the April 18, 2024 meeting the Village agreed to award the contract for A/E Services to Delaware Engineering, D.P.C., and adopted the Resolution for A/E Services Award for the Request for Qualifications (RFQ) for Engineering Services RFQ#1-2024 Village of Liberty, NY Wastewater Treatment Plant Phase 2 Upgrade Enhanced Sludge Handling
  - Delaware is working with the Village Clerk to finalize all record documents
  - Delaware is preparing an agreement for engineering services for design through consideration at a future meeting.
  - An executed agreement will be required to close on short term PFA with NYSEFC
- The documents that the Village will need for the RFQ process and were provided to the Village Clerk on February 2, 2024:
  - Legal Notice
  - Request for Qualifications (RFQ) Document
  - SOQ Scoring & Evaluation Matrix
  - RFQ Scoring Summary
  - Resolution for Contract Award
  - A/E Procurement Document
- **Next steps**
- **A/E Procurement Documentation**
  - Clerk – Record results of the *RFQ Procurement Documentation*, and keep on file, and provide to NYSEFC if they ask for it, and authorize complete the *NYSEFC Certification for Architectural/Engineering Services Procurement* (to be provided in the future upon execution of contract) – Pending

- The RFQ schedule is as follows:
  - By February 6 – Legal notice to SCDC - **Complete**
  - February 9 – Legal notice in SCDC& NYS Contract - **Complete**
  - By March 8 – RFQ responses due – **Complete (3 responses received)**
  - Mar. 21-Apr. 17 – Village Board reviewed 3 SOQs and fill out Scoring and Evaluation Matrix for each - **Complete**
  - April 18 – Village Clerk to completed the complete the RFQ Scoring Summary by totaling the scores for each firm - **Complete**
  - April – May – Selected form provides contract; negotiations and contract execution - **Agreement for engineering services for design through construction pending**
- **Plan Forward**
  - Close on project financing with NYSEFC (anticipate 6-10 months processing time with NYSEFC due to their backlog of projects).
  - Anticipated project schedule:

June 16, 2023 - Complete	Financing applications due for all projects
June 16, 2023 - Complete	New project listing deadline for the FFY 2024 IUP
July 28, 2023 - Complete	Submit Updated WIIA Application (\$9.9M)
August 2023 - Complete	NYSEFC to the DRAFT 2024 IUP, including Subcategory D1 -BIL General Supplemental Additional Subsidy Projects
December 12, 2023 - Complete	WIIA Grant Awards Announced
January 2024 – TBD	Work with NYSEFC to secure Short-term financing
January-April 2023 – In process	Professional Services RFQ Process
January 18, 2024 - Complete	Village Board Meeting Action Items: Sign WIIA Grant Acknowledgement and Acceptance Form Sign BIL Grant Acknowledgement and Interest in BIL Funding Form Authorize publication of the legal notice for the RFQ
January 19, 2024	Submitted WIIA Grant Acknowledgement and Acceptance Form Submitted BIL Grant Acknowledgement and Interest in BIL Funding Form
January 19, 2024	Deadline for WIIA and BIL Grant Acknowledgment and Acceptance (WIIA)/Interest (BIL)
March 7, 2024	Village Board Meeting Action Items: Authorize Village Mayor to sign a letter of interest to be reassessed for additional/enhanced WIIA grant funds
March 8, 2024	Deadline for responses to the professional services RFQ
March 21-April 17, 2024	Village Board review 3 SOQs and fill out Scoring and Evaluation Matrix for each
March 22, 2024 – Completed on March 11, 2024	Deadline to submit letter of interest to be reassessed for additional/enhanced WIIA grant funds
April 18, 2024	Village Board Meeting Action Items: Complete Scoring & Evaluation Matrix - Complete Complete the Scoring Summary- Complete Authorize Contract Award - Complete Complete Procurement Documentation – Record documents pending Authorize clerk to complete the NYSEFC Certification for Architectural/Engineering Services Procurement (to be provided for execution upon execution of contract)
April-May 2024	Contract with selected consultant for professional services for design through construction
TBD 2024	Commence design
TBD 2024-25	Close on NYSEFC Short Term Financing (Bridge Loan)/ Project Finance

	Agreement Execution – reimburse accounts for planning and design services costs
TBD	Submit project plans and specifications to NYSEFC & NYSDEC for review and approval
TBD	Receive NYSEFC Design Approval (Pending PFA)
TBD	Bid/Award Construction Related Contracts
TBD	Issue Notice to Proceed/Commence Construction
TBD	Construction (Eng. Administration, 20 Months)
TBD	Construction (Onsite, 12 Months)

### 3. CDBG Rail Trail Project:

- **Board Action Required at Tonight’s meeting:**
  - **Consider Change Order No. 3 – Direction Drilling Sewer Installation**
- **2023 CDBG Application:**
  - CFA application was submitted on July 26, 2023 before the August 11, 2023 deadline
  - Up to 100% grant possible
  - 4<sup>th</sup> time submitted
  - This project was selected for grant award in the amount of \$999,919, based on the letter from CDBG that the Village received on November 11, 2023
  - Total Estimated Project Costs = \$1,048,919. The Village has committed \$49,000 of local funds towards the project for grant administration. Total grant award = \$999,919 (Total: \$1,048,919 - \$ 49,000 of Village Funds = \$999,919)
- **Project Status Update**
  - A pre-construction meeting was held on 5/14
  - The Contract Agreement with Tweedie Construction was executed on 5/15/24
  - Tweedie has provided a project schedule and work is anticipated to begin on 06/24/24, and proceed as follows:
    - Layout Setup-1 day. 06/24/24
    - Install Sewer & Sluice Pipe-3 day. 06/25-06/27
    - Hook up-1 day. 06/28
    - Excavate-3-5 days. 07/01-07/05
    - Install Culvert-1 day. 07/08
    - Backfill-5 days. 07/09-07/22
    - Rip Rap-3-5 days. 07/23-07/26
    - Gravel on Laneway- 5 days. 07/26-/08/02
    - Restoration-2-3 days. 08/05-08/08
- Only outstanding issue is NYSEG coordination/scope to relocate or support the utility pole. Put a \$25,000 allowance in the base bid for contractor coordination with NYSEG.
  - **No new updates**
  - As of 4/10/24 it seems that design for the relocation of the utility pole is in progress, however there is still no schedule.

- Delaware submitted email to NYSEG with the design drawings and information on project schedule, tagged with the job number, in hopes that the information will get to the people working on the design
  - Dave B. indicated that he has been informed that NYSEG is doing heavy trimming of the power lines in question.
- **NYS OCR CDBG Agreement:**
  - The fully executed grant agreement was returned to the Village on 2/12/2024
- **Professional Services Agreement for Grant Administration Services (Blauer Assoc.)**
  - **Work has begun for construction phase services**
  - **Work for bid and award complete**
  - Work continues for bid and award
  - At the December 7, 2023 meeting the Village Board authorized the Mayor to execute Blauer Associate's Professional Services Contract, for the Rail Trail Culvert Replacement Project OCR CDBG Project No. 642PR120-23, in the total amount of \$49,000.
  - Submitted under separate cover by Mark Blauer
  - Since this contract will be paid for using Village funds and will not be paid for using grant funds, it is our understanding that no RFQ/SOQ is required.
- **Professional Services Agreement for Engineering Services (Delaware Engineering)**
  - Work has begun for construction phase services
  - Work for bid and award complete
  - At the December 7, 2023 meeting the Village Board authorized the Mayor to execute Delaware Engineering, D.P.C.'s Professional Services Contract, for the Rail Trail Culvert Replacement Project OCR CDBG Project No. 642PR120-23, in the total amount of \$191,650.
  - RFQ/SOQ documents were submitted to the Village in June 2022. (The engineering RFQ process from last year (2022) is still valid)
  - At the June 16, 2022 Village Board Meeting, the submitted SOQ documents were scored, and the Village decided to select Delaware Engineering, D.P.C (submitted June 10, 2022). for engineering services, on the condition that grant funding was received for the project. Thank you!
  - Delaware has prepared our contract for this work that utilizes the June 10, 2022 proposal's scope of work and costs and fully complies with project requirements, and includes our planned fee within the budgets set forth in the 2023 Engineering Report that was the basis for the grant.
  - Confirmed with NYSOOCR that construction needs to be underway by May 8, 2024

### **Bid Review and Award Recommendation:**

#### **Contract No. VL1-G-24 – General Construction:**

- At the April 18, 2024 meeting the Village Board resolved the following:
  - Award the Contract No. VL1-G-24 – General Construction for the Rail Trail Culvert Replacement and Sanitary Sewer Failure Mitigation Project to the low bidder, Tweedie Construction Services, Inc., for the Base Bid price of \$324,110.00 for all Base Bid Items.
  - Accept unit pricing for Bid Alternate Items for future consideration.

- Authorize the Mayor to execute the necessary paperwork (e.g., Notice of Award, Notice to Proceed, Agreement, Change Orders, Certificate of Substantial Completion, checks for contractor payment, etc.) for contract initiation through completion of the work.
  - Delaware Engineering has completed complete bid and award services
  - Contract Agreement was executed on 5/15/24
- Bid Review and Award Recommendation Package provided to the Village on 4/17/24
  - 5 bids for the contract ranged from \$324,110.00 to \$916,383.00
    - Based upon our review of the five (5) bids submitted and opened on April 15, 2024, for the General Construction work, the apparent low bidder for the subject contract for General Construction was Tweedie Construction Services, Inc., of Walton, NY, with a Base Bid price of **\$324,110.00**.
  - After a review of all the submitted bid packages, no informalities were identified which would alter the bid results or preclude award of the project to the lowest bidder. The only informalities noted were with the two highest bids (Gary Myers Excavation, Inc. and Eastman Associates, Inc.), whose bid packages included minor math errors.
  - It is Delaware Engineering's recommendation that the Village consider a change order to include Bid Alternate Item BA-3.01 for furnishing a polymer-coated culvert pipe. This pipe is a more expensive option, but should have a considerably longer life span over the galvanized steel pipe included in the base bid. Note that this item would replace Base Bid Item 3.01 for a net increase to the contract of \$21,134.00 and a new contract total of \$345,244.00. The complete change order package is provided separately for Village consideration.
  - The Village may also choose to award additional Bid Alternate work items for the submitted prices, if desired. A change order document can be provided to add additional Bid Alternate items into the project contract.
  - Tweedie Construction Services, Inc. has completed similar projects in the past with Delaware Engineering and the Village, and should be fully capable of completing this project in accordance with the contract documents. We, therefore, recommend that the Village award the subject project to Tweedie Construction Services, Inc., the lowest bidder for this project.

Change Orders:

- **Change Order No. 1 – Polymer Coated Corrugated Steel Culvert Pipe**
  - The full change order package has been provided to the Village Clerk under separate cover
  - A copy of the change order form for General Contract No. VL1-G-24 for Tweedie Construction Services – Change Order No. 1 – Polymer Coated Corrugated Steel Culvert Pipe, is attached.
  - This change will replace the galvanized corrugated steel culvert pipe included in the base bid (item 3.01) with a polymer coated corrugated steel culvert pipe included as a bid alternate (item BA-3.01).
  - The polymer coated pipe is a more expensive option but has a significantly longer anticipated life span.
  - If this change is acceptable, Change Order No. 1 will result in a \$21,134.00 increase to the contract for a revised contract price of \$345,244.00 (previous contract price of \$324,110.00, plus \$21,134.00 for Change Order No. 1).
  - Since this Bid Alternate item was included in the bid documents reviewed and approved by OCR, work under this change order is eligible for funding under the project.

- All funds to cover this change will come from the project contingency. This is the first change order with a total net cost equal to \$21,134.00, and the remaining available contingency funds following this change would be approximately \$463,025.00.
- If the Village finds the enclosed acceptable, and agrees to this proposed cost increase, we recommend that the Village Board resolve to:
  - Authorize the Mayor to execute Change Order No. 1 for Contract No. VL1-G-24, for addition of a Polymer Coated Corrugated Steel Culvert Pipe based on the costs represented in the 4/15/24 Alternate Bid Sheet from Tweedie Construction Services, Inc., in the total amount of \$21,134.00, which will increase the contract cost to \$345,244.00.
- **Change Order No. 2 – BABAA Compliance**
  - Change Order No. 2 has been fully executed
  - Distribution of the fully executed change order is pending
  - At the April 18, 2024 meeting the Village Board resolve to:
    - Authorize the Mayor to execute Change Order No. 2 for Contract No. VL1-G-24, for addition BABAA Compliance this language to the contract no additional cost.
  - This is a no-cost change to add OCR-required BABAA language into the contract documents for this project. The language in question will be added to the project specification book in the section describing OCR requirements [Section VIII - SUPPLEMENTARY CONDITIONS, Part 24. NYS Office of Community Renewal (OCR) Requirements (page 208)]. The added language is as follows:
 

**“Build America, Buy America Act BABA) (Pub. L. No. 117-58, §§ 70901-70953, and 2 CFR Part 184) – Pub. L. No. 117-58, §§ 70901-70953, and 2 CFR Part 184 require that all iron, steel, manufactured products, and construction materials used for federally funded infrastructure projects be produced in the United States unless these materials are otherwise exempt or subject to an approved waiver. This requirement, known as the “Build America Preference (BAP)”, applies to all federal financial assistance as defined in 2 CFR § 200.1 in which funds are appropriated or otherwise made available and used for an infrastructure project, regardless of whether or not the project is funded through the Infrastructure Investment and Jobs Act (IIJA).”**
  - Delaware Engineering has discussed the addition of this language to the contract with the low bidder for this project, Tweedie Construction Services, Inc., and has been assured that they are amenable to this change and that they are in agreement that this change can be made for no additional cost.
  - Additionally, Delaware has been in communication with Contech, the manufacturer of the culvert pipe to be used on this project. Contech has sent a statement certifying that their corrugated metal pipes are BABA compliant.





4. Bid opening: at 3:00 pm on 4/15 - Complete
  5. Bid review and recommendation to Village: by 4/17 for consideration at the Village's 4/18 board meeting - Complete
  6. Contract Award: 4/18 Village Board meeting
  7. Notice of Award issued: 4/19 if Village approves on 4/18
  8. OCR construction Start Date: 5/8/24
  9. Construction (Tweedie) 6/24/24 – 8/8/24
  10. Construction substantial completion deadline: 10/01/24
  11. Final contract closeout deadline for contractor: 11/01/24
  12. OCR contract closeout and paperwork deadline: 11/09/24
- Anticipated Project Schedule:
    - CFA Application, ERR & Engineering Report Submission: July 2023
    - CFA Notice of Funding Award: November 11, 2023 - **Completed**
    - Prepare Environmental Review Record (ERR): July 2023 - **Completed**
    - RFQ Procurement Process to Retain Engineering Consultant: June 2022 - **Completed**
    - Retain Grant Administrator Consultant (locally funded): December 7, 2023 (see next item)
    - Execute OCR Grant Agreement & Execute Agreements for Professional Services: **Village**  
February 12, 2024 – **Completed by OCR**
    - Submission of Local Recipient Administrative Plan & Section 3 Plan: January 4, 2024 – **Completed**
    - Publication of NOI – RROF Environmental Notice: January 17, 2024 – **Completed**
    - Request Release of Funds Submission: February 21, 2024 – **Completed**
    - Project Design: January – March 2024 – **Completed**
    - Village Approval to go to Bid: February 15, 2024 – **Completed**
    - NYS OCR Review of Draft Bid Package: March 2024 – **Completed**
    - NYS OCR Release of Funds: March 11, 2024
    - Construction Bidding: March – April 2024 – **Completed**
    - Bid Notice Published: March 26, 2024 – **Completed**
    - Pre-bid meeting: April 4, 2024 – **Completed**
    - Bid review and recommendation to Village: April 17, 2024 – **Completed**
    - Village Awards Contract: April 18, 2024 – **Pending**
    - Issue Notice of Award: April 19, 2024 – **Pending**
    - Award & Execution of Construction Contract: On or before May 8, 2024
    - Construction: May – October 2024
    - Conduct 2<sup>nd</sup> Hearing: October 2024
    - Construction substantial completion deadline: October 1, 2024
    - Final contract closeout deadline for contractor: November 1, 2024
    - OCR contract closeout and paperwork deadline: November 9, 2025

- **Hazard Mitigation Grant Program (HMGP) – FEMA & Dept. of Homeland Security**
  - Up to 90% grant possible
  - DHSES sent a request for information (RFI) on July 8, 2023 requesting a response by August 10, 2023.
  - We have responded to this RFI on August 10, 2023, and have received confirmation of receipt from DHSES
  - DHSES sent an additional request for revisions on September 7, 2023. After follow up it was determined that the request was sent in error. No additional action is required.
  - DE advised DHSES on that this funding is no longer needed, as the project will be funded by CDBG.
- **2024 OCR CDBG Application**
  - **Board Action Required at Tonight's meeting:**
    - **None**
  - **RFQs for A/E Services submitted to the Village 5/16/24**
  - **Village to elevate RFQs and award at the July 18 meeting**
  - In order to keep project cost within \$1.5M (grant maximum, the desired work will be in multiple (3-4) phases
  - Possible Order of Work (Phases)
    1. North Main Street watermain replacement (possible sewer work too)
    2. Oak Street watermain replacement (possible sewer work too)

3. Wawanda Avenue watermain replacement
  4. New tie-in to transmission main (from Oak Street to North End Avenue)
- Need to refine scope and develop costs for first phase (North Main Street ≤ \$1.5M)
  - Agree to scope with Village and proceed to prepare the Engineering Report
- 2024 CFA CDBG Watermain Replacement Project Public Hearing was held on April 18, 2024 at 6:55 p.m.
    - Background: The Village of Liberty is holding a public hearing for the purpose of hearing public comments on the Village of Liberty's community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2024 Program Year.
    - Proposed Project Description: The Village is considering a 2024 CFA Public Infrastructure application in an amount not to exceed \$1,000,000 for a watermain replacement project in the vicinity of North Main Street, Oak Street, North End Avenue, and Wawanda Avenue. The proposed project will primarily benefit low and moderate income persons. Improvements may occur over multiple phases, as funding allows.
    - Project Goals: The goals for this project include the following:
      - Mitigate failures of the existing watermains and reduce O&M costs
      - Reestablish a fresher water supply to the North Main Street area
      - Reduce potential for elevated disinfection byproducts (DBPs) in the Dwyer Ave and Cold Springs Road service areas
      - Where possible, establish/improve horizontal and vertical separation of watermains from other utilities
      - Increase ability to provide more water to potential development sites
    - Project Schedule: See below
  - Delaware will work with Village personnel, Blauer Associates, to refine project scope
  - If there is a project work would need to start in March to submit in July (likely 7/26/24), and the following steps will need to be completed by the end of June in order to pull together a competitive application:
  - At the February 15 meeting the Village decided that they would like to move forward with submitting a 2024 CDBG application, possibly for Inflow and Infiltration – combination of study and construction rehab, and resolved to:
    - Authorize the Village Clerk to schedule CDBG public hearing, date as agreed to with Mark Blauer
    - Authorize the Village Clerk to advertise for 2024 CDBG professional services via RFQ.
    - Conduct one required public hearing and comply with all of OCR's special requirements for advertising, posting and informing the public;
    - Select an engineering firm via a Request for Engineering Qualifications process so that we can say engineering procurement is completed, a moot point if we are not funded; and
    - Complete a draft environmental review record for the project including SEQRA resolution
  - As in other projects Mark Blauer would propose the typical application preparation contract. \$3,750 total billed 1/2 at start and 1/2 upon submission. Mark would not charge for at the time of application submission, and only upon successful award
  - On March 15, 2024 Delaware Engineering set up conference call with David Burke and Mark Blauer to discuss a possible FY 2024 CDBG application focusing on replacement of watermains in the vicinity of North Main Street, Oak Street, North End Avenue and Wawanda Avenue

- The Village scheduled a public hearing to be held on April 18th.
- The legal notice was published on March 29<sup>th</sup> (10 days advance notice is essential), and posted on the Village website along with handout
- **Professional Services Request for Qualifications for Engineering**
  - The Village needs to advertise a Request for Qualifications ad for the FY 2024 CFA application for engineering services - a selection that only matters if we get funded
  - Blauer Associates provided the Village with the legal notice on 4/22/24, and was published/appeared in the Sullivan County Democrat on Friday 4/26/24
  - The due date for responses is May 17th (a Friday) at 2 PM.
  - The Village Clerk should receive responses, and provide a copy to each board member and Mayor to review prior to the 6/6/24 meeting, at which time the responses will be scored and selection of a firm to provide Professional Services for Engineering will occur.
- **Anticipated Project Schedule:**
  - Village to Schedule Public Hearing ..... March 21, 2024
  - Legal Notice Publication ..... March 29, 2024
  - Public Hearing ..... April 18, 2024
  - Public Meeting at Fire Station or High School ... April 22-26, 2024?
  - Income Survey Complete ..... May 15, 2024
  - Submit OCR CDBG Application ..... July 4, 2024
  - Anticipated Deadline to Submit OCR CDBG Application July 26, 2024

## 5. DPW Site Groundwater Monitoring/DPW Garage Site Remediation

- Nothing new this month
- LaBella no longer NYSDEC contractor as of January 2024
- E-Mailed NYSDEC Kevin Brown for 2024 Sampling report on 5/14/24; no report to date
- Based on sampling results still seeing values near garage indicating contamination remains
- December 2023 sampling report indicated levels nearly the same (not detect) as in September 2023 for all monitoring wells MW-6, MW-19, VW-7
- No analyzed VOCs were detected at concentrations greater than the laboratory reporting limit at monitoring wells MW-6, MW-19, VW-6 and VW-7.
- Total VOC concentrations decreased at monitoring wells MW-22B (from 3.8 ppb to 2.9 ppb).
- Total VOC concentrations decreased at monitoring wells MW-22A (from 63 ppb to 47 ppb).
- Total VOC concentrations increased at monitoring wells VW-8 from 15 ppb to 43 ppb. Next sampling to be conducted in March 2024.
- **Elm Street Well Remediation**
  - Working with the Village and NYSDEC to come up with a remediation plan including a plan to pump more water
  - Meeting was held on 11/21/23 with NYSDOH, NYSDEC, and Delaware Engineering to discuss. Action Items as follows:
    - Delaware to update draft monitoring plan, changes were made to reflect the wells we selected onsite and monthly monitoring as discussed on the proper Teams Meeting. Draft submitted to Labella, P.C. on 12/4/23.
    - The next step will be to share this plan with the wider group, including DEC and DOH.
  - Continue to meet with David Burke to gather historical information and discuss plans going forward.

- Ultimate goal would be to seek financial assistance (grant) for further remediation efforts
- Build this into the Town Village Infrastructure Water and Sewer Capacity Study
- A second meeting was held January 8, 2024
- Monitoring plan revised January 10, 2024 and recirculated to DOH and DEC
- On February 13, 2024 DOH issued comments to the Village of Liberty's request to increase the withdrawal rate from the Elm Street well
- Delaware worked with David Burke to respond to these comments
- The final response to the February 14, 2024 NYSDOH correspondence concerning the Village's request to Increase the Withdrawal Rate from the Elm Street Well was submitted to NYSDOH, NYSDEC, etc. on 4/30.24
- NYSDOH has not conformed receipt, or provided any comments

## 6. WWTP SDPES Permit

- **NYSDEC WWTP Upgrade Reviewed/Updated SPDES/Permit Review Meeting**
- NYSDEC Permits – Needs a list of priority pollutants of concern for Pepsico
- WET Testing results submitted to NYSDEC on January 12, 2024 (no ecological impact at current dose)
- Final permit pending (need list of pollutants of concern, see Pepsico below)
- NYSDEC Permits – Needs a list of priority pollutants of concern for PepsiCo
- Wet Testing results submitted to NYSDEC on January 12, 2024 (no ecological impact at the current dose)
- Final permit pending (need list of pollutants of concern, see PepsiCo below)
- NYSDEC proposing a lower CBOD limit and also have issues with current sludge dewatering chemicals.
- Containment slab/facilities added to Phase 1 to prevent potential stormwater impacts during bulk liquid chemical deliveries (work included in Change Order 8 to the General Contract for Phase 1)
- Virtual meeting with NYSDEC and DRBC to discuss the upgrade projects and proposed SPDES permit changes on July 19, 2023 at 10 a.m. Dave Burke, H2O's Keith Herbert and Mike Herbert and Mark Kellam also participated.
- The purpose of the meeting was 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.
- WWTP NYSDEC SPDES Permit Renewal Meeting Follow-up and Plan Forward were distributed to involve Village, H2O, NYSDEC, JCO and Delaware Staff on 8/3/23 and Summary of WWTP Upgrades.
- We have reviewed NYSDEC information and modeling and have followed up with them with some Q/A and it appears that there is limited ability to increase the CBOD limits beyond a daily maximum limit of 15 mg/l with an effluent dissolved oxygen (maximum allowed for calculations) of 7.0 mg/l while maintaining a 2 MGD flow, and WET testing will be needed to determine if the Village can continue to use the current chemicals for sludge dewatering.
- We have summarized WWTP data (2019-2023) and the current WWTP is able to meet the CBOD limit of 15 mg/L (daily maximum) now because flow is 40% of the permit, monthly averages 2-4 mg/L and 7-day maximums of 3-7 mg/L
- As flow approaches the permit limit, the WWTP may be challenged to meet 15 mg/L consistently.
- We are looking at some upgrade options and would make this upgrade a high priority item in the Town/Village Water Sewer Study.
- Water Treatment Chemicals
  - Based on September 1, 2023 NYSDEC letter, allowing to continue to operate and perform WET testing to see if it has impact. If there is an impact, we have to do something, if not they may let us add more chemical.

- A response letter acknowledges the WTC Authorization and accepting the CBOD limit, and was submitted to NYSDEC dated 11/30/23
- On 12/5/23 NYSDEC confirmed via email receipt of the latter dated November 30, 203 regarding the WTC authorization letters and comments on the proposed CBOD limit (see attached)
- Based on the comments within the letter, DEC will continue work on the SPDES permit review for the Village of Liberty WWTP, and work to finalize the drafts as soon as possible for the public comment period.

## 7. PepsiCo

- **Board action Required at Tonight's meeting:**
- **None**
- **Pepisco has provided a list of all sanitation chemical discharged and estimated volumes**
- Received new info on April 16, 2024 indicating that additional work will be required to replace a tank planned for reuse, and desires Village's input on materials of construction of the new tank (e.g., HDPE, FRP, SS, precast concrete, etc.)
- List of pollutants of concern still pending (WWTP SPDES Permit NY-2A)
- A list of potential pollutants of concern was requested on 1/17/24. At that time MHE indicated that PepsiCo was pulling together tank history, description of waste streams production and cleaning chemicals, flows, operational and maintenance procedures and schedules, etc., to review with, and allow the Village determine what parameters that they want PepsiCo to Sample for when they remove the tanks from the aquafer protection zone, and to provide to NYSDEC for to finalize the SPDES Permit.
- A meeting was held on February 6, 2024 with Critical Path Engineering Solution and MHE engineering to review preliminary Phase 1 plans, and review pollutants of concern
- Below is a summary of action items:
  - To submit letter to Village outlining reasoning and measures that will be done to safely abandon tanks in place.
  - Submit MSDS to Village (Delaware Engineers) – ideally add approximate daily usage of chemicals as well as purpose of chemicals – also indicate which go down drain and which do not.
  - Village will send over any standards or details to be included in design –No standard details available, need to work with Dave Burke to tell what the Village wants (e.g. sanitary flows in discharge total, etc.)
  - MHE to get preliminary design into Village for review.
  - This project may or may not require a town meeting and approval – David Burke to let us know.
  - Perform sampling for priority list of pollutants and submit.
- On February 16, 2014 PepsiCo submitted a letter to provide the Village with additional information on the proposed improvements, and request Village response on the following items
  1. Can the western tank be abandoned in place with the proper cleaning and structural fill?
  2. What is the planning and approval process required for Frito-Lay to perform this work?
  3. What is the timing of the planning and approval process?
- Tank history/potential pollutants of concern (for Village and NYSDEC review) pending
- The Phase 1 upgrades were supposed to be completed summer/fall 2023 with monitoring to follow, that would help determine what treatment would be required

for Phase 2. There have been some personnel changes in PepsiCo's Health, Safety and Environmental Dept., and Phase 1 upgrades have not been completed yet.

- Based on a phone call from MHE Engineering, PepsiCo has been trying to contact the Village DPW regarding any requirements associated with abandoning or removing the tanks, roadway closure procedures during construction, etc. MHE Engineering is assisting PepsiCo's consulting engineer Sara Martin of Critical Path Engineering Solutions, with some local items (e.g., coordinating with the Village DWP, oversight during construction, etc.).
- We have requested that the Village DPW reach out to Matt with MHE Engineering to discuss
- Once PepsiCo has some feedback from the Village DPW they would formalize a plan for submittal to the Village for review.
- PepsiCo Email Update on Water Consumption (8/3/23)- paraphrased:
  - There are challenges attempting to install WW flow monitoring with our current system configuration.
  - WW flow monitoring will possible after Phase 1 upgrades
  - Most of our Facility water consumption is for domestic purposes (toilets and sinks), process WW discharges are low relative to the total volume
  - Water consumption is down over 33% based on our new operating scenarios
  - Based on this email PepsiCo water usage is <25,000 gpd
- Delaware followed up with PepsiCo on 11/27/23 for an update on Phase 1 upgrade, work, monitoring plan and timeline.
- Need to work with Dave Burke to set up meeting with PepsiCo and MHE to understand progress and request list of priority pollutants (for WWTP SPDES Permit renewal, above)
- Need to do this soon to understand Phase 1 results and list pollutants concern (See WWTP SDPES permit renewal above).

## **8. Town of Liberty Economic Development Water and Sewer Infrastructure Capacity Planning Study**

- Revised draft sent to the Town on 12/12/23, and to the Village Mayor and Dave B. on 1/17/24
- The Town is proposing a joint meeting in June
- Delaware working on a revised draft of this report
- Met with Dave Burke on October 13, 2023
- Working to revise this ASAP with David Burke and the Town
- Elm Street Well remediation and future use are key to this study
- Due to likely SPDES permit changes, a study to review the ability of the WWTP to meet the new CBOD daily maximum limit of 15 mg/L will also be added to the study recommendation

## **9. Sanitary Collection System I/I Investigations**

- Board Action Required at Tonight's Meeting
  - None
- RFQ Process for A/E Services to begin next month
- Smoke testing scheduled with NYRWA for July 9, 10, & August 27, 2024
- Delaware submitted EPG application for up to \$50,000 in grant funding for I/I investigations, with commitment for a \$10,000 local match (20%) on August 11, 2023
- **This Project has been selected for award!!**
- On 2/15/24 the Village received notification from NYSEFC that the Village has been awarded a NYS Environmental Facilities Corporation (EFC) Engineering Planning Grant (EPG) for the project, in an amount not to exceed \$50,000, for the development of an engineering report to identify sources of inflow and infiltration,

evaluate alternatives, and recommend improvements to the Village sanitary collection system. **This has a 20% local match (\$10,000) which the Village agreed to do in March 2023 if the grant was awarded.**

- A grant requirement includes soliciting for and evaluating Request for Qualifications to facilitate selection for professional services to prepare the Engineering Report and associated activities.
- At the March 7, 2024 meeting the Village Board resolved to:
  - Authorize the Village Mayor to confirm acceptance and intent to proceed with this project by completing and signing the Acknowledgement and Acceptance of EPG Grant Award Form and e-mailing it to [epg@efc.ny.gov](mailto:epg@efc.ny.gov) no later than March 8, 2024 (Village Mayor signed and Clerk returned on 3/4/24), and
  - Authorize the Village Clerk to publish the legal notice for the Request for Qualifications for professional services for work associated with preparation of the Engineering Report for the Sewer System I/I evaluation
- The EPG Grant Acceptance Form was submitted NYSEFC by the Village Clerk via email on March 4, 2024
- On March 13, 2024 NYSEFC provided the Village an EPG Checklist and supporting documentation to assist the Village in the process of entering into a Grant Agreement with ZEFC (due August 31, 2024) including:
  - Board Resolutions: Submit signed, certified board resolutions in PDF format designating the authorized representative and local match amount. Sample Resolution Language is available. Type II SEQR resolutions are no longer required for Engineering Planning Grants.
    - Authorized Representative Resolution - Complete  
Board resolution designating an Authorized Representative for the project
    - Local Match Resolution  
Board resolution authorizing and obligating local match funds
  - Budget and Plan of Finance Form - Complete
    - Detailed budget and plan of finance including all prime contracts/agreements, in-kind services, third-party funding, and satisfaction of the minimum 20% local match requirement.
  - Executed Engineering Agreement – Pending Competition of RFQ Process
    - All architectural and engineering contracts must be procured through a federally acceptable Request for Qualifications (RFQ) process, in accordance with 40 U.S.C 1101. All contracts must be signed by both parties and must contain the scope of work and fee.
    - Architectural/Engineering Procurement Certification
  - All checklist items due by August 31, 2024
  - In order to remain eligible for these fund, the Village must enter into a Grant Agreement for the above project by September 30,2024
  - At the March 21, 2024 meeting the Village board resolved to adopt the Board Resolutions designating an Authorized Representative, and authorizing the local match for the Liberty (V) EPG 131582/Sanitary Collection System I/I Investigation as set forth in the attached subject resolution and accept the Budget and Plan of Finance Form.
- **A/E Procurement/Professional Services RFQ**
  - Requires evaluating Request for Qualifications to facilitate selection for professional services to prepare the Engineering Report and associated activities
  - At the March 7, 2024 meeting the Village Board authorize the Village Clerk to publish the legal notice for the Request for Qualifications for professional services for work associated with preparation of the Engineering Report for the Sewer System I/I evaluation

- We plan to provide the Village with the A/E Procurement/RFQ Legal Notice and RFQ by May 16, 2024
- The Scoring Matrix, Scoring Summary, Resolution for Contract Award, A/E Procurement Certification for the RFQ will be provided next month

#### **Next steps (May-June 2024)**

- **Legal Notice & RFQ**
  - Delaware to provide legal notice and RFQ to Village Clerk by May 16, 2024
  - Village Clerk to provide the legal notice to the Sullivan County Democrat by Wednesday May 22, 2024, for publication on Friday May 24, 2024
  - Deadline to submit statement of qualification (SOQ) is June 21, 2024

#### **Next Steps (June-July 2024)**

- **Statement of Qualification (SOQ)/RFQ Responses**
  - Delaware to provide Scoring Matrix to the Village Clerk by June 21, 2024
  - Village Clerk to distribute a hardcopy of all responses and a Scoring Matrix for each response to each Board member and Mayor between June 24-28, 2024
- **Scoring & Evaluation Matrix (for each SOQ received) – At the July 18, 2024 Meeting**
  - Village Mayor/Clerk to guide the Board through review/score professional services RFQ responses & make selection
  - Board & Mayor – Review and score the SOQs for each of the firms using the RFQ Scoring & Evaluation Matrix (in advance of this meeting). Board members should be prepared to provide a total score for each of the responses
- **Scoring Summary**
  - Delaware to provide RFQ Scoring Summary Table by July 18, 2024
  - Village Mayor/Clerk – Complete the RFQ Scoring Summary by totaling the scores for each firm from each board member and the Mayor, to come up with a total score which will be used to compare the firms in question and form a basis for selection of a firm for contract award
- **Resolution for Contract Award (At the July 18, 2024 meeting)**
  - Delaware to provide RFQ Resolution for Contract Award by July 18, 2024
  - Board & Mayor – Review and act on RFQ Resolution for Contract Award for Engineering Services
    - **At the future meeting:** If the Village agrees to award the contract for A/E Services, then we recommend that the Village Board resolve to:
      - Adopt the Resolution for A/E Services Award for the Request for Qualifications (RFQ) for Engineering Services RFQ#3-2024 Village of Liberty EPG 131582/Sanitary Collection System I/I Investigation as set forth in the subject resolution
      - Village Clerk – Record results of the *RFQ Resolution to Award* for Engineering Services
- **Contract Execution and Negotiation**
  - Delaware to provide agreement for professional services for engineering to the Village by August 8, 2024
  - Village to execute agreement at the August 15, 2024 meeting
- **A/E Procurement Documentation**



- Delaware to provide RFQ Procurement Documentation in by July 18, 2024
- Board & Mayor – Confirm results of the *RFQ Procurement Documentation*
- Village Clerk – Record results of the RFQ Procurement Documentation, and keep on file, and provide to NYSEFC if they ask for it, and authorize complete the NYSEFC Certification for Architectural/Engineering Services Procurement (to be provided in the future upon execution of contract)
- **EPG Checklist Document Submittal**
- Village Clerk to submit certified Board Resolutions, Budget and Plan of Finance Form, and Executed Engineering Agreement and Architectural and Engineering Procurement Certification to NYSEFC by August 30, 2024
- The anticipated schedule is as follows:
  - Adopt Board Resolutions ..... March 16, 2023 (A)
  - Submit NYSCFA EPG Funding Application ..... August 11, 2023 (A)
  - Award Announcement ..... February 15, 2024 (A)
  - Award Letter received by Village ..... February 16, 2024 (A)
  - Award Acceptance Form Submitted ..... March 4, 2024 (A)
  - Authorize the Town Clerk to publish the legal notice for RFQ March 7, 2024 (A)
  - Deadline to submit an executed Award Acceptance Form .. March 8, 2024 (A)
  - EPG Checklist of Supporting Documentation received by Village March 13, 2024 (A)
  - Village adopts updated Board Resolutions and Plan of Finance March 21, 2024 (A)
  - RFQ for A/E Procurement ..... May - August 2024 (T)
    - Provide RFQ Legal Notice to the Village ..... May 16, 2024 (A)
    - Village to publish the legal notice ..... May 24, 2024 (T)
    - Deadline to submit RFQ/SOQ ..... June 21, 2024 (T)
    - Village Clerk to distribute and Board to review RFQs/SOQs June 24 – 28, 2024 (T)
    - Village Board to score RFQ/SOQ and select firm ..... July 18, 2024 (T)
    - Engineering Contract Submitted to Town ..... by August 8, 2024 (T)
    - Execute Agreement with selected firm (at Board meeting) August 15, 2024 (T)
  - Submit EPG Checklist & Supporting Documentation .by August 23, 2024 (T)
  - Deadline to submit EPG Checklist Supporting Documentation August 31, 2024 (A)
  - Execute PFA ..... September 2024 (T)
  - Deadline to Execute Grant Agreement ..... September 31, 2024 (A)
  - Complete I/I Engineering Report ..... October 2024 – July 2026 (T)
  - Village Review of the I/I Engineering Report ..... August – September 2026 (T)
  - Deadline to Complete I/I Engineering Report (2-year period) September 2026 (A)
- 10. **Lead & Copper Rule Revisions service line inventory requirements, due fall 2024**
  - Board Action Required at Tonight’s meeting:
    - None
  - **A/E Procurement/Professional Services RFQ**
    - Same as I/I A/E Procurement/Professional Services RFQ above
  - NYSDOH recently finalized Amendment No. 2 to the FFY 2024 DWSRF Intended Use Plan (IUP) and **this project has been selected for award!**
  - On March 29, 2024 the Village received notice that this this project is eligible for a BIL-LSLR grant award of up to \$845,609 (to complete inventory), and to Please confirm your acceptance of the funding award and intent to proceed with this project by completing and signing the enclosed form and returning it **no later than April 19, 2024**. Without confirmation, we may bypass your project and award these funds to another community.
    - At the April 18 meeting the Village Board authorized the Village Mayor to confirm

acceptance and intent to proceed with this funding by completing and signing the Acknowledgement and Acceptance of BIL-LSLR Funding Award (DWSRF# 19636), checked that “A/E Services have not yet been procured, and that a complete A/E Procurement Certification form will be submitted when available” and e-mailing it to [design@health.ny.gov](mailto:design@health.ny.gov) no later than April 19, 2024., 2024 (Village Mayor signed and Delaware Engineering returned on 4/17/24), and

- Authorized the Village Clerk to publish the legal notice for the Request for Qualifications for professional services for work associated with preparation of the Engineering Report for the BIL-LSLR Inventory
- NYSDOH confirmed receipt of the Acknowledgement and Acceptance of BIL-LSLR Funding Award on 4/17/24
- NYSDOH issued a draft amendment to the FFY2024 DWSRF IUO regarding the BIL Lead Service Line Replacement (BIL-LSLR funding. Comments will be accepted via e-mail until 5:00 p.m. on Friday, February 16, 2024 to [design@health.ny.gov](mailto:design@health.ny.gov)
- The result of this submission was that the Village was determined by EFC to be eligible for funding under the BIL LSLI grant program.
- Grant funds for the program are limited, and it appears that a majority of the funding is scheduled to be awarded to large cities like NYC, Albany, and Rochester.
- Municipalities may provide comments to EFC, regarding the draft IUP amendment, before it is finalized.
- On February 14, 2024 Delaware submitted, is a draft comment letter to the Village to help municipalities comment on the draft IUP for EFC consideration. If the Village wishes to submit comments to EFC, this letter can be revised as necessary, signed, and submitted, by email, to [design@health.ny.gov](mailto:design@health.ny.gov).
- While it is possible that these comments could result in funding being awarded to a greater variety of small eligible communities, it should be understood that there is no guarantee that that the Village will be one of them.
- The October 2024 inventory deadline remains
- The Village will need to continue to move forward with this recognizing that outside funding is unlikely
- Village should continue to organize information on lead services lines’
- At the February 15, 2024 meeting the Village resolves to authorize a Village Representative sign the letter and submit by email to NYSDOH via e-mail by 5:00 p.m. by Friday February 16, 2024 to [design@health.ny.gov](mailto:design@health.ny.gov). Letter was sent to NYSDOH by the Village Clerk on February 16, 2024
- A report and listing form were finalized and submitted on 8/25/23 for a lead service line inventory project, covering the Village district, to be considered for 100% grant funding through the BIL program administered by NYS DWSRF. PER and Listing form emailed to Village Mayor and DPW Supervisor on 8/25/23.
- The estimated project cost is \$845,609.
- If a grant is received, the project will be subject to federal and DWSRF requirements (e.g., MWBE, BABA, AIS, Davis Bacon, etc.).
- Per regulations, the Village needs to have an LSL inventory completed by October 2024 – Not a lot of time to get this done/not optional
- Use inventory to position for an IUP listing and funding application next summer for replacement work (up to 70% funding possible)
- There is possible funding to assist in paying for the inventory – possible 100% grant for the inventory work for Disadvantaged communities – which we believe the Village is
- The **listing deadline** for DWSRF **BIL Lead Service Line (LSL) funding** through EFC/DOH is **August 25, 2023**. Eligible projects include the identification, planning, design, and replacement of lead service lines.

- To be eligible for funding, a DWSRF **project listing form and an engineering report need to be e-mailed to DOH by August 25th** to [design@health.ny.gov](mailto:design@health.ny.gov)
- EFC and DOH hosted a webinar on the Lead Service Line (LSL) funding available through the Bipartisan Infrastructure Legislation (BIL).
  - Grants are only available to municipalities that meet the definition of a Disadvantaged Community (DAV). If a client is not a DAV, then they will only get subsidized financing
  - In order to qualify for BIL Lead Service Line grant funding (inventory or replacement), a municipality needs to have a 2021 MHI that is less than 80% of the regionally-adjusted State MHI. The Village of Liberty qualifies for this.
  - DAV eligibility applies to both inventory and replacement projects. DAVs can get up to 100% grant funding (\$2M max) for inventory projects, and up to 70% grant funding (\$10M max) for replacement projects.
  - You can only apply for LSL replacement funding for locations where the number and location of LSL are known and verified, even if it is just a targeted area. However, if you are requesting replacement funding, then the entire line (public and private portion) must be replaced.
  - You can apply for both inventory and replacement projects simultaneously, but with separate applications. For example, in the Village of Catskill there are some known locations of lead service lines associated with a water main replacement project that is in the planning stages, but they still need to complete a community-wide LSL inventory before the DOH October 2024 deadline.
  - You may be able to “piggy-back” a LSL replacement project with a water main replacement project that is anticipated to receive DWSRF funding, but only if the two projects can be kept completely separate. They are two different sources of funds with different reporting requirements and must be tracked separately.
  - A/E Procurement Requirements will apply, just like every other BIL-funded project. Procurement doesn’t need to happen before an application is made, but it would make sense to get that out of the way while we wait for news on any grant awards so we can hit the ground running.
  - The application process for both project types is the same. No authorizing resolution is needed, just a completed DWSRF listing form and a brief Engineering Report. Engineering report templates are being worked on. Deadline is August 25.
- The anticipated schedule is as follows:
- Submit Project to DWSRF IUP..... August 25, 2023
- Secure Short-Term Financing (BAN).....September 2023 to TBD
- RFQ for A/E Procurement ..... May – August 2024
  - Provide RFQ Legal Notice to the Village ..... May 16, 2024 (A)
  - Village to publish the legal notice ..... May 24, 2024 (T)
  - Deadline to submit RFQ/SOQ ..... June 21, 2024 (T)
  - Village Clerk to distribute and Board to review RFQs/SOQs June 24 – 8, 2024 (T)
  - Village Board to score RFQ/SOQ and select firm ..... July 18, 2024 (T)
  - Engineering Contract Submitted to Town ..... by August 8, 2024 (T)
  - Execute Agreement with selected firm (at Board meeting) August 15, 2024 (T)
  - Submit Engineering Agreement and A/E Procurement Cert. by August 31, 2024 (T)
- Perform Lead Service Line Inventory ..... Present to October 2024
  - Solicitation and Selection of Consultant ..... Present to August 2024
  - Review Existing Files ..... Present to July 2024
  - Funding Notification ..... March 29, 2024
  - Public Bidding for Excavation Contract..... TBD
  - Public Outreach ..... Present to July 2024
  - Field Investigation and Data Input ..... May to September 2024
  - Final Data Compilation ..... September to October 2024
- LSL Inventory Completed and Submitted ..... October 2024

- A report and listing form were finalized and submitted on 8/25/23 for a lead service line inventory project, covering the Village district, to be considered for 100% grant funding through the BIL program administered by NYS DWSRF. PER and Listing form emailed to Village Mayor and DPW Supervisor on 8/25/23.
- The estimated project cost is \$845,609.
- If a grant is received, the project will be subject to federal and DWSRF requirements (e.g., MWBE, BABA, AIS, Davis Bacon, etc.).
- Per regulations, the Village needs to have an LSL inventory completed by October 2024 – Not a lot of time to get this done/not optional
- Use inventory to position for an IUP listing and funding application next summer for replacement work (up to 70% funding possible)
- There is possible funding to assist in paying for the inventory – possible 100% grant for the inventory work for Disadvantaged communities – which we believe the Village is
- The listing deadline for DWSRF BIL Lead Service Line (LSL) funding through EFC/DOH is August 25, 2023. Eligible projects include the identification, planning, design, and replacement of lead service lines.
- To be eligible for funding, a DWSRF project listing form and an engineering report need to be e-mailed to DOH by August 25th to [design@health.ny.gov](mailto:design@health.ny.gov)
- EFC and DOH hosted a webinar on the Lead Service Line (LSL) funding available through the Bipartisan Infrastructure Legislation (BIL).
  - Grants are only available to municipalities that meet the definition of a Disadvantaged Community (DAV). If a client is not a DAV, then they will only get subsidized financing
  - In order to qualify for BIL Lead Service Line grant funding (inventory or replacement), a municipality needs to have a 2021 MHI that is less than 80% of the regionally-adjusted State MHI. The Village of Liberty qualifies for this.
  - DAV eligibility applies to both inventory and replacement projects. DAVs can get up to 100% grant funding (\$2M max) for inventory projects, and up to 70% grant funding (\$10M max) for replacement projects.
  - You can only apply for LSL replacement funding for locations where the number and location of LSL are known and verified, even if it is just a targeted area. However, if you are requesting replacement funding, then the entire line (public and private portion) must be replaced.
  - You can apply for both inventory and replacement projects simultaneously, but with separate applications. For example, in the Village of Catskill there are some known locations of lead service lines associated with a water main replacement project that is in the planning stages, but they still need to complete a community-wide LSL inventory before the DOH October 2024 deadline.
  - You may be able to “piggy-back” a LSL replacement project with a water main replacement project that is anticipated to receive DWSRF funding, but only if the two projects can be kept completely separate. They are two different sources of funds with different reporting requirements and must be tracked separately.
  - A/E Procurement Requirements will apply, just like every other BIL-funded project. Procurement doesn’t need to happen before an application is made, but it would make sense to get that out of the way while we wait for news on any grant awards so we can hit the ground running.
  - The application process for both project types is the same. No authorizing resolution is needed, just a completed DWSRF listing form and a brief Engineering Report. Engineering report templates are being worked on. Deadline is August 25.
- The anticipated schedule is as follows:
- Submit Project to DWSRF IUP ..... August 25, 2023

- Secure Short-Term Financing (BAN) .....September 2023 to TBD
- Perform Lead Service Line Inventory .....Present to October 2024
  - Solicitation and Selection of Consultant ...Present to June 2024
  - Review Existing Files .....Present to July 2024
  - Funding Notification..... March 29, 2024
  - Public Bidding for Excavation Contract ..... TBD
  - Public Outreach ..... Present to July 2024
  - Field Investigation and Data Input ..... May to September 2024
  - Final Data Compilation ..... September to October 2024
- LSL Inventory Completed and Submitted ..... October 2024

#### **11. Sanitary Collection System Approval Process for Sewer Extensions**

- On April 3, 2024 the Village received a follow up letter from NYSDEC letter requiring Village to review their Sewer Use Ordinance/Sewer Code (SUO) and modify as needed to address Sewer Extensions
- Review ordinance needs to be completed with copy to NYSDEC by November 1, 2024
- Village Attorney drafted a local law to adopt this language into Village code
- The Village should consider adopting this resolution before August meeting, to be able to submit to NYSDEC by November 1, 2024
- On June 23, 2023 the Village received notice from the Department that sewer extensions in your municipality may have proceeded without appropriate approvals, required by a facility's SPDES Permit and 6 NYCRR and Part 750-2.10, and requested that the Village submit to the Department by August 23, 2023 a list of all sewer extensions under construction or proposed sewer extensions, as defined above, in the Village of Liberty which do not have Department approval
- On March 8, 2024 the Village submitted a response to the Department confirming that the Village is aware of the obligations under NYCRR 750 which requires prior NYSDEC approval for all sewer extensions that transmit flow to the WWTP and that presently there were no sewer extensions under construction or proposed to be construction, and that there have been no undocumented extensions to the Village's collection system.
- On April 3, 2024 the Village received a follow up letter requiring Village to review their Sewer Use Ordinance/Sewer Code (SUO) and modify as needed to address Sewer Extensions (see attached)
  - The Department then conducted a review of your Municipality's local sewer ordinance dated December 6, 1984. Deficiencies were found in the approval requirements for new sewer extensions located in Article VI Sections 68-18 and 68-19 of your municipality's Sewer Use Ordinance.
    - Your municipality's current Ordinance does not currently require New York State Department of Environmental Conservation's (NYSDEC) approval for sewer extensions, as is required by 6 NYCRR 750-1.6(f)
    - The Department published a Model Sewer Use law in 1994 to aid municipalities in developing or modifying their local sewer use laws. The model cannot be applied universally; it needs to be tailored to each municipality's needs. The specific language to be adopted by each municipality should be reviewed and approved by the municipality's attorney and other responsible municipal officials.
    - Section 501 of the Model Sewer Use Ordinance offers sample language for the approval of Sewer Extensions that ensures compliance with the Environmental conservation law. It is likely that other sections of your current Sewer Use Law may need to be updated as well. Please conduct a review of your Sewer Use Ordinance with the Model Sewer Use Ordinance as a guide and make any revisions needed to comply with the Environmental Conservation Law by November 1, 2024. Please provide a copy to this office upon enactment.

**OLD BUSINESS: UPDATE ON INTERMUNICIPAL AGREEMENT RE: SEWER DISTRICT 26-1-59**

Supervisor DeMayo said someone will be dropping off the agreement to the Clerk’s office this week.

**DISCUSS ACCOUNT RECEIVABLE BILLING RE: FIRE DISTRICT**

Mayor Stoddard said she had a conversation with Dick Martinkovic regarding this issue and they hope to have it resolved within the next month.

**CONSIDER MORATORIUM LAW**

This item is under discussion with the various agencies and will be reviewed again at the June 6<sup>th</sup> meeting.

**CONSIDER LETTER TO SCHOOL RE: DONATION OF PROPERTY**

The Village will draft and send a letter to the school regarding tax map #108.-6-39 and donating the parcel of land to them.

**NEW BUSINESS: RESOLUTION TO RELEVY UNPAID WATER/SEWER BILLS AND ACCOUNTS RECEIVABLE BILLINGS TO 2024/2025 VILLAGE TAXES**

**RESOL. # 23-2024:** Motion by Trustee Lake, seconded by Trustee Mills and unanimously carried approving Resolution #23- 2024

**RESOLUTION TO RELEVY UNPAID WATER/SEWER BILLS AND ACCOUNTS RECEIVABLE BILLINGS TO 2024/2025 VILLAGE TAXES**

**RESOLVED** that pursuant to Chapter 67.5 and Chapter 83 of the Code of the Village of Liberty pertaining to unpaid water and sewer rents, the following listing of unpaid rents billed from April 1, 2023 and unpaid by May 1, 2024 shall be added to the real property tax of the owner of the property whose property benefited by the use of the water/sewer systems, and the Village services to wit:

The total amounts are:	Water	-	\$34,892.56
	Sewer	-	\$40,254.35

**TOTAL TO RELEVY: \$75,146.91**

**CONSIDER RESOLUTION FOR 2024/25 WATER RENTS**

**RESOL.# 24-2024:** Motion by Trustee Feasel, seconded by Trustee Mir and unanimously carried approving Resolution #24-2024

**WHEREAS,** the Village Board has authority pursuant to Section 84-6 of the Village Code to set, modify and change by Resolution water rents, service changes and penalties for non-timely payment,

**WHEREAS**, the Village Board has previously set water rates effective June 1, 2023 by Resolution, and

**WHEREAS**, in order to avoid confusion since the Village, has, at times in the past, adopted and/or amended sewer, services charges and penalties for non-timely payments by Local Law, and

**WHEREAS**, on April 22, 2002 the Village of Liberty has repealed such Local Law and has amended Section 84-6 of the Village Code to clarify its intent in order to avoid any further confusion, it is

**RESOLVED**, that effective as June 1, 2024, inside water rates in the Village of Liberty shall be \$7.45 per thousand gallons inside rate and \$13.10 per thousand gallons outside rate, and it is further

**RESOLVED**, that effective as of the date of adoption of this Resolution by the Village Board, all of the water rents (including service charges not paid within thirty (30) days shall be charged a 10% penalty fee.

THE MOTION WAS PUT TO VOTE, WHICH RESULTED AS FOLLOWS:

<b>MAYOR STODDARD</b>	-	<b>YES</b>	
<b>TRUSTEE MIR</b>	-	<b>YES</b>	
<b>TRUSTEE MILLS</b>	-	<b>YES</b>	<b><u>RATES ADOPTED</u></b>
<b>TRUSTEE FEASEL</b>	-	<b>YES</b>	
<b>TRUSTEE LAKE</b>	-	<b>YES</b>	

**CONSIDER RESOLUTION FOR 2024/25 SEWER RENTS**

**RESOL.#** Motion by Trustee Mir, seconded by Trustee Mills and unanimously carried  
**25-2024:** approving Resolution #25-2024

**WHEREAS**, the Village Board has authority pursuant to Section 67-7 of the Village Code to set, modify and change by Resolution sewer rates, service changes and penalties for non-timely payment,

**WHEREAS**, the Village Board has previously set sewer rates effective June 1, 2023 by Resolution, and

**WHEREAS**, in order to avoid confusion since the Village, has, at times in the past, adopted and/or amended sewer, services charges and penalties for non-timely payments by Local Law, and

**WHEREAS**, on May 14, 2014 the Village of Liberty has repealed such Local Law and has amended Section 67-7 of the Village Code to clarify its intent in order to avoid any further confusion, it is

**RESOLVED**, that effective as June 1, 2024, inside sewer rates in the Village of Liberty shall be \$10.75 per thousand gallons inside rate and \$18.00 per thousand gallons outside rate, and it is further

**RESOLVED**, that effective as of the date of adoption of this Resolution by Village Board, there shall be a \$1.50 per month service charge for sewer line maintenance (i.e. \$4.50 per quarter), and it is further

**RESOLVED**, that effective as of the date of adoption of this Resolution by the Village Board, all of the sewer rents (including service charges not paid within thirty (30) days shall be charged a 10% penalty fee.

**THE MOTION WAS PUT TO VOTE, WHICH RESULTED AS FOLLOWS:**

<b>MAYOR STODDARD</b>	-	<b>YES</b>	
<b>TRUSTEE MIR</b>	-	<b>YES</b>	
<b>TRUSTEE MILLS</b>	-	<b>YES</b>	<b><u>RATES ADOPTED</u></b>
<b>TRUSTEE FEASEL</b>	-	<b>YES</b>	
<b>TRUSTEE LAKE</b>	-	<b>YES</b>	

**CONSIDER RESOLUTION FOR 2024/25 SANITATION USER FEES**

**RESOL.# 26-2024:** Motion by Trustee Feasel, seconded by Trustee Mills and unanimously carried approving Resolution #26-2024

**WHEREAS**, the Village Board has authority pursuant to Section 35-17 of the Village Code to set, modify and change by Resolution sanitation user fees;

**WHEREAS**, the Village Board has previously set sanitation user fees effective June 1, 2023 by Resolution, and

**WHEREAS**, in order to avoid confusion since the Village, has, at times in the past, adopted and/or amended sanitation user fees by Local Law, and

**RESOLVED**, that effective as June 1, 2024, the sanitation user fees will be as follows:

**COMMERCIAL**

<b>1 Dumpster/1 Pickup per week</b>	-	<b>\$ 1684</b>
<b>1 Dumpster/2 Pickups per week</b>	-	<b>\$ 2945</b>
<b>No Dumpster/1 Pickup per week</b>	-	<b>\$ 709</b>
<b>No Dumpster/2 Pickups per week</b>	-	<b>\$ 1240</b>

**RESIDENTIAL**

<b>Single</b>	-	<b>\$ 337</b>
<b>Two Family</b>	-	<b>\$ 675</b>
<b>Three Family</b>	-	<b>\$1011</b>
<b>Apartment/Dumpster</b>	-	<b>\$1684</b>

**OPT OUT FEES**

<b>Single</b>	-	<b>\$169</b>
<b>Two Family</b>	-	<b>\$338</b>



Three Family	-	\$506
Commercial users/Apartment Units	-	\$842

**RESOLVED**, that all the above sanitation user fees will be effective as of June 1, 2024.

**THE MOTION WAS PUT TO VOTE, WHICH, RESULTED AS FOLLOWS:**

MAYOR STODDARD	-	YES	
TRUSTEE MIR	-	YES	
TRUSTEE MILLS	-	YES	<u>USER FEES ADOPTED</u>
TRUSTEE FEASEL	-	YES	
TRUSTEE LAKE	-	YES	

**CONSIDER BUDGET MODIFICATIONS FOR THE 2023/24 BUDGET YEAR**

**RESOL# 27-2024:** Motion by Trustee Lake, seconded by Trustee Mills and unanimously carried approving Resolution #27-2024.

**WHEREAS**, the Village of Liberty approves the following Budget Modifications for he 2023-24 Fiscal Year:

**CONSIDER TWO BUDGET MODIFICATIONS FOR THE 2024-25 BUDGET**

**RESOL# 28-2024:** Motion by Trustee Mills, seconded by Trustee Feasel and unanimously carried approving Resolution #28-2024.

**WHEREAS**, the Village of Liberty Board of Trustees adopted the 2024-25 Budget on May 22, 2024 and;

**WHEREAS**, since the adoption the Waste Water Treatment Plant has been presented with the final payment schedule for the Phase I of the Waste Water Treatment Plant Upgrade, making the 2024-25 payment less than anticipated;

**WHEREAS**, with the new payment schedule the Village is able to reduce the amount of the Appropriated Fund Balance used for the budget to \$39,099.00;

**NOW, THEREFORE BE IT RESOLVED**, the Board of Trustees of the Village of Liberty approves the Budget Modification for the Waste Water Treatment (Sewer) Budget for the 2024-25 Fiscal Year.

**RESOL# 29-2024:** Motion by Trustee Mills, seconded by Trustee Feasel and unanimously carried approving Resolution #29-2024.

**WHEREAS**, the Village of Liberty Board of Trustees adopted the 2024-25 Budget on May 22, 2024 and;

**WHEREAS**, since the adoption of the budget the state budget has been passed and the CHIPS funding for the 2024-25 Fiscal Year has been announced and;

**WHEREAS**, the Extreme Winter Funding within the CHIPS funding can be used for the purchase of equipment as long as they are paid for in full;

**NOW, THEREFORE BE IT RESOLVED** the Board of Trustees of the Village of Liberty approves a Budget Modification in the General Fund in the amount of \$79,952.45 for the purchase of a 2025 Chevrolet Silverado HD3500 truck for the DPW.

**CONSIDER BANNER PERMIT – FARMERS MARKET**

Motion by Trustee Mir, seconded Trustee Mills and unanimously carried approving the **Banner Permit** for the Farmers Market which will be held from July to September 1st.

The Farmers Market is sponsored by Catskill Mountainkeepers with Eugene Thalmann as the contact.

The banner will be up from July to September.

**CONSIDER BANNER PERMIT – FREE YOGA FRIDAY**

Motion by Trustee Mir, seconded by Trustee Mills and unanimously carried approving the **Banner Permit** for Free Yoga Friday during June to August to be held on the stage in LaPolt Park.

The event is sponsored by the Catskill Mountain Keepers and the banner will be placed on the new NYSEG pole in front of the Town of Liberty. NYSEG will put it up and take it down. It will be stacked with the Farmers Market Banner.

**CONSIDER PAYMENT REQUEST FOR WWTP**

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried authorize the Village Clerk to proceed to process Payment \$99,843.85, for final payment (all punch list and remaining work items complete) as requested by the contractor, contingent upon receipt of the complete Closeout Package, 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 CHANGE ORDER #3 – DIRECTIONAL DRILLING SEWER INSTALLATION**

Motion by Trustee Mir, seconded by Trustee Lake and unanimously carried to authorize the Mayor to execute Change Order No. 3 for Contract No. VL1-G-24, for addition of Directional Drilling Sewer Installation based on the costs represented in the 4/15/24 Alternate Bid Sheet from Tweedie Construction Services, Inc., in the total amount of \$27,400.00, which will increase the contract cost to \$372,644.00.

**CONSIDER LOAN TO SEWER FUND**

Motion by Trustee Mir, seconded Trustee Feasel and unanimously carried approving a loan of up to \$20,000 to the sewer fund from the general fund to cover the voucher abstract for May.

**CONSIDER CARRY OVER OF VACATION TIME TO 2024-25 FISCAL YEAR**

Motion by Trustee Mir, seconded by Trustee Mills and unanimously carried approving the carry-over of vacation time to the 2024-25 Fiscal Year for the following employees:

Judy Zurawski (Employee #55)	-	56 Days
Mark Killam (Employee #404)	-	36 Days
Angela Giacalone (Employee #65)	-	26 Days

**BILLS FOR PAYMENT:** Motion by Trustee Feasel, seconded by Trustee Mills and unanimously carried approving Voucher #1019 to Voucher #1093 in the amount of \$187,719.57.

**CDBG BILL FOR PAYMENT**

Motion by Trustee Feasel, seconded by Trustee Mills and unanimously carried approving the following bill for payment:

<b>Tweedie Construction Services</b>	-	<b>\$23,745.25</b>
<b>#642PR120-23</b>		

**EXECUTIVE SESSION:** Motion by Trustee Mir, seconded by Trustee Feasel and unanimously carried to go into Executive session at 7:40 p.m. to discuss personnel issues in the Code Enforcement Office and the Clerk's Office.

Police Chief Steven D'Agata and Clerk-Treasurer Judy Zurawski were invited into the Session.

Motion by Trustee Feasel, seconded by Trustee Lake and unanimously carried to come out of Executive Session at 8:10 p.m.

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

**THE MEETING WAS ADJOURNED AT 8:11 P.M.**

**RESPECTFULLY SUBMITTED,**

**JUDY H. ZURAWSKI, CLERK/TREASURER**