

WORKSESSION MEETING

JANUARY 18, 2024

The Board of Trustees held the Regular Meeting on January 18, 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, Trustee Joe Aracci, Trustee Ernest Feasel, and Trustee Eveleese Lake, Judy Zurawski, Clerk/Treasurer and Amanieemma Awny, Clerk.

ABSENT: Deputy Mayor/Trustee Robert Mir and Attorney for the Village Gary Silver

ALSO PRESENT: David Ohman (Delaware Engineering), Dan Fagnani (Delaware Engineering), Police Chief Steven D'Agata, David Burke, Abraham Weserman and Motty Heimich.

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

REGULAR MEETING – January 4, 2024

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

INCOMING

- ❖ Email regarding Catskill Hudson Bank into HVCU.

TABLED BUSINESS: 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:
 - Review status/what's left to do
- **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:

1. WWTP Upgrade
 - Board Action Required at Tonight's meeting:**
 - **WWTP Phase 2 Enhanced Sludge Upgrade**
 - Review WIIA Grant (25%) Award Letter and consider signing the Acknowledgement and Acceptance Form (**deadline to confirm acceptance is January 19, 2024**)
 - Review BIL Grant (50%) Award Letter and consider signing the Acknowledgement and Interest in BIL Funding Form (**deadline to confirm acceptance is January 19, 2024**)
 - Consider Professional Services RFQ Process in January 2024
- **WWTP Phase 1**
 - Consider Applications and Certificates for Payment for approval:
 - **Payment No. 21** for General Contractor - Eastman – **\$301,753.91**

For the Enhanced Sludge Project – Phase 2

- Clean Water State Revolving Fund (CWSRF) Funding Submittal – also covers BIL funding request:
 - Completed and uploaded on June 15, 2023
- WIIA Grant Funding (25% grant)
 - WIIA Grant Funding Application submitted on August 9, before the before August 11 deadline.
 - **On December 12, 2023 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)**
 - 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 no later than January 19, 2024. Without Village confirmation, NYSEFC may bypass your project and award these grant funds to another community.

- It was agreed upon at the 01/19/23 meeting that the Village would consider proceeding with the project if the grant was successful.
- **Other Possible Additional Financing Opportunities**
 - **Bipartisan Infrastructure Law (BIL)**
 - **On December 12, 2023 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
 - 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 no later than **January 19, 2024**. Without Village confirmation, NYSEFC may bypass your project and award these grant funds to another community.
- **Cost Summary**
 - Total Estimated Project Cost from PER: \$9,899,686
 - WIIA Grant Award: \$2,474,922
 - BIL Grant Award: \$4,950,000
 - Village's Commitment \$2,75,000 (25% of project costs)
- **Architectural and Engineering (A/E) Procurement Requirements**
 - The Village must follow Federal A/E Requirements for Qualification Based Procurement. The requirements for qualification-based procurement are as follows:
 - Public announcement of the Request for Qualifications ((e.g., publish a legal notice in a regional newspaper, post the RFQ on your web site and the NYS Contract Reporter website) and Allow at least four (4) weeks between the date of publication and the response deadline;
 - Evaluation and ranking of the submitted qualifications statements based on established, publicly available criteria (e.g., identified in the solicitation). Evaluation criteria should be based on demonstrated competence and qualification for the type of professional services required (e.g., past performance, specialized experience, and technical competence in the type of work required);
 - Discussion with at least three firms to consider anticipated concepts and compare alternative methods for furnishing services;
 - Selection of at least three firms considered to be the most highly qualified to provide the required services; and
 - Contract negotiation with the most highly qualified firm to determine compensation that is fair and reasonable based on a clear understanding of the project scope, complexity, professional nature, and the estimated value of the services to be rendered. In the event that a contract cannot be negotiated with the most highly qualified firm, negotiation continues in order of qualification.
 - The Village will be required to submit a Certification for Architectural/Engineering Services Procurement, to be submitted by the Recipient with executed agreement.
- **Plan Forward**
 - The Village should anticipate a follow-up letter that lists all missing items to complete the project financing agreement (e.g., engineering services agreement, certificate to title the project site, etc.)
 - We will prepare contract for engineering services for Village this month with desire to execute it at the February 2024 meeting so that we can start design.
 - Updated project schedule, attached.

- 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	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-March 2023	Professional Services RFQ Process
January 18, 2023	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	Deadline for WIIA and BIL Grant Acknowledgment and Acceptance (WIIA)/Interest (BIL)
March 2023	Contract with selected consultant for professional services for design through construction
January – March 2024	Short-term financing
January 2024	Commence design
March 2024	Close on NYSEFC Short Term Financing (Bridge Loan)/ Project Finance Agreement Execution – reimburse accounts for planning and design services costs
May 2024	Submit project plans and specifications to NYSEFC & NYSDEC for review and approval
June – July 2024	Receive NYSEFC Design Approval
August – November 2024	Bid/Award Construction Related Contracts
December 2024	Issue Notice to Proceed/Commence Construction
December 2024 – July 2026	Construction (Eng. Administration, 20 Months)
December 2024 – December 2025	Construction (Onsite, 12 Months)

- Therefore, if the Village would like to proceed with the project, then we recommend that:
 - The Village resolves to authorize the Village Mayor to sign the WIIA Grant (25%) Acknowledgement and Acceptance Form (attached) and for the Village Clerk/Delaware email it to nyswatergrants@efc.ny.gov no later than January 19, 2024
 - The Village resolves to authorize the Village Mayor to sign the BIL Grant (50%) Acknowledgement and Interest in BIL Funding Form (attached) and for the Village Clerk/Delaware email it to CWSRFinfo@efc.ny.gov no later than January 19, 2024
 - The Village Board resolves to authorize the Village Clerk to publish the legal notice for Request for Qualifications for professional services for design through construction during January/February with response due in February. The RFQ legal notice could appear on January 26 with responses due February 23, or as required to meet publication requirements
- **Update/Review of Project Progress for Phase 1 WWTP Upgrade:**
 - **Construction Schedule**
 - **Completion Date:** Almost all WWTP Upgrade work planned to **be substantially complete and operational by** September **2023** and wrapping up in February 2024 – construction has pushed beyond originally planned duration.
 - Generator delivery pushed until 01/17/24; SCADA installation/work to begin 12/6 and will continue
 - Contract Completion Dates

	<u>Original</u>	<u>Revised Contract Completion Date per CO's</u>
• Eastman	8/10/23	12/31/23 (Addressing PL items, SC forms pending)
• 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 Contractor Work

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

- Control Building, Influent Building, & Sludge Building Improvements
 - Painting of building facade – Work Complete
 - Painting of building interior – Work Complete
 - New roof installation – Work Complete
- Influent Channel Process Improvements
 - Grit Tank Work (screen, collectors, gates, diffusers)
 - Grit –Grit classifier, Work Complete
 - Grit –Grit collector screws (2), Work Complete
 - Gates – Work Complete
 - Mechanical Screen – Work Complete
 - Influent Channel Grating – **Ongoing**
 - Grit Blowers (2) – Work Complete
 - Influent Area Utility Markout – Work Complete by J&J SASS Utility Location Services Subcontractor, Eastman Associates to maintain markings during project
- Influent Building Process Improvements
 - Stormwater Tank Recirculation Pump – Work Complete
 - Stormwater Tank Pumps (2) – Work Complete
 - Other Work (e.g., process pumps and piping, etc.) – Work Complete
- Secondary Clarifier Process Improvement
 - Valve replacement – Work Complete
 - Clarifier Tank Repair – Work Complete
 - Clarifier Equipment Panting – Work Complete
 - Clarifier Equipment Installation – Work Complete
 - New Grating Installation – Work Complete
 - Existing Clarifier Improvement's – Work Complete
 - Site restoration – Work Complete, **final items addressed as punch list items**
- Sludge Building Process Improvements
 - PAC Tank installed, piping and controls – **Work Complete**
 - RAS Pump 1, 2 & 3 Installed – Work Complete
 - RAS Pump Control Panel – Panel Complete; **final items addressed as punch list items**
 - Effluent water system feed (for future/Phase 2) – Work Complete
 - NPW Pumps (2) – Work Complete; **final items addressed as punch list items**
 - WAS Pumps (2) – Work Complete; **Work Complete**
 - Post Aeration Blowers – Work Complete; **Work Complete**
 - Temporary dewatering system – Work Complete
 - Belt Filter Press – **Work Complete**
 - Polymer System – Work Complete

- Polymer System mixer – **Work Complete**
- Clarifier Feed Channel Grating – Work Complete
- Belt Press Reject water piping – Work Complete
- Stormwater Retention Basin Improvements – Work Complete; **monitor for potential seeps**
- **Oxidation Ditch 1 Improvements**
 - VFD Commissioning – Work Complete
 - Other work (VFD, DO meter) – Work Complete
 - **Oxidation Ditch 2 Repairs**
 - Contractor shall clean construction debris from Ditch 1 prior to transferring liquid content from Ditch 2 – Work Complete
 - Tank Repairs – **Work Complete**
 - Tank Cleaning -Work Complete
- New Electrical Building
 - Floor slab – Work Complete
 - Siding – Work Complete
 - Interior finished – Work Complete
 - Access landing grating & railings - Work Complete
- Roof installed, flashing, & trim work– Work Complete
- Post Aeration Tanks
 - Gates – Work Complete
 - Air system – Work Complete
- SCADA & Instrumentation
 - VFDs – All onsite & installed
 - Instruments – Instruments onsite –Work Complete
 - Delivery complete & Installation of storm water tank floats - Work Complete
 - SCADA Installation – January 2024 – final items addressed as a punch list items
- Site Work
 - Control Building PVC roof drain piping – Work Complete
 - Influent Area Utility Markout – Work Complete, Eastman Associates to maintain marking during project.
 - Sludge Building PVC roof drain piping – Work Complete
 - Generator Pipe Bollards - Work Complete
 - Site Restoration – Punch List Item
 - Chemical Offloading Pad – Work Complete
- Yard Piping
 - Influent Area – 1” copper water line – Work Complete

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

- New Electric Building
 - Layout, sleeves, and grounding grid – Work Complete
 - Power up temporary facilities – Work Complete
 - New service is powered up – Work Complete
 - New generator transfer switch – Ongoing, to be completed at generator delivery
 - Provide temporary E-Power For new electric service – Work Complete (temporary powered via Influent Bldg. Generator, operator shall control loads are required during generator run).
 - New Generator – Delivery and installation scheduled for January 17th
- Control Building
 - Install new outlets, switches, wiring, lighting and conduits – Work Complete

- Influent Building
 - Installing conduits for duct bank connections to buildings – Work Completed
 - Layout of new panel locations for new conduits -Work Complete.
 - Installed new power panel – Work Complete
 - Installed New Lighting - Work Complete
 - Sludge Building Service Upgrade (CO#3) galv. Conduits – Work Completed
 - Installing conduits for equipment – Work Complete
 - Installing conduits for SCADA – Work Complete
 - Floats and HOA's- Work Complete
 - Final Demolition Work – week of January 15th
- Sludge Building
 - Sludge Building - Lights – Work Complete
 - Heating Conduit – Work Complete
 - Blower Room – Lights and Heating conduit – Work Complete
 - Post Air Blowers - Work Complete
 - Installing conduits for equipment – Work Complete
 - Installing conduits for SCADA – Work Complete
 - Polymer System – Installed contract items – Work Complete
 - Polymer System – Mixer completion week of January 15th
 - Final Demolition Work – week of January 15th
- Oxidation Ditch
 - Install new conduits & conductors to Ox Ditch mixers and CPs – Work Complete
 - Mixer Control Panel Mounting Modification – Work Complete
 - Terminations and Landings to Oxidation Ditch Control Panel – Work Complete
- Secondary Clarifier – Work Complete
- Site Work
 - New underground duct bank, layout complete, installation – Work Complete
- Exterior Lighting
 - Correct light fixture operations (photo cell issues)- Work Complete

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

- Influent Building – Work Complete
- Sludge Building Water Service – Work Complete
- Control Building Kitchenette – Work Complete
- Sludge Building Water Piping – Work Complete

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

- Provide schedule for new roof curbs – Work Complete
- Control Building heaters – Work Complete
- Electrical Building HVAC – Work Complete
- Influent Building heater installation (1) – Work Complete
- Sludge Building heater installation (2) – Work Complete
- Sludge Building ventilation – Work Complete

- **NYSEFC Phase 1 Funding**
 - The NYSEFC Closed on the PFA for the additional funding up to \$9.4M on 6/30/22
 - No further actions required....all set until long term closing
 -
- **Converting Short-Term Financing to Long Term Financing**
 - 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 information that NYSEFC will need is as follows:
 - If there are no changes next to a line item, please leave as is.
 - If there are changes to a line item, please let me know how much that line item is increasing or decreasing in dollars.
 - If there is a new contract not reflected on the spreadsheet, please send me the agreement(s).
It looks like we are missing an executed local counsel agreement.
 - If there are amendments and/or change orders to any contract that are not reflected in the contract amount, please send me those executed documents. If there will be amendments and/or change orders to an existing contract that have not been executed yet, let me know what line item they belong to and the dollar amount of each amendment and/or change order.
 - If there are any contracts that have not been disbursed on to date, please let me know if those contracts will be used. If not, indicate that they need to be removed. Also, if there are line items of contracts where no additional monies will be drawn, please indicate that no additional monies will be requested. I then can reduce the contract amount to actual amount disbursed. There is no sense having the Village pay debt service on monies that will not be used.
 - Please confirm that there is no third-party funding for this project other than the WIIA Grant.
 - Updated Form of Indebtedness (form attached).
 - Costs Per Equivalent Dwelling Unit (form attached).
 - Lastly, if construction is complete, there should be no contingency unless you absolutely need it. Again, we don't want the Village to pay debt service on monies that will not be used.
 - Attached is a form of indebtedness and costs per equivalent dwelling unit form. If you would fill out these forms and send them back by the date below along with the markup of the summary by sub-category, that would be very helpful.
 - Could you let me know when the Village will be submitting their 2023 Annual Financial Report to OSC as the fiscal year ended 05/31/23? If it has been submitted, can you provide the date of the submittal and the following information:
 - The short-term financing doesn't mature until August 8, 2024, but the project is about 86% disbursed and the sooner we convert this financing the better as there is a long lead time to get the long-term financing to an EFC loan Committee for approval.
 - We are working through this with Judy, and hope to have all information submitted in the near future
- **PAYMENT REQUESTS**
 - **Contract No. VL1-G-21 – General Construction**
 - Payment Application No. 20
 - At the December 7 meeting, the Village resolved to authorize the Village Clerk to proceed to process Payment Application No. 20, for General Contract No. VL1-G-21, to Eastman Associates, Inc., for the period of November 1 through November 30, 2023, in the amount of \$108,321.63, 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. 21

- The full application package has been provided to the Village Clerk under separate cover
- We have reviewed the Payment Application from Eastman Associates, Inc., the contractor for the subject project, for the period of December 1 through December 31, 2023, in the amount of \$301,753.91 for partial payment for Mob/Demob/Ins/Bonds, Influent Channel Painting, Sludge Building Process Improvements Painting, Post Aeration Tank Process Painting, SCADA – Purchase & Program, SCADA – Install, NYSEFC Contract Compliance, Change Order #6 – Various Changes and Change Order #10 – Time Extension.
- The total cost to date of \$5,280,852.39 equates to 95% of the contract price, with a balance to finish, for retainage only, of \$277,939.61.
- We agree with the level of work completed to date and the costs presented herein. As such, we recommend that the Village resolve to authorize the Village Clerk to proceed to process Payment Application No. 21, for General Contract No. VL1-G-21, to Eastman Associates, Inc., for the period of December 1 through December 31, 2023, in the amount of \$301,753.91, 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.
- **Therefore, should the Village agree with the foregoing assessment, Delaware Engineering recommends the following:**
 - **The Village resolve to authorize the Village Clerk to proceed to process Payment Application No. 21, for General Contract No. VL1-G-21, to Eastman Associates, Inc., for the period of December 1 through December 31, 2023, in the amount of \$301,753.91, 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.**

Contract No. VL1-E-21 – Electrical Construction

Payment Application No. 13

- At the November 16 meeting, the Village resolved to authorize the Village Clerk to proceed to process Payment Application No. 13, for Electrical Contract No. VL1-E-21, to J&J Sass Electric, Inc., for the period of October 1 through October 31, 2023, in the amount of \$69,540.00, 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.

Contract No. VL1-P-21 – Plumbing Construction

Substantial Completion

- 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.)
- We have assembled the project closeout package including final payment application to and will forward to the Village in the near future

Payment Application No. 9 (Final)

- At the December 7 meeting, the Village resolved to authorize the Village Clerk to proceed to process Payment Application No. 9 (final), for Plumbing Contract No. VL1-P-21, to A. Treffeisen and Sons, LLC., in the amount of \$5,931.27, 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.

Contract No. VL1-H-21 – HVAC Construction

Substantial Completion

- 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
- 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.)
- We have assembled the project closeout package including final payment application to and will forward to the Village in the near future

Payment Application No. 13 (Final)

- At the December 7 meeting, the Village resolved to authorize the Village Clerk to proceed to process Payment Application No. 13 (final), for HVAC Contract No. VL1-HV-21, to A. Treffeisen and Sons, LLC., in the amount of \$6,574.92, 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.

- **Potential Work that may be able to be completed with remaining contingency +/- \$30K**

- Per Updated Exhibit C (November 2023) for Anticipated Final Project Costs
- Planned Changes for Village Consideration – None

Changes to Affect Contingency

Current Contingency \$29,200 – 39,200

- Possible Future Items as funding allows
 1. Paving, Other – Planning for Phase 2
 2. Mechanical Screen - \$250,000 – Planned for Phase 2
 3. WAS Sludge Pump and Piping - \$100,000 – Planned for Phase 2
 Reviewing final costs with NYSEFC Financial (P. Jonson) to confirm

- **Change Orders**

Contract No. VL1-G-21 – General Construction

- **Change Order No. 1** – Add Bid Alternate Belt Filter Press work
 - Totaling \$763,000
 - Approved by NYSEFC on 6.24.22
- **Change Order No. 2** – Update Davis Bacon Wage Rates
 - No Cost Change
 - Approved by NYSEFC on 6.24.22
- **Change Order No. 3**
 - Totaling \$48,730.65 for:
- Item 1 – Influent Building Grit Holding Area Unforeseen Conditions, Item 2 – Stormwater Pump Piping Modifications, Item 3 – WAS Piping Modifications, and Item 4 – NPW Supply Piping
 - Approved by NYSEFC on 9/21/22
- **Change Order No. 4**
 - Totaling \$23,882.17 for:
 - Item 1 – Post Aeration Blower Piping, Item 2 – Emergency Generator Bollards
 - Item 2 – WAS Piping Modifications, and Item 4 – NPW Supply Piping
 - Approved by NYSEFC on 11/30/22
- **Change Order No. 5**
 - Totaling \$57,730 for:
 - Additional roofing costs based on the scope and costs represented in the 2/1/23 & 2/28/23 change proposals from Eastman Associates, Inc.
 - Approved by NYSEFC on 5/8/23
- **Change Order No. 6**

- Totaling \$6,636.84 for:
 - Bid Item #3.02 – Utility Building Allowance
 - Bid Item #12.02 – Sludge Press Repair Allowance
 - Bid Item #18.01 & #18.02 – Office Building Roof Modification Credit
 - Bid Item #20.01 – Winter Weather Work Allowance Credit
 - CR-8 – Value Credit: Two (2) 4” BFVs and two (2) check values
 - T & M Costs for Tank Cleaning Work
 - Additional BFV on grit blower discharge line
 - Bid Item #11.01 – Clarifier #1 New Skimmer Arm Extension
 - Bid Item #11.03 – Secondary Clarifier Tank Repair Allowance Overrun
 - CR-11 – Door Hinge Changes: Change from (6) 4” hinges to (9) 6” hinges and replace window insert
 - CR-12 – RAS Panel Modifications & Additional 12” Pipe Supports and Hardware at Stormwater Basin
 - CR-14 Post Aeration Tank Piping Changes: Install new 4” SS pipes, fittings and supports in post aeration tank
 - CR-15- Access Panel Changes: Five (5) 10” x 10” ceiling access panel
 - CR-16 – RAID 5: RAID 5 for two (2) SCADA Computer and one (1) additional monitor
 - CR-17 – Float and SCADA Changes: Five (5) floats with 40’ of cable, mounting brackets, five (5) HOA switches, and additional SCADA programming
 - Approved by NYSEFC on 6/5/23
- **Change Order No. 7 – No Cost Contract Time Extension**
 - At the July 20 meeting the Village authorized the Mayor to endorse Change Order No. 7 – No Cost Time Extension for Contract No. VL1-G-21, based on Eastman’s June 21, 2023 request for a no cost time extension of the contract date of substantial completion from August 10,2023 to December 31, 2023 with final completion by January 31, 2024, and with no change to the contract price.
 - NYSEFC approved on 8/15/23
 - **Change Order No. 8 – Chemical Containment Pad**
 - At the September 21 meeting the Village Board authorized the Mayor to execute Change Order No. 8 for Contract No. VL1-G-21, based on the scope and costs represented in the various change proposals from Eastman Associates, Inc., in the total amount of \$67,157.77, which will increase the cost of the contract to \$5,497,437.66 (previous contract amount of \$5,430,279.66 plus \$67,157.77).
 - NYSEFC approved on 10/06/23
 - **Change Order No. 9 – Various Project Modifications**
 - At the October 19 meeting the Village Board resolved to authorize the Mayor to execute Change Order No. 9 for Contract No. VL1-G-21 – General Construction, based on the scope and costs represented in the various change proposals from Eastman Associates, Inc. (see Attachment 2), in the total amount of \$894.72, which will increase the cost of the contract to \$5,498,332.15 (previous contract amount of \$5,497,437.43 plus \$894.72), contingent upon NYSEFC’s review and approval that the costs presented in this change order are eligible for financial assistance by NYSEFC.

• Belt Filter Press Conveyor Support (RFP No. 7)	\$11,065.30
• Seal Water Tank Demolition (T&M Work)	\$3,032.44
• Existing Belt Filter Press MCC Demolition, Drain Repair, & Misc. (T&M Work)	\$22,875.48
	-\$30,000.00

• Belt Press Repair Allowance Credit	-\$1,581.50
• Credit for Aluminum Grating (RFP No. 6)	-\$1,100.00
• Equipment Pad Slab Credit (PAC Tank, Influent Bldg. & Sludge Pump Pads)	
• Credit to Install 3" PVC NPW Belt Press Wash Water Feed instead of 4" DIP	-\$3,397.00
• CHANGE ORDER 9 NET COST CHANGE TOTAL =	\$894.72

- NYSEFC approved on 10/31/23.

Change Order No. 10 – Oxidation Ditch Cleaning, Dry Polymer Tank Mixer and WAS Pump Discharge Drain Line

- At the November 16 meeting, the Village Board resolved to authorize the Mayor to execute Change Order No. 10 for Contract No. VL1-G-21 – General Construction, for the Oxidation Ditch Tank Cleaning, Dry Polymer Tank Mixer, and WAS Pump Discharge Drain Line work based on the scope and costs represented in the various change proposals from Eastman Associates, Inc., in the total amount of \$60,459.85, which will increase the cost of the contract to \$5,558,792.00 (previous contract amount of \$5,498,332.15 plus \$60,459.85), contingent upon NYSEFC's review and approval at that the costs present in this change order are eligible for financial assistance by NYSEFC.

• Oxidation Ditch Tank Cleaning/Grit Removal	\$50,600.00
• Dry Polymer Tank Mixer	\$3,887.39
• WAS Pump Discharge Drain Line	\$5,972.46
• CHANGE ORDER 10 NET COST CHANGE TOTAL =	\$60,459.85

- NYSEFC approved on 11/30/23

Contract No. VL1-E-21 – Electrical Construction

- **Change Order No. 1 – Add Bid Alternate Belt Filter Press Work**
 - Totaling \$96,000
 - Approved on 6.24.22 by NYSEFC
- **Change Order No. 2 – Update Davis Bacon Wage Rates**
 - No cost change
 - Approved by NYSEFC on 6.24.22
- **Change Order No. 3 – 600A Service Upgrade for the Sludge Building**
 - Totaling \$18,306
 - Approved by NYSEFC on 11/30/22
- **Change Order No. 4 – Sludge Tank Mixer Improvements**
 - **Totaling \$22,677.00 for:**
 - Sludge Tank Mixer three (3) additional NEMA 4X local disconnects at the Sludge Tanks, NEMA 12 contractors, and breakers for the new electrical panel.
 - Approved by NYSEFC on 6/5/23
- **Change Order No. 5 – No Cost Contract Time Extension**
 - At the July 20 meeting the Village authorized the Mayor to endorse Change Order No. 5 – No Cost Time Extension for Contract No. VL1-E-21, based on J & J Sass Electric Inc.'s July 5, 2023 request for a no cost time extension.
 - If this change is accepted, Change Order No. 5 will result in an extension of the date of substantial completion for the contract from September 14, 2023 (the current substantial completion date) to December 31, 2023, with final completion by January 31, 2024 and with no change to the contract.
 - NYSEFC approved on 8/15/23

- **Change Order No. 6 – Various Project Modifications**

- At the October 19, 2023 meeting the Village Board Authorized the Mayor to execute the Change Order No. 6 – Various project modifications for Contract No. VL1-E-21 Electrical Construction, in accordance with the project change order quotes, proposals, etc. of the change proposal provided by J&J Sass Electric. In the total amount of \$84,894.03 which will increase the cost of the contract to \$1,996,877.03 (previous contract amount of \$1,911,983.00 plus \$84,894.03), contingent upon NYSEFC's review and approval that the cost presented in this change order are eligible for financial assistance by NYSEFC.

Time & Material Work determined to be required to complete the project (Items 1-20)

Item 1 Control Building Garage heaters conduit and conductor (power)	\$2,293.74
Item 2 New Electric Room heater conduit and conductor (power)	\$1,681.78
Item 3 New generator ground rods	\$807.88
Item 4 Control Bldg. Bathroom & Garage heaters, conduit and conductor (power)	\$1,121.75
Item 5 Grit Screw Motor Heater conduit and conductor (power)	\$1,716.48
Item 6 Post Air Blower Electrical frequency Filters (not in scope)	\$811.51
Item 7 Stormwater Pumps control floats conduit and conductor (control)	\$1,045.28
Item 8 Sludge Building Hot Water Heater conduit and conductor (power)	\$779.30
Item 9 Grit Tank Blower Disconnects (not in scope)	\$394.54
Item 10 Stormwater Pumps Power to MiniCas relay conduit and conductor (control)	\$ 903.30
Item 11 Influent Building Receptacles and conduit and conductor (power)	\$8,608.30
Item 12 New influent Screen Emergency Power	\$509.38
Item 13 Panel GPA Emergency Power Upgrades	\$1,777.32
Item 14 Clarifier No. 2 Temporary Power	\$321.66
Item 15 Sludge Building Heaters Temporary Power	\$ 2,445.01
Item 16 Control Building Heaters Disconnection and Reconnection	\$ 2,221.21
Item 17 Dry polymer system conduit and conductor (power)	\$ 3,175.33
Item 18 Post Air Blowers Internal Cooling Fans conduit and conductor (power)	\$ 1,086.35
Item 19 MCC and MCC-D Isolation from main service	\$ 2,037.52
Item 20 Polymer feed system motorized valve conduit and conductor (power)	\$ 6,542.14

Subtotal Total – Time and Material Work = \$40,279.78

Project Changes with Proposals

Item 21 PCO No. 6 – Sludge Bldg. Heaters conduit & conductor (power)	\$10,229.00
Item 22 PCO No. 7 – Sludge Bldg. HVAC Equipment conduit & conduit (control)	\$16,025.00
Item 23 PCO No. 8 – Fine Screen Disconnect Relocation	\$10,871.00
Item-11 PCO No. 9 – Additional Miscellaneous Time and Material Work	
Item 24 – Sludge Building Sump Pump Alarm	\$ 2,911.80
Item 25 – Grit Screw Motor Overload/Failure Alarm	\$ 3,247.27
Item 26 – RAS Flow Meter to SCADA conduit & conductor	\$ 1,330.18

Subtotal Total – Time and Material Work = \$44,614.25

Change Order No. 6 Total = \$84,894.03

- NYSEFC approved on 11/30/23
- **Change Order No. 7 – No Cost Contract Time Extension**
 - At the November 16 meeting the Village authorized the Mayor to endorse the Change Order No. 7 – No Cost contract Time Extension for Contract No. VL1-E-21, for no cost time extension of the contract Date of Substantial completion from December 31, 2023 to February 10, 2024 with final completion by March 31, 2024 and with no change to contract price.
- Extension of the project substantial complete date from 12/31/2023 to 02/10/2024 \$0.00
- CHANGE ORDER 7 NO COST CHANGE TOTAL - \$0.00

- NYSEFC APPROVED ON 12/10/2023
- **Possible/Pending Change Order(s)**
 - None

Contract No. VL1-P-21 – Plumbing Construction

- **Change Order No. 1 – Update Davis Bacon Wage Rates**
 - No Cost Change
 - Approved on 6.24.22 by NYSEFC
- **Change Order No. 2 – Influent and Sludge Building’s PRVs**
 - Totaling \$5,689
 - Approved on 09/23/22 by NYSEFC
- **Change Order No. 3 – Polymer Feed System Modifications**
 - Totaling \$3,135.77 for:
 - Polymer Feed System Modifications
 - Approved by NYSEFC on 6/5/23
- **Change Order No. 4 – No Cost Contract Time Extension**
 - At the July 20th meeting the Village authorized the Mayor to endorse Change Order No. 4 – No Cost Time Extension for Contract No. VL1-P-21, based on A Treffeisen & Son’s June 27, 2023 request for a no cost time extension of the date of substantial completion for the contract from August 30, 2023 (the current substantial completion date) to September 30, 2023, with final completion by October 31, 2023 and with no change to the contract.
 - NYSEFC approved on 8/15/23
- **Pending Change Orders(s)**
 - **None**

Contract No. VL1-HV-21 – HVAC Construction

- **Change Order No. 1 – Update Davis Bacon Wage Rates**
 - No Cost Change
 - Approved on 6.24.22 by NYSEFC
- **Change Order No 2 – New Sludge Building Exhaust Fan & New Control; Building Garage Utility Heater**
 - Item 1 – New Sludge Building Exhaust Fan
 - Totaling \$8,387.78
 - Approved by NYSEFC on 11/30/22
- **Change Order No. 3 – No Cost Contract Time Extension**
 - At the July 20 meeting the Village authorized the Mayor to endorse Change Order No. 3 – No Cost Time Extension for Contract No. VL1-H-21, based on A Treffeisen & Son’s June 27, 2023 request for a no cost time extension with a substantial completion for the contract from August 30, 2023 (the current substantial completion date) to September 30, 2023, with final completion by October 31, 2023 and with no change to the contract.
 - NYSEFC approved on 8/15/23
- **Change Order No. 4 – Control Building HVAC Equipment Roof Modifications**
 - At the September 21 meeting the Village Board authorized the Mayor to execute Change Order No. 4 for Contract No. VL1-H-21, based on the scope and costs represented in A Treffeisen & Son’s August 22, 2023 Change Request, in the

total amount of \$6, 210.61, which will increase the cost of the contract to \$131,498.39 (previous contract amount of \$125287.78 plus \$6,210.61).

- NYSEFC approval pending
- Pending Change Order(s)
 - None

Village Direct Purchase

- Cable Internet (Spectrum) to WWTP
- Cable has been installed and setup complete, and working well.
- Modem/Router port ready for SCADA connection
- We worked with Judy to issue the Purchase Order, sent to Spectrum on 5/19/23
- Totaling \$39,119.48 for:
 - Spectrum to provide coaxial cable to the WWTP
 - Submitted to NYSEFC for Approval on 05/23/23
 - The Spectrum purchase order is being discussed internally as how to deal with it. NYSEFC has directed the village to include the invoice as a separate line item on the next disbursement check.
 - The Village has obtained a copy of the invoice on 10/20/23
 - Invoice paid October 2023
- **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 next monthly construction meeting will be held on site on 1.10.24 with the prime contractors, Delaware and Village Staff.

Engineering during Construction

- Continuing to receive and process project paperwork, prepare for and run monthly meetings, renew applications for payment, etc.

On-Site Construction and Observation Services

- Part time services continuing, when contractors are onsite
- Excerpt from the Revised Anticipated schedule below – **project has pushed about 6 months beyond the planned schedule**

February 21, 2022	Supplemental Bond Resolution becomes effective (20 days from Publication)
February – March 2022	Issue Notice of Award, and prepare execution copies of contract, and issue Notice to Proceed March 23, 2022 – Pre-Construction meeting
March 20 2022–March 2023	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 2/10/24 (Shipping of Emergency Generator has been rescheduled for January 17, 2024 due to engine availability)
January 2024 – March 2024	Construction Completion (Final) and Project Closeout

March 2024 – April 2024	Long Term Loan Closing
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- **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**

- At the October 19, 2023 meeting the Village Board authorized the Mayor to execute Delaware Engineering, D.P. C.'s Professional Service Contract Amendment No. 2 – Additional Construction Phase and Grit Pump Replacement Services dated October 18, 2023 in the amount of up to \$238,000, thereby adjusting the overall contract price to \$1,360,000.

Engineering Services Contract Amendment No. 2 - Additional Construction Phase and Grit Pump Replacement Services (October 2023):

A summary of the professional service tasks and a breakdown of costs for this contract amendment are as follows:

Engineering Services Tasks:

- | | |
|---|----------------------|
| • Task 3A - Additional Engineering During Construction (based on an additional 8 months) | \$ 128,000.00 |
| • Task 4A - Additional On-Site Observation Service (based on an additional 5 months full time) | \$ 75,000.00 |
| • Task 10 - Additional Engineering Services – Grit Pumps (based on hours spent on design and const. services) | <u>\$ 35,000.00</u> |
| Subtotal - Delaware Engineering: | \$ 238,000.00 |

Executed & Proposed Subcontracts:

- No feasible opportunities exist, none proposed
- | | |
|--|----------------|
| <i>Proposed Subcontracts Subtotal:</i> | <u>\$ 0.00</u> |
|--|----------------|

Professional Services Total – Contract Amendment No. 2: **\$ 238,000.00**

Revised Professional Services Contract Total – Including Amendment No. 1 & No. 2: **\$1,360,000.00**

- **NYSEFC Engineering approved this amendment on 10/31/23**
- **Submitted query to NYSEFC MWBE on 11/01/23**
- **We Believe, based on the discussion with NYSEFC Finance, we will need to do a contract amendment to reflect final cost a budget adjustment, mostly due to subcontracts, with no increase to the contract – will review with NYSEFC Financial (Paul J.)**
- **Background**
- At the November 5, 2020 meeting, the Village Board resolved to authorize the Mayor to endorse Professional Services Contract Amendment No. 1, to the design through construction contract for the Village WWTP upgrade to be financed through NYSEFC, dated October 28, 2020, associated with revisions to the Original Phase 1 Engineering Report, to initially include and then remove enhanced sludge processing and related work from the original report, in an amount not to exceed \$40,000. Accepted by the Board and forwarded to NYSEFC on November 9, 2020. NYSEFC indicated in early-December 2020 that they would review it.
- NYSEFC approved this amendment on 3/8/22.
- Need to modify our contract and costs to include the Grit Pump work and possibly to add belt press to Phase 1 (design, CA & CI) – Will look to do this after closing on short term loan since costs will come out of contingency since financing cost is capped at \$9.4M.

Phase 2 Sludge Handling WWTP Upgrade Project

- **See Architectural and Engineering (A/E) Procurement Requirements above**
- Contract amendment or new contract will be needed to be prepared to cover PER modifications and design through construction phase work. Village could follow RFQ process to allow for funding under SRF rather than just using WIIA funds.
- Historic info:
 - On hold until a plan forward can be agreed to now that WIIA funding has been denied for Phase 2
 - All At the October 15, 2020 meeting, the Village Board resolved to authorize the Mayor to endorse the Professional Services Contract for Planning phase work in the amount not to exceed \$24,900. Accepted by the Board and forwarded to NYSEFC on October 21, 2020.
 - Based on the Feb 24, 2021 call with NYSEFC, NYSEFC will not be approving this in the near term as there is no Project Financing Agreement in place and the project will now be on hold.
 - When the Village decides to move forward with some or all of Phase 2, Delaware will submit engineering services contract amendment for design through construction services, following the Announcement of NYSEFC WIIA Grant Awards, if the grant application is successful.

3. Rail Trail Area Culvert Drainage/Blockage

- **Board Action Required at Tonight's meeting:**
 - None
- **2023 CDBG Application**
 - CFA application was submitted on July 26, 2023 before the August 11, 2023 deadline.
 - Up to 100% grant possible.
 - 4th 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 toward the project for grant administration. Total grant award = \$999,919 (Total: \$1,048,919 - \$49,000 of Village Funds = \$999,919.)
- **NYS OCR CDBG Agreement:**
 - All Agreement Forms submitted to ORC initially by the deadline of 01/04/24
 - Requested comments and revisions are being addressed by Mark B., Judy and Delaware, as needed.
- **Professional Services Agreement of Grant Administration Services (Blauer Assoc.)**
 - 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 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 of Engineering Services (Delaware Engineering)**
 - 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.
- Delaware has contacted the surveyor and received a survey file of the project area
- Delaware has contacted geotechnical subcontractors to get borings done ASAP.
 - Proposals for geotechnical services are pending.
- Design is under way. Contacting pertinent agencies and vendors
- Confirmed with NYSOCR this week that construction needs to be underway by May 9, 2024.

- **Project Schedule**

- CDBG requires that award of construction contract(s) occurs within 6 months of execution of the grant agreement

- **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:	December 7, 2023 – Completed
Submission of Local Recipient Administrative Plan & Section 3 Plan:	January 4, 2024
Publication of NOI – RROF Environmental Notice:	January 17, 2024 pending OCR Approval
Request Release of Funds Submission:	February 21, 2024
Project Design:	January – February 2024
NYS OCR Release of Funds:	March 11, 2024
NYS DEC Plan Review:	February - 2024
NYS OCR Review of Draft Bid Package:	February – 2024 NYS OCR Release of Funds – March 11, 2024
Construction Bidding:	March – April 2024
Award & Execution of Construction Contract:	On or before May 9, 2024
Construction:	May – November 2024
Conduct 2 nd Hearing:	October 2024
Project Completion:	December 2024
Project Closeout:	January 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, 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 will advise DHSES in January 2024 (following execution and approval of the Grant Agreement) that this funding is no longer needed as the project will be funded by CDBG.

5. DPW Site Groundwater Monitoring/DPW Garage Site Remediation

- 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

6. WWTP SDPES Permit Renewal

- **NYSDEC WWTP Upgrade Reviewed/Updated SPDES/Permit Review Meeting**
- 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/1 with an effluent dissolved oxygen (maximum allowed for calculations) of 7.0 mg/1 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 date (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.
 - **NYSDEC Permits – Needs a list of priority pollutants of concern for PepsiCo**
 - **WET Testing results submitted to NYSDEC on January 12, 2024**
 - **Final Permit pending.**

7. PepsiCo

- 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.
- 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 without current system configuration
 - WW flow monitoring will be possible after Phase 1 upgrades
 - Most of our Facility water consumption is for domestic purposes (toilet 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

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

- 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
- Revised draft sent to the town on 12/12/23 we will get a copy to Dave Burke soon
- The Town is proposing a joint meeting in February/ March

9. Sanitary Collection System I/I Investigations

- Board Action Required at Tonight's Meeting
 - None
- 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
- Anticipated EPG award notice in January 2024

10. Church Street Culvert Repair

- NYSDEC allowable work to replace culverts still pending
- We have culvert GIGP grant application to our list for next year

11. Lead & Copper Rule Revisions service line inventory requirements, due fall 2024

- **Funding award notice for inventory work should occur in January 2024**
- **Village should continue to organize information on lead services lines**
- 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.
- 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 28, 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
- 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 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 funding, 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 to December 2023
- Perform Lead Service Line Inventory..... Present to October 2024
 - Solicitation and Selection of Consultant.....Present to November 2023
 - Review Existing Files.....Present to December 2023
 - Anticipated Funding Notification.....December 2023 to February 2024
 - Public Bidding for Excavation Contract.....January to February 2024
 - Public OutreachJanuary to June 2024
 - Field Investigation and Data InputMay to September 2024
 - Final Data CompilationSeptember to October 2024
- LSL Inventory Completed and SubmittedOctober 2024

12. General Engineering Service Contract 2024

- The General Services contract effective January 1, 2024 thru December 31, 2024 has been provided under separate cover for Village consideration on January 15, 2024
- This provides a formal mechanism for the Village to retain Delaware to provide professional services for small projects/work items without having to have a contract each time. Good to have in place for auditors also.
- Village assigns us work; we either agree to a set price or do on T&M basis. Our monthly invoice will identify each work item and provide a cost summary.
- The contract is the same as has been since 2017 except that we have updated items to the dates corresponding to 2024 and added a current (2024) rate schedule. All other terms and conditions, as requested by the Village Attorney in 2017, remain in place.
 - **If the contract is acceptable to the Village as written, and the Village desires to go forward with the contract, then we recommend that the Village Board authorize the Mayor to endorse the 2024 General Services contract with**

Delaware Engineering, D.P.C., and Rider to Contract), dated January 15, 2024.

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

Mayor Stoddard said that Attorney Silver is still working with the Town of Liberty and since he is not in attendance tonight it will remain tabled until the next meeting.

NEW BUSINESS: CONSIDER ELECTION INSPECTORS FOR MARCH 2024 VILLAGE ELECTIONS

Motion by Trustee Feasel, seconded by Trustee Arci and unanimously carried approving the following Election Inspectors for the March 19, 2024 Village Elections.

DEMOCRAT

Matthew Frumess
William Liblick

REPUBLICAN

Frank Meddaugh
Charles Tyler

CONSIDER BUDGET MODIFICATION

RESOL.# 1-2024: Motion by Trustee Lake, seconded by Trustee Aracci and unanimously carried approving Resolution #1-2024.

WHEREAS, the Board of Trustees approves the following budget modifications for the 2023/24 Fiscal year:

A3020.1 – DISPATCH/PERSONAL SERVICES \$23,900.00

RECLASS:

A9015.8 POLICE/RETIREMENT - \$23,900.00

This will help cover the cost of a new full time dispatcher due to the retirement of Dispatcher Kinne.

RESOLUTION ADOPTING POLLING PLACE/HOURS FOR MARCH 19, 2024 VILLAGE ELECTION

RESOL. # 2-2024: Motion by Trustee Feasel, seconded by Trustee Lake and unanimously carried approving Resolution #2-2024.

WHEREAS, Village Elections will be held on March 19, 2024 and;

WHEREAS, the elections will be held in the Municipal Building, located at 167 North Main Street and;

WHEREAS, the hours of the election will be from 12 noon to 9 p.m.;

THEREFORE BE IT RESOLVED, the Village Board of the Village of Liberty sets the above as the polling place and time for the 2024 Village Election.

REAFFIRM PAYMENT TO WATER OPERATOR DAVID BUNCE

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried reaffirming the phone poll for payment to Water Operator David Bunce (Voucher #729) in the amount of \$7,625.00 for his November and December invoices.

CONSIDER MEMORANDUM OF UNDERSTANDING WITH THE PBA RE: 8 HOUR SHIFTS FOR FULL TIME DISPATCHERS

Motion by Trustee Aracci, seconded by Trustee Feasel and unanimously carried approving the Memorandum of Understanding presented by the Police Benevolent Association to the Board for the approval of Eight (8) hour shifts for Full-Time Dispatchers. Previously the full-time dispatchers worked twelve (12) hours shifts. Police Chief D'Agati said it much more effective having the dispatchers here five (5) days a week instead of three (3).

The PBA is in agreement with the change.

The Board authorized Mayor Stoddard to Execute the Agreement.

CONSIDERATION OF GENERAL SERVICES CONTRACT/DELAWARE ENGINEERING

Motion by Trustee Aracci, seconded by Trustee Lake and unanimously carried approving the 2024 General Services for Delaware Engineering D.P.C., and Rider Contract dated January 15, 2024 and authorize Mayor Stoddard to endorse the same.

CONSIDER PAYMENT REQUESTS FOR WWTP PROJECT

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried authorizing the Village Clerk to proceed to process Payment Application No. 21 for General Contract No. VL1-G-21 to Eastman Associates, Inc. for the period of December 1, 2023 through December 31, 2023, in the amount of \$301,753.91 as requested by the contractor, including submittal of the payment request to NYSEFC for reimbursement, understanding that payment to the contractor will be made following receipt of reimbursement from NYSEFC.

CONSIDER WII GRANT REQUESTS

Motion by Trustee Lake, second by Trustee Feasel and unanimously carried authorizing Mayor Stoddard to sign the WIIA Grant (25% Acknowledgement and Acceptance Form and authorize the Village Clerk Zurawski and Delaware

Engineering to email to New York Water Grants/EFFC no later than January 19, 2024.

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried authorizing Mayor Stoddard to sign the BIL Grant (50%) Acknowledgement and Interest in BIL Funding Form and for Village Clerk Zurawski and Delaware Engineering to email to CWSRF/EFC no later than January 19, 2024.

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried authorizing the Village Clerk to publish the legal notice for Request for Qualifications for professional services for design through construction during January/February with response due in February. The RFQ legal notice will appear on January 26 with responses due February 23, or as required to meet publication requirements.

COMMENT FROM MAYOR: Mayor Stoddard mentioned she had conversation with the Superintendent of Liberty Central School regarding the sidewalks condition for students' safety from the snow/ice, and who is responsible for the snow and ice removal. She stated she hopes to sit down to have a meeting to discuss the situation.

BILLS FOR PAYMENT: Motion by Trustee Feasel, seconded by Trustee Lake and unanimously carried approving Voucher #639 to Voucher #726 in the amount of \$286,119.08.

Mayor Stoddard requested Voucher #679 payable to Laurie Dutcher in the amount of \$7,741.02 be held for further clarification.

EXECUTIVE SESSION: Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried to go into Executive Session to discuss a contract matter in the Police Department.

Police Chief D'Agata and Treasurer Zurawski were invited into the session.

Motion by Trustee Lake, seconded by Trustee Feasel and unanimously carried to come out of Executive Session at 7:54 p.m.

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

THE MEETING WAS ADJOURNED AT 7.55 P.M.

RESPECTFULLY SUBMITTED,

AMANIE AWNY, CLERK

