REGULAR MEETING

JANUARY 7, 2021

The Board of Trustees held the Regular Meeting of January 7, 2021 at the Village Municipal Building, 167 North Main Street, Liberty New York. Mayor Ronald Stabak opened the meeting with the Pledge of Allegiance.

PRESENT:

1

Mayor Ronald Stabak, Deputy Mayor/Trustee Robert Mir, Trustee Daniel Wright, Trustee Joan Stoddard and Trustee Victoria Ferguson. Also Present: Judy Zurawski, Clerk/Treasurer.

ABSENT:

Attorney for the Village Gary Silver

ALSO

James Gordon

PRESENT:

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

REGULAR MEETING - December 3, 2020

CORRES- Mayor Stabak said the following correspondence has been received/sent **PONDENCE**: and anyone can request copies by calling or email.

Incoming

- ♣ E-Mail Advocacy Update 12.11.20
- Memo from Land Bank Re: Covid-19 Foreclosure Act 12.31.20
- ♣ E-Mail from Mark Blauer Re: CDBG Funding 1.4.21

Outgoing

Letter to NYS Division of Homeland Security Re: Culvert 12.29.20

PUBLIC INPUT:

Mayor Stabak opened the meeting to comments from the Public.

James Gordon (Lake Street) commented on the following:

- Said that he has been keeping up on his installment tax plan.
- Stated he is glad to see the Village will be saving money with the new LED street lights
- Asked if the Department of Motor Vehicles had a satellite in the Village Municipal Office as they had requested.

Mayor Stabak said the contracts were all drawn up and signed but they never used the space in November and December.

ATTORNEY Attorney Silver was not in attendance at the meeting. **COMMENTS:**

TREAS. Treasurer Zurawski's written report was as follows: **REPORT:**

- ❖ List of Current Taxes and collections thru 12/31/20 of which there is \$413,514.36 outstanding. The current taxes are 90% collected.
- ❖ List of Delinquent Taxes, which as of 12/31/20 is \$373,718.48 not collected.
- Starting and Ending Central Check Numbers for December 2020
- Starting December Central Check #16149
- Financial comparison of General, Water, Sewer and Sanitation

Treasurer Zurawski said the CHIPS reimbursement was received at eighty (80) percent.

TABLED <u>UPDATE ON ENGINEERING PROJECTS - D. OHMAN/DELAWARE</u> BUSINESS: ENGINEERING:

David Ohman of Delaware Engineering was unable to attend the meeting and sent the following report:

1. WWTP Upgrade

- Tonight's meeting:
 - Elm Street Wellfield and Lead and Copper Compliance/Electrical Improvements
 - SEQR Resolution (Type II Action)
 - Resolution to commit to provide a balance of funds necessary to complete the project
 - Update/Review of Project Progress
 - Going with a Phase 1 (base contract) and Phase 2 (sludge) contract will allow some work to proceed while Village applies for more grant funding.
 - For the current Base project Phase 1:
 - Revised and resubmitted the approved Engineering Report to remove sludge related work as possible to allow other work to proceed. DONE October 30, 2020 no comments back from NYSEFC yet
 - Ultimately revising the Project Finance Agreement
 - Work on Design continuing anticipate submitting for NYSEFC and NYSDEC review in January 2021
 - Revised Anticipated Project Schedule attached, excerpt below

November 02, 2020	Delaware to prepare ER Amendment without items related to
	enhanced sludge processing and associated work and submit to
	NYSEFC for review - submitted ER Amendment No. 2 (dated
	October 30, 2020)
November 5, 2020	Village Board Meeting
	Board approved amendment to Delaware contract for revised
	Phase 1 work.
November 9, 2020	Executed Amendment No. 1 to the design services contract
	submitted to NYSEFC for approval
January 7, 2021	Village Board Meeting
	No Action Required
January 2021	NYSEFC approval of revised Engineering Report (ER) (?)
January 2021	Submit Design and Engineering Report Amendment (w/o
	tracked changes) to NYSEFC and NYSDEC for Design Review
	and NYSEFC Approval
February – March 2021	Bid & Award of Construction Contracts
April 2021	Issue Notice to Proceed
April 2021 – September 2022	Construction to Substantial Completion
October 2022	Construction Completion (Final) and Project Closeout
October 2022	Long Term Loan Closing

- For the Enhanced Sludge project Phase 2
- Put in a new Project Listing (PLUS) Done
- Doing SEQR again for the entire project: Done determination completed at August 20 Board Meeting
- Do a new Bond Resolution for the Phase 2 project done at September 3, 2020 meeting. Notice of Estoppel appeared on November 20.
- Prepared and submitted new Engineering Report to NYSEFC – Done – submitted NYSDEC on September 18, prior to September 21, 2020 deadline to finalize the IUP and get on the annual list for financing.
- Prepare a new Smart Growth Form and submit to NYSEFC. Done – Reviewed with Village and had the Mayor sign at the September 17 meeting, and submitted to NYSEFC prior to September 21, 2020 deadline to finalize the IUP and get on the annual list for financing.
- NYSDEC released the CWSRF Final Intended Use Plan (IUP) for FFY 2021. The Phase 2 project is listed on the annual list with a budget of \$8.2M, above the Hardship Subsidy Line (56 pts) with a score of 1,049 pts. (this could change once ER submitted in September 2020 is scored).
- Funding Application (CFA program) including the WIIA Grant funding up in the air right now – nothing set for this year.

- On January 6, the Village received notice that Phase 2 (Sludge Handling) of the Village's WWTP project will not qualify for 0% Hardship financing, as the base project score is below the Hardship Funding Line in the 2121 IUP.
- NYSEFC would like to schedule a conference with you and the EFC project team to discuss potential funding options, so the project can continue to move forward, during the week of January 11 or January 18.
- Revised Anticipated Project Schedule; excerpt below

January 6, 2021	The Village received notice that the project will not qualify for 0% Hardship financing, as the base project score is below the Hardship Funding Line in the 2021 IUP
January 7, 2021	Village Board Meeting
	No Action Required
January 2021	Schedule a conference with the EFC project team to discuss potential funding options, so the project can continue to move forward
TBD	Delaware submits engineering services contact amendment for design through construction services for Phase 2 work for Village consideration
January 2021	NYSEFC approval of ER (?)
TBD	Prepare and Submit WIIA Application for possible 25% grant on total project cost (TBD)
TBD	Design & submit project plans and specifications to NYSEFC for review and approval
TBD	Close on NYSEFC Short Term Financing (Bridge Loan)/ Project Finance Agreement Execution – reimburse accounts for planning and design services costs
TBD	Receive NYSEFC Design Approval
TBD	Bid/Award Construction Related Contracts
TBD	Issue Notice to Proceed/Commence Construction
TBD	Construction

Contracts

Sludge Handling WWTP Upgrade Project

- 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.
- Upon receipt of the anticipated notice of hardship eligibility, Delaware will submit engineering services contract amendment for design through construction services for Phase 2 work for Village consideration (TBD).

WWTP Upgrade Project

• At the November 5, 2020 meeting, the Village Board resolved to authorize the Mayor to endorse Professional Services Contract Amendment No. 1, dated October 28, 2020, associated with Engineering Report Revisions to the design through construction contract for the Village WWTP upgrade to be financed through NYSDEC, in an amount not to exceed \$40,000. Accepted by the Board and forwarded to NYSDEC on November 9, 2020. NYSEFC indicated in early-December that they would review in the next few weeks, should hear something soon.

• Delaware River Basin Commission (DRBC) WWTP docket expired

- o Worked with Judy to submit completed Cover Letter, Application, and Applicants Statement Project Review Fee form and check to: Delaware River Basin Commission, PO Box 7360, 25 Cosey Road, West Trenton, NJ 08628-0360, electronically submitted with confirmation on 12/8/2020 and delivered hard copy on 12/9/21.
- o Applicant's Statement Project review fee form & fee will need to be filled out again when the project goes out for regulatory review.

2. Lily Pond Road Bridge/Waterline

- Confirmed with the County on October 27, 2020 that they are still on schedule to complete design this fall for work next year.
- Working on a project scope/bid sheet so that we can develop a project cost estimate for temporary and permanent work with Ken H and Osterhout (contractor who did the work in 2006)
- Need to prepare a contract proposal (scope and cost) for design/bid award and construction phase services for Village consideration.
- Plan to do design in December and January review with NYSDOH and have ready to bid before year end for early spring construction.
- County work still planned for next spring
- More Background/Historic Information
- Want Village water main out of the way by May 2021
 - Village will need to do water line work themselves do a set of plans and specs for one general contract for demolition of exiting, temporary and permanent back in the bridge work
 - Should do design work this summer and work out all the details with county then but if not before year end so that we can have on-site work start March/April 2021.
 - Jeff Francisco (from our office) met on site with Ken and Howard Osterhoudt (contractor) and came up with a plan for the design and construction of temporary and permanent.

- Includes putting a new temporary water line support upstream of the bridge.
- Now need to get a budget cost estimate for the construction as well as the design/engineering for temporary and permanent work – we can work with Ken and Howard on this.
- May need to get easement(s) to accommodate this? (need to look at the tax maps to see where property lines are and if County ROW is shown)
- We need to have SCDPW permit like in 2006
- Water line work with NYSDEC could piggyback with their joint permit application
- Lily Pond Water Plant currently gets tractor trailer chemical deliveries every 1 to 2 months
 - o May not be able to get those big trucks to the plant via the alternative routes
 - o Ken to check with chemical companies to see if they can deliver with smaller trucks
 - We have Geotech report and County's site survey
 - Will likely need more site surveying some for topo and for producing temporary easements.

Next steps:

- Confirm ROWs and easements available and/or needed – looks like only property now
- o Develop project cost estimate and timeline
- Agree with Village on path forward for design (agree upon scope and cost) and timing for bidding/construction.

3. Rail Trail Area Culvert Drainage/Blockage

- Looks like CFA process is on hold for the foreseeable future so no action planned at this time. Once CFA is announced we can revisit with the Village.
- FEMA BRIC program:
- Village attended a meeting on September 29 with FEMA and Sullivan County Representatives to discuss Village projects to be included in the County's Hazard Mitigation Plan and potential funding opportunities.
 Identified projects including Rail Trail Culvert, Balsam Street culvert and waterline, North Main culvert sidewalk/deck repair and stream cleaning. Waterway work by Church Street and collapsing waterway culverts already on the FEMA list.
- FEMA BRIC program has up to 75% grant funding for eligible projects need to submit a Letter of Intent (LOI) package by September 30, 2020.
- We worked with Ron and Judy to put together and submit a letter of intent to get the Rail Trail culvert and sewer work on a list for potential FEMA funding for \$1 Million
- The Letter of intent was sent by 3:00 p.m. on September 30.

- Advised on October 9, 2020 email from NYSDHSES that the project appears eligible excerpts and comments below.
- Note that sub applicants are required to have a formally adopted and FEMA-approved Local Hazard Mitigation Plan by the Application deadline (January 29, 2021) and at the time of obligation of grant funds (expected Fall 2021) for all categories of mitigation projects and C & CB activities (with the exception of mitigation planning). Sub applicants must ensure that this requirement is met. Village will vote to approve the County HMP at the January 2021 meeting which includes a section on the Village work that should be completed in early January 2021 County HMP is being prepped now and we will work with the Village to move this all forward.
- The Village's application will be part of the County's HMP.
- All applications must be completed via FEMA's new online application system called FEMA Grants Outcome (FEMA GO). We have worked with Judy to complete this step.
- The sub application deadline is Wednesday, December 2, 2020 @ 5:00 p.m. EST (no extensions)
 - o We have worked with Judy and Village Staff to pull this together and it was uploaded on December 2. Hard copy provided to Judy.
- RFI A request for additional information (RFI) letter was sent to DHSES late in the day on 12/23/20. The letter requested the following:
 - o A formal Funding Commitment Letter (drafted on 12/29//20)
 - o Additional supporting documentation for costs associated with Benefit/Cost Analysis (BCA) portion of the funding application –we worked with Lynn and Judy to get available information
 - o The information requested was uploaded to the Village's sub application on FEMA GO and was submitted on 12/31/20 before noon (as required by the letter from DHSES)
 - o The letter from DHSES also stated that there has been an "Extradinarily high volume of Sub applications" submitted this year. DHSES has encouraged the Village to continue pursing funding for this project next year, in the event that funding is not awarded in this round.

Plan forward:

- o The Village will need to formally adopt the County's HMP by January 29, 2021. The plan should be available by early January for review and acceptance. Village will need to pass a resolution adopting the County HMP in January.
- o Then await the determination of funding for this project.

4. DPW Garage Site Remediation

- Nothing new until after December 2020 sampling is done and report prepared
- Based on June 2020 and September 2020 sampling, still seeing values near garage indicating contamination remains
- Excerpts from Report for September 2020 as follows:

Observations of the laboratory analytical results are below:

- MTBE was not detected in any of the sampled monitoring wells at concentrations greater than the laboratory reporting limits.
- No analyzed VOC's were detected at concentrations greater than the laboratory reporting limit at monitoring wells MW-19, VW-6, VW-7 and VW-8. These monitoring wells are located between the Village Garage and the production well and indicate that VOCs have not reached the production well.
- Total VOC concentrations increased slightly at monitoring well MW-22A by 15 parts per billion (ppb). The total VOC concentration is generally declining.
- Total VOC concentration has remained unchanged at monitoring wells MW-22B. None of the compounds detected at monitoring well MW-22B were at concentrations greater than drinking water standards.
- Six (6) VOC compounds were recorded above the drinking water standard at MW-22A. Monitoring wells MW-22A and MW-22B are located approximately 10 to 15 feet south of the remedial excavations that were performed in November 2016 and approximately 380 feet north of the production water well. When compared to historic values, the concentrations in these wells have been steadily decreasing.

Discussion/Recommendations

Quarterly sampling and analysis of select monitoring wells should continue. The next monitoring event is scheduled for December 2020.

Should withdrawals from the Village production well increase, a modified groundwater monitoring plan should be developed to ensure that contaminants are not drawn into the production well.

Scan of VOC concentrations from September – not much different than June 2020.

- Sent email to NYSDEC and Aztech on February 20, 2019 requesting an update on cost for remediation and an estimate for quarterly sampling work; no response.
- NYSDEC will keep going with quarterly monitoring until all results show compliance with water quality standards for a year or more (no real end in sight).
 - o The second quarter June 2019 groundwater monitoring report indicated that there was a contaminant increase in monitoring well VW-8 (212ppb VOCs). The other monitoring wells were within their historic values
 - September 2019 sample results showed levels in VW-8 returned to low/more historic levels.
 - o Still seems appropriate to consider getting the sampling to locate the limits of the remaining material sooner than later.

- o In addition, if we want to pump more water out of Elm Street well a more comprehensive sampling plan is needed
- o Aztech cannot perform the additional work as NYSDEC believes it would be a conflict so some other firm will need to do it.
- We can pursue this if desired by the Village
- o Also, right now it looks like there is more stuff to clean up out there
- o Some plan forward options:
- Continue with NYSDEC quarterly monitoring and no more cleanup
 status quo
- Continue with NYSDEC quarterly monitoring and ask NYSDEC to advise what else is being contemplated to accomplish more cleanup
- o Develop Village plan to investigate the extent of the remaining contamination
- o One of the above and look at what is needed to enable to pump more water
- At February 2020 meeting, the Village decided to seek DASNY SAM grant assistance for conducting a sampling plan site investigation to better identify remaining contamination under, up gradient and near the DPW garage.
 - o Use \$125,000 as a target cost
 - We could work on this if desired by the Village

DPW Garage Relocation

- o If sampling does not show that the contamination is principally under the garage, the most time efficient process to get rid of remaining contamination under the garage would likely be to demolish the garage to provide direct access for cleanup followed by about one year of sampling to confirm it is cleaned up
- o This would require relocation of the DPW garage and associated items (salt storage, etc.) to a new facility possibly on Willow Lane by the current cold storage and fueling station.
- We would work with the Village to seek funding to assist with this work if this is the desired plan

5. <u>Tiger's Den Monitoring Well Decommissioning</u>

- We haven't received a response from the DEC about the proposed monitoring well decommissioning. They may have lost interest in it for now? We'll let you know if they get us answers.
- On October 7, 2020 DEC requested latest sampling results and water production of the Elm St. municipal well.
- The water department provided data on October 9, 2020
- Delaware summarized and returned the requested information via email on November 2, 2020; we copied the Water Department, mayor and Judy on the email to the DEC.

6. Elm Street Wellfield and Lead and Copper Compliance/Electrical Improvements

- Good News! DASNY letter dated 12/1/20 and associated paperwork attached that approves the scope change for the \$100,000 to be applied to electrical improvements.
- Paperwork is requested to be returned within 30 days so we will work
 with Judy and Ron to get the attached letter over and forms filled out
 and signed by Ron and Judy.
- The paperwork requested to be returned within 30 days was submitted to DASNY on December 24, 2020.
- SEQR
 - At the December 3 meeting the Village Board resolved to declare itself lead agency for Electrical Improvements at the Elm Street Well house.
 - Based on review of the proposal, it has been determined that the project meets the criteria for a Type II Action and no further review would be necessary.
 - Therefore should the Village agree with our findings we recommend that the Village adopt a resolution identifying the Elm Street Well Field Electrical Improvements as a Type II Action under SEQR.
- Resolution to commitment to provide balance of funds necessary to complete the project
 - Therefore, we recommend that the Village adopt a resolution to commitment to provide balance of funds necessary to complete the project.

7. NYSDOH Water System Inspection/Cross Connection Control Program

• No Change from last month

UPDATE ON PANDEMIC OPERATIONS PLAN

Mayor Stabak said this plan has to be completed by February 1.

NEW <u>CONSIDER 2021 AGREEMENT WITH PARTNERS IN SAFETY</u> BUSINESS:

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried to continue the contract with Partners in Safety for 2021 for the Village's random alcohol and drug testing needs. The cost for the 2021 Complete DOT Agreement will be \$42.00 per employee.

CONSIDER EXECUTION OF DEED - 114-2-17

RESOL. Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving Resolution #1-2021

WHEREAS, On June 13, 2011 59 Railroad Avenue – Tax Map 114.-2-17 entered the foreclosure process and;

WHEREAS, the property did not sell in the foreclosure auctions and has been owned by the Village of Liberty and;

WHEREAS, In October 2020 it sold at the County foreclosure auction to Thomas Ninan for the full sale price of \$800.00;

NOW, THEREFORE BE IT RESOLVED, the Village of Liberty Board of Trustees authorizes Mayor Stabak to execute the deed and related paperwork for the transfer of this property to Thomas Ninan.

CONSIDER REQUEST FROM E. ASSOULINE RE: 40 LIBERTY

No motions were made on this request.

Clerk-Treasurer Zurawski said she would offer the owner a payment plan for Water/Sewer bills.

CONSIDER WORKSESSION MEETING DATE FOR JANUARY

Motion by Trustee Mir, seconded by Trustee Stoddard and unanimously carried to cancel the Worksession scheduled for Thursday, January 21st and reschedule it for Thursday, January 28th at 7:00 p.m.

<u>DISUSSION OF SULLIVAN COUNTY HARZARD MITIGATION PLAN</u> <u>RESOLUTION</u>

This item will be discussed at the Worksession Meeting of January 28th.

CONSIDER DASNY GRANT #11665 - SEQR RESOLUTION

RESOL.# Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving Resolution #2-2021.

Elm Street Well Electric Service Upgrade Resolution - SEQR Type II Action

WHEREAS, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQRA) provides that certain actions identified in subdivision (c) of that section are not

subject to environmental review under the Environmental Conservation Law; and

WHEREAS, the Village of Liberty is planning to upgrade the electric service at the existing Elm Street Well; and

WHEREAS, 6 NYCRR Part 617.5(c)(1) identifies the "maintenance or repair involving no substantial changes in an existing structure or facility" as a Type II Actions under SEQR, which has been determined not to have a significant impact on the environment and is precluded from environmental review under Environmental Conservation Law Article 8; and,

WHEREAS, the proposed project does not meet or exceed any of the thresholds established in Section 617.4;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the foregoing:

The Village Board of the Village of Liberty, Sullivan County, hereby determines that the proposed "electric service upgrade to the Village of Liberty Elm Street Well" is a Type II action and is therefore not subject to review under 6 NYCRR Part 617.

CONSIDER DASNY GRANT #11665 - RESOLUTION TO COMMIT TO PROVIDE BALANCE OF FUNDS NECESSARY TO COMPLETE THE PROJECT

RESOL. # Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously carried approving Resolution #3-2021.

Elm Street Well Electric Service Upgrade Resolution - Commitment of Funds

WHEREAS, the Village of Liberty owns and operates the Elm Street Well located at 46 Elm Street, Liberty, Sullivan County, New York; and

WHEREAS, the well provides for 20-25% of the average daily demand on the water system and its reliable operation is essential to the community; and

WHEREAS, the electric service is original to the facility and components have degraded overtime from exposure to the environment and corrosive conditions within the facility; and

WHEREAS, in order to ensure continued reliability of well operations the Village Engineer recommends a complete electric service upgrade at the facility; and

WHEREAS, the Village of Liberty has been notified of a pending \$100,000 grant award through the NYS State and Municipal (SAM) Facilities Capital Program (#11665) to complete the electric service upgrade; and

WHEREAS, an engineer's probable opinion of cost for the design and construction of the facility improvements and upgrades is \$136,250; and

WHEREAS, conditional to the grant award is the local commitment of funds necessary to complete improvements prescribed in the funding application above and beyond the grant award

NOW, THEREFORE, BE IT RESOLVED, in consideration of the foregoing: The Village Board of the Village of Liberty, Sullivan County hereby commits the local funds required above and beyond the \$100,000 grant award to complete the electric service upgrade at the Elm Street Well

CONSIDER PANDEMIC PROCEDURES FOR WATER BILLING

This item will remain tabled until the Worksession scheduled for January 28th to seek advice from the Attorney for the Village Gary Silver.

Mayor Stabak said the payment plan information can be posted on the Village website.

PUBLIC Mayor Stabak opened the meeting to comments from the Public. **COMMENT:**

James Gordon (Lake Street) briefly discussed the no shut off policy and the payment plans available on Water billing during the Pandemic.

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

Mayor Stabak - No Comment

Trustee Ferguson said she had information on the New York State Regulations for Covid leave she could share with Clerk-Treasurer Zurawski if she needed them.

Trustee Mir apologized for missing the Department Head Meeting this morning, stating he had to meet with the Attorney General's Office that morning regarding new policy/procedures.

Trustee Wright - No Comment

Trustee Stoddard stated the Department of Public Works is doing a good job with the winter (snow) season.

APPROVAL POST AUDIT VOUCHERS

OF BILLS

FOR PYMT: Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving Post Audit Voucher #547 to Voucher #551 in the amount of \$317,264.25

BILLS FOR PAYMENT

Motion by Stoddard, seconded by Trustee Ferguson and unanimously carried approving Voucher #552 to Voucher #628 in the amount of \$163,111.92.

EXECUTIVE Motion by Trustee Stoddard, seconded by Trustee Ferguson and **SESSION:** unanimously carried to go into Executive Session at 8:15 p.m. to discuss the employment matter in the Office of Code Enforcement.

Motion by Trustee Stoddard, seconded by Trustee Wright and unanimously carried to leave Executive Session at 8:20 p.m.

CONSIDER APPOINTMENT OF CODE ENFORCEMENT OFFICER

Motion by Trustee Stoddard, seconded by Trustee Ferguson and unanimously carried approving the appointment of Daniel Pollan to the permanent position of Code Enforcement Officer effective immediately.

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

THE MEETING WAS ADJOURNED AT 8:22 P.M.

RESPECTFULLY SUBMITTED,

JUDY H. ZURAWSKI CLERK-TREASURER