



# TOWN OF LIBERTY

N E W Y O R K

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## DEPARTMENT HEAD/WORKSESSION MEETING

**PLACE: SENIOR CITIZEN CENTER, 119 NORTH MAIN STREET, LIBERTY, NY 12754**

**DATE: March 4, 2024**

**TIME: 6:15 P.M.**

FRANK DEMAYO, SUPERVISOR

LAURIE DUTCHER, TOWN CLERK

DEAN FARRAND, COUNCILMEMBER

SHERRI KAVLESKI, COUNCILMEMBER

VINCENT MCPHILLIPS, COUNCILMEMBER

JOHN LENNON, COUNCILMEMBER

PLEDGE OF ALLEGIANCE

PUBLIC HEARING: 6:15 P.M. Introductory Local Law entitled "Parks".

### CORRESPONDENCE

INCOMING:

1. Correspondence from the NYS Department of Civil Service advising that it will be discontinuing the Excelsior Plan option for all NYSHIP Participating Agencies effective 1/1/25.
2. Correspondence from the United States Environmental Protection Agency regarding the Town of Liberty Swan Lake SPEDES Permit No. NY0030252.
3. Correspondence from the NYS Homes and Community Renewal regarding a Budget Modification Approval NYS CDBG Project #641PW78-21.
4. Correspondence from the NYS Department of Transportation regarding a speed limit reduction on Tanzman Road.

OUTGOING:

### DEPARTMENT HEAD REPORTS

ASSESSOR

BUILDING

COURT

DOG CONTROL

FINANCE

HIGHWAY

PARK & RECREATION

TOWN CLERK



# TOWN OF LIBERTY

N E W Y O R K

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W&S

DELAWARE ENGINEERING

## **NEW BUSINESS**

1. Motion authorizing the Highway Department to hire David Simerson as HMEO pending results of pre-employment testing.
2. Motion authorizing the Town Clerk to advertise for construction bids on 4/4/24 at 3:00 p.m. at the Town Clerk's Office, 120 North Main Street, Liberty for the White Sulphur Springs Phase 10 Boyd Road Reconstruction.
3. Motion authorizing the Supervisor to execute Acknowledge and Acceptance of EPG Grant Award Form.
4. Motion authorizing the Town Clerk to publish the legal notice for Request for Qualifications for professional services for work associated with preparation of the Swan Lake Sewer District Engineering Report for the Sewer System evaluation.
5. Motion for Tax Collector to accept the (5) credit card payments that were taken without interest on 2/1/24 & 2/2/24 due to error by TCS & Express Pay in the amount of \$93.53.

## **DISCUSSION**

1. PUD
2. Swan Lake (the Lake)
3. RH Zone
4. Pavillion at Walnut Mt.
5. Office space
6. Walnut Mt. House

## **OLD BUSINESS**

### **UNDER REVIEW**

1. Drilled wells with a yield of less than 5 GPM.
2. Training & Recommendations policy- Planning & Zoning
3. Shipping Containers
4. Fence In/Fence Out
5. AIRBNB
6. Solar
7. County Water / Sewer Study.

### **IN PROGRESS**

1. Converting and moving the Building Department and the Assessor's Office to the Park & Recreation Building.



# TOWN OF LIBERTY

N E W Y O R K

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2. Fines
3. Empty Lot in Parksville
4. Illegal dumping of garbage
5. Delaware Town/Village Water Sewer Study
6. Lead Service Line Inventory
7. Walnut Mt. Pavillion.
8. LaPolt Park

## **PUBLIC PARTICIPATION**

## **BOARD DISCUSSION**

## **EXECUTIVE SESSION**

**TOWN OF LIBERTY  
NOTICE OF PUBLIC HEARING ON PROPOSED LOCAL LAW**

**PLEASE TAKE NOTICE** that there has been introduced before the Town Board of the Town of Liberty in the County of Sullivan and State of New York, introductory Local Law No. 2 of the Year 2024, entitled “A local law amending section 109-8 of Chapter 109, entitled “Parks,” of the Code of the Town of Liberty, Sullivan County, New York.” The proposed local law would amend paragraph A of §109-8 by removing language from the end thereof that excepted Town parks that are lighted from the requirement of closing at sunset.

The aforesaid local law was determined to be a Type II Action as defined in 6 NYCRR §617.5(c)(26) and (33) of the regulations promulgated pursuant to the State Environmental Quality Review Act, for which environmental review is not required

A copy of the aforesaid local law is on file with the Town Clerk of the Town of Liberty, New York, where the same may be examined.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to §20 of the Municipal Home Rule Law, a public hearing will be held on the aforesaid local law before the Town Board of the Town of Liberty, at the Liberty Senior Center, 119 North Main Street, Liberty, New York, at 6:15 p.m. prevailing time, on March 4, 2024, at which time all interested persons will be heard.

Dated: February 22, 2024

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**HON. LAURIE DUTCHER**, Town Clerk



**Department of  
Civil Service**

KATHY HOCHUL  
Governor

TIMOTHY R. HOGUES  
Commissioner

February 1, 2024

Laurie Dutcher  
Health Benefits Administrator  
Town of Liberty  
120 North Main Street  
Liberty, NY 12754

Re: NYSHIP Agency Code PA00426

Dear Laurie Dutcher,

This letter concerns your agency's participation in the New York State Health Insurance Program's (NYSHIP) Excelsior Plan.

**Please be advised that, effective January 1, 2025, the Department of Civil Service (Department) will discontinue the Excelsior Plan option for all NYSHIP Participating Agencies (PA).** Your agency has the option to either enroll your current Excelsior Plan enrollees to the Empire Plan, which is similar in benefit design and premiums, effective January 1, 2025 or completely withdraw your Excelsior Plan enrollees from NYSHIP. Please notify the Department of your intent by July 1, 2024 by completing and returning the enclosed election form. If the Department does not receive a response from your agency by July 1, 2024, your current Excelsior Plan enrollees will automatically be enrolled in the Empire Plan effective January 1, 2025.

If you have any questions, please contact the Employee Benefits Division at (518) 473-1977, Monday through Friday, 8:30 a.m. to 4:30 p.m.

Sincerely,

Daniel Yanulavich  
Director  
Employee Benefits Division



**Excelsior Plan Agency Election Form**

I, \_\_\_\_\_, as an authorized representative of the Town of Liberty (NYSHIP Agency Code PA00426), understand the Excelsior Plan will no longer be a plan option under the New York State Health Insurance Program (NYSHIP) effective January 1, 2025. Our agency opts to (select one):

- Move its current Excelsior Plan enrollees to the Empire Plan effective January 1, 2025, or:
- Terminate enrollment in NYSHIP altogether for our current Excelsior Plan enrollees effective January 1, 2025.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

**Note: This election form must be returned to the Employee Benefits Division by July 1, 2024.** If a completed and signed form is not received by July 1, 2024, your agency's Excelsior Plan enrollees will automatically be moved to the Empire Plan. The form may be faxed to (518) 485-5590 or mailed to:

Attn: Public Employer Liaison Unit  
Employee Benefits Division  
NYS Department of Civil Service  
Albany, NY 12239



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

**VIA EMAIL TRANSMISSION TO:** [supervisordemayo@townofliberty.org](mailto:supervisordemayo@townofliberty.org)

Honorable Frank DeMayo, Town Supervisor  
120 North Main Street  
Liberty, New York 12754

Re: Administrative Docket No. CWA-02-2023-3047  
Town of Liberty – Swan Lake SPDES Permit No. NY0030252  
Clean Water Act Administrative Compliance Order

Dear Supervisor DeMayo:

The United States Environmental Protection Agency (EPA) has reviewed the "Town of Liberty – Swan Lake Sanitary Sewer O&M Procedures," submitted 1/31/2024, pursuant to the above referenced Administrative Compliance Order.

EPA's assessment is that the requirements mandated in the above referenced Administrative Compliance Order have been satisfactorily met, thereby closing out this EPA enforcement action.

If you have any questions or concerns, please contact me at (212) 637-4248.

Sincerely,

**LARRY  
GAUGLER**

Larry Gaugler, P.E., SCWCP Team Leader  
Water Compliance Branch

Digitally signed by  
LARRY GAUGLER  
Date: 2024.02.20  
13:43:15 -05'00'

cc: Manju Cherian P.E., Regional Water Engineer, NYSDEC Region 3, [manju.cherian@dec.ny.gov](mailto:manju.cherian@dec.ny.gov)  
Wayne Banks, Chief Sewer Plant Operator, [w.banks@townofliberty.org](mailto:w.banks@townofliberty.org)



## Homes and Community Renewal

KATHY HOCHUL  
Governor

RUTHANNE VISNAUSKAS  
Commissioner/CEO

February 22, 2024

Frank DeMayo  
Supervisor  
Town of Liberty  
120 North Main Street  
Liberty, NY 12754-1861

Re: Budget Modification Approval  
NYS CDBG Project # 641PW78-21

The NYS Office of Community Renewal (OCR) is in receipt of the Town of Liberty's letter requesting a budget modification to the budget for the above-referenced grant agreement. Based on OCR review and careful consideration, the request for a Budget Modification has been approved.

The attached Schedule B "Modified Budget & Projected Accomplishments" supersedes the Schedule B contained in the original agreement. All other terms and conditions of the original agreement remain in effect.

Should you have any questions, please contact me at [OCRinfo@hcr.ny.gov](mailto:OCRinfo@hcr.ny.gov).

Sincerely,

Charles Phillion  
Program Director  
Office of Community Renewal

Enclosure

cc: Nicholas Rusin, Secretary to the Supervisor, Town of Liberty  
Savitry Kola, Project Manager, OCR



**BUDGET MODIFICATION FORM**

IDIS: 21-8

CDBG Project Number	641PW78-21	Modification Number	1 <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 <input type="checkbox"/>
Recipient Name	Town of Liberty	Award Date	01/06/2022 Contract End Date 06/28/2024

OFFICE USE ONLY	ACTIVITY (REFER TO SCHEDULE B)	APPROVED BUDGET (REFER TO SCHEDULE B)			PROPOSED MODIFICATION (+/-)		AFTER MODIFICATION*			FUNDS AVAILABLE
		CDBG	OTHER SOURCES	TOTAL	CDBG	OTHER SOURCES	BUDGET			
IDIS #	NAME/USE	CDBG	OTHER SOURCES	TOTAL	CDBG	OTHER SOURCES	CDBG	OTHER SOURCES	TOTAL	
37013	Public Water	\$685,480.55	\$0.00	\$685,480.55	-\$30,000.00	\$0.00	\$655,480.55	\$0.00	\$655,480.55	
37013	Engineering	\$101,500.00	\$0.00	\$101,500.00	\$30,000.00	\$0.00	\$131,500.00	\$0.00	\$131,500.00	
38684	Administration	\$719.45	\$0.00	\$719.45	\$0.00	\$0.00	\$719.45	\$0.00	\$719.45	
				\$0.00			\$0.00	\$0.00	\$0.00	
				\$0.00			\$0.00	\$0.00	\$0.00	
				\$0.00			\$0.00	\$0.00	\$0.00	
				\$0.00			\$0.00	\$0.00	\$0.00	
				\$0.00			\$0.00	\$0.00	\$0.00	
				\$0.00			\$0.00	\$0.00	\$0.00	
	<b>Total</b>	\$787,700.00	\$0.00	\$787,700.00	\$0.00	\$0.00	\$787,700.00	\$0.00	\$787,700.00	\$0.00

Certification: To the best of my knowledge and belief, the modifications indicated have been duly authorized by the governing body of the applicant.

Chief Elected Official	Name	Frank DeMayo	Date	02/12/2024
	Title	Supervisor		
Chief Elected Official Signature				
Prepared by	Name	Mark Blauer dba Blauer Associates	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <b>APPROVED</b>                      By Charles Phillion at 1:19 pm, Feb 22, 2024                 </div>	
	E-mail	mblauer@eventlink.com		
OCR APPROVAL	Signature		Program Director	

\* MODIFICATIONS TO BUDGET ALSO MODIFY SCHEDULE B OF THE NYS CDBG AGREEMENT. BUDGET MODIFICATIONS MUST BE REFLECTED ON ALL FUTURE REQUESTS FOR FUNDS  
Office of Community Renewal 07/2022

**Schedule B**

**2021 Awarded Budget & Projected Accomplishments**

<b>Project Number:</b>	641PW78-21			
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<i>Community</i>	<i>C/T/V</i>	<i>County</i>	<i>Type</i>	<i>Awarded Amount</i>
Liberty	Town	Sullivan	Public Water	<b>\$787,700</b>

**Award Budget:**

<i>Funding Source</i>	<i>Amount</i>
CDBG	\$787,700.00
<b>Projected Total Funding:</b>	<b>\$787,700.00</b>

**Activity Budget Detail:**

<i>Activity(ies)</i>	<i>Projected Use</i>	<i>Amount</i>
T Liberty White Sulphur Springs	Engineering	\$131,500
	Water	\$655,481
Town of Liberty Grant Administration	Grant Administration	\$719
		<b>\$787,700</b>

**Projected Accomplishments:**

641PW7821-01	T Liberty White Sulphur Springs	
	<b>Project Area</b>	
	% of LMI in Project Area	54
	Persons in Project Area	373
	LMI Persons in Project Area	204

**Source Key:**

AHC - Affordable Housing Corp, RESTORE - Residential Emergency Services to Offer Repair to Elderly, ARC - Appalachian Regional Commission Area Development Program, ANCCEP - Adirondack North Country Community Enhancement Program, DASNY - Dormitory Authority of the State of New York, EDA - US Economic Development Administration, EFC CW - Environmental Facilities Corp. ; Clean Water Act SRF, EFC DW - Environmental Facilities Corp. ; Safe Drinking Water Act SRF, FHLB - Federal Housing Loan Bank, IDA - Industrial Development Agency, LDC - Local Development Corp., NCA - Norty Country Alliance, NYBDC - New York State Business Development Corp., NYSCA - New York State Council of the Arts, , NYSERDA - New York State Energy Research and Development Authority, NYS OCFS - NYS Office of Children and Family Services, NYS OTDA - NYS Office of temporary and Disability Assistance, NYS Strategic Invest Fund, RUS - USDA Rural Development, Rural Utilities Service, Water and Wastewater Disposal Loan and Grant Program, SBTIF - Small Business Technology Investment Fund, US HHS - Department of Health and Human Services (federal)



## Department of Transportation

**KATHY HOCHUL**  
Governor

**MARIE THERESE DOMINGUEZ**  
Commissioner

**ANDREW D. STILES, P.E.**  
Acting Regional Director

RECEIVED

FEB 20 2024

TOWN OF LIBERTY  
TOWN CLERK'S OFFICE

December 11, 2023

Mr. Edward McAndrew, P.E. Commissioner  
Sullivan County Government Center  
100 North Street  
P.O. Box 5012  
Monticello, NY 12701

Dear Commissioner McAndrew:

**RE: REQUEST FOR SPEED LIMIT REDUCTION  
TANZMAN ROAD, TH 7  
TOWN OF LIBERTY, SULLIVAN COUNTY**

This is a follow up to our letter dated September 5, 2023. The Region 9 Traffic Safety and Mobility Office (TSMO) has completed their review of the speed limit request on Tanzman Road, TH 7, in the Town of Liberty.

With such a low traffic volume on this road, conventional methods of identifying operating speeds could not be employed. Therefore, the review process included multiple trips within the limits requested, driving 5 MPH intervals, and identifying a speed that is reasonable and enforceable. This is a common method used for setting speed limits on low volume roads. After considering the roadside friction, development, physical features, and the geometry of the roadway as well as the limited sight distance encountered, the engineer identified the appropriate speed limit as 40 MPH.

Both research and experience show most drivers are influenced more by the appearance of the roadway and the prevailing traffic conditions than by the posted speed limit itself and, therefore, tend to drive at a speed at which they feel comfortable on the roadway. Hence, the Department recommends a maximum linear speed limit of 40 MPH for Tanzman Road, TH 7.

An Official Notice of Order 1148.15 (ar) has been generated and is enclosed with this response letter. It establishes 40 MPH as the maximum linear speed for Tanzman Road, TH 7, from County Road 85 to the Town of Neversink Boundary Line. The Town of Liberty will be responsible for signing the new 40 MPH signs on Tanzman Road, TH 7. The new speed limit signs must be installed in accordance with Title 17B of

the New York State official Compilation of Rules and Regulations (New York State Supplement to the National Manual on Uniform Traffic Control Devices).

In addition, the Town of Liberty may want to take into consideration the unique characteristics of this road and upgrade the warning signs as appropriate so that the drivers will be alerted to the unique characteristics of this road and thus can slow down appropriately. This includes the limited sight distances on this road.

Thank you for your interest in and support of the transportation system. If you have any questions or need additional information, please feel free to contact me at (607) 721-8080.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tony Signorelli'.

Tony Signorelli, P.E.  
Regional Traffic Engineer

NA/PG

c: Laurie Dutcher, Town Clerk, Town of Liberty  
Dermot P. Dowd, L.S. Civil Engineer, Sullivan County



Assessor's Office

Department Head Report

February 2024

Deeds received

Town - 29

Village - 14

Combination 48.-2-4.1 & 48.-2-3

Split:

48.-2-4.1

48.-2-4.10

48.-2-4.11

48.-2-4.12

48.-2-4.13

Processing exemptions:

Senior

Agricultural

Forest

Verterans

Non-Profit

Disability

Enhanced Star etc....

Data Entry, deeds, permits, valuation etc....

Attended the Monthly Assessors Meeting

Jordan is doing very well. She picks up very quickly

Brad (data collector) - turned in a doctor's note releasing him to return to work as of 2/5/24

Kevin (data collector) scheduling work



Town of Liberty  
**Permit Monthly Report**

02/01/2024 - 02/28/2024

Permit #	Issue Date	Owner	Permit Type	Property Location	Valuation	Amount
<b>February 2024</b>						
24-010	02/07/2024	Giuseppe Emmanuele	Septic and Well	State Route 52 SBL#: 30.-1-90.5	\$12,000.00	\$135.00
<b>Description of Work:</b> <i>to drill a test well for proposed school</i>						
24-023	02/07/2024	Yede Weiss	Add., Alter., & Repairs	15 Miron Ct SBL#: 40.-1-21.1/2401	\$85,000.00	\$865.00
<b>Description of Work:</b> <i>to finish basement of one family home to include playroom, study, gym, office, laundry room, mud room, 2 full bathrooms and 1 half bathroom</i>						
24-020	02/12/2024	C&J Custom Homes Inc	Add., Alter., & Repairs	701 Fox Mountain Rd SBL#: 16.-1-27	\$15,000.00	\$330.00
<b>Description of Work:</b> <i>to replace an existing septic system for one family home</i>						
24-024	02/12/2024	Greenhills 3 LLC	Res. Two Family	10/16 Mountain Ln SBL#: 36.-1-59.2	\$320,000.00	\$7,048.80
<b>Description of Work:</b> <i>to construct a two family home (model home)</i>						
24-025	02/12/2024	Greenhills 3 LLC	Comm. New Construction	10/16 Mountain Ln SBL#: 36.-1-59.2	\$490,000.00	\$14,000.00
<b>Description of Work:</b> <i>to construct a community building / Shul</i>						
24-026	02/13/2024	Cindy Lin-Abcede	Add., Alter., & Repairs	921 Dahlia Rd SBL#: 16.-1-16.2	\$300.00	\$50.00
<b>Description of Work:</b> <i>to repair and extend existing deck on one family home</i>						
24-006	02/14/2024	Cap Rate Realty LLC	Res. One Family	159 Steiglitz Rd SBL#: 37.-1-37.11	\$350,000.00	\$2,717.00
<b>Description of Work:</b> <i>to construct a one family home</i>						
24-015	02/16/2024	Steven Fox	Res. Demolition	181 Treyz Hill Rd SBL#: 4.-1-11		\$100.00
<b>Description of Work:</b> <i>to demolish two family home</i>						
24-028	02/20/2024	Machne Gila	Comm. Acces. Struct.	5319-5335 State Route 55 (Building #72) SBL#: 36.-1-13	\$450,000.00	\$338.16
<b>Description of Work:</b> <i>to construct a 4 unit staff building</i>						

## Permit Monthly Report

Permit #	Issue Date	Owner	Permit Type	Property Location	Valuation	Amount
24-029	02/21/2024	David Weiss	Res. Demolition	63 Baim Rd SBL#: 42.-1-5		\$100.00
<b>Description of Work:</b> <i>to demolish one family home</i>						
24-030	02/21/2024	736 Harris LLC	Res. One Family	736 Harris Rd SBL#: 48.-1-19	\$300,000.00	\$4,989.60
<b>Description of Work:</b> <i>to construct a one family home</i>						
24-031	02/21/2024	Troy Johnstone	Res. One Family	Thomas Ave SBL#: 18.-1-49.1	\$516,640.00	\$2,112.00
<b>Description of Work:</b> <i>to construct a one family home</i>						
24-032	02/21/2024	HASC Inc	Commercial Demolition	Parksville Rd (Building #4) SBL#: 12.-1-26.1		\$500.00
<b>Description of Work:</b> <i>to demolish existing bunk house</i>						
24-033	02/22/2024	Vicente Leal	Add., Alter., & Repairs	5826 State Route 55 SBL#: 22.-8-3	\$7,000.00	\$85.00
<b>Description of Work:</b> <i>to finish basement of one family home (with a half bathroom and no sleeping quarters)</i>						
24-035	02/22/2024	GTAF LLC	Add., Alter., & Repairs	594 Harris Rd (Unit I/J) SBL#: 48.-1-3	\$13,500.00	\$155.00
<b>Description of Work:</b> <i>to construct 12' X 17' rec. room addition on 2 family unit</i>						
24-036	02/22/2024	GTAF LLC	Add., Alter., & Repairs	594 Harris Rd (Unit 28/29/30) SBL#: 48.-1-3	\$25,000.00	\$265.00
<b>Description of Work:</b> <i>to construct a 14' X 52' porch addition</i>						
24-037	02/23/2024	Mitchell Glover	Add., Alter., & Repairs	26 Mahogany Ln SBL#: 29.-1-13.10	\$30,500.00	\$650.00
<b>Description of Work:</b> <i>to replace and extend existing deck on one family home (constructed prior to permit)</i>						
24-034	02/26/2024	Lazaro Valencia Vasquez	Add., Alter., & Repairs	2630 State Route 52 SBL#: 35.-1-101	\$275.00	\$25.00
<b>Description of Work:</b> <i>to repair roof and add small roof over front door of one family home</i>						



## Permit Monthly Report

Permit #	Issue Date	Owner	Permit Type	Property Location	Valuation	Amount
24-038	02/26/2024	HASC Inc	Comm. New Construction	Parksville Rd (Building #19) SBL#: 12.-1-26.1	\$500,000.00	\$3,780.00
<b>Description of Work:</b>						
<i>to construct a 2,700 sq. ft. bunk building</i>						
24-027	02/26/2024	Nelson Saravia	Add., Alter., & Repairs	531 Stanton Corner Rd SBL#: 48.-1-7.3	\$5,000.00	\$65.00
<b>Description of Work:</b>						
<i>to construct a 21' X 16' deck on one family home</i>						
24-039	02/28/2024	Hannah Kelleher	Add., Alter., & Repairs	17 Lenape Lake Rd SBL#: 5.-1-38.5	\$4,000.00	\$110.00
<b>Description of Work:</b>						
<i>to repair and extend existing deck on one family home (constructed prior to permit)</i>						
24-041	02/28/2024	Zoli Kleinberger	Add., Alter., & Repairs	19 Main St SBL#: 7.-4-2	\$1,000.00	\$25.00
<b>Description of Work:</b>						
<i>to repair garage roof</i>						
<b>February 2024 Total:</b>					<b>\$3,125,215.00</b>	<b>\$38,445.56</b>
<b>Reporting Period Total:</b>					<b>\$3,125,215.00</b>	<b>\$38,445.56</b>

## Completion Issued Report

02/01/2024 - 02/28/2024

Contact Type: Applicant

Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
21-157	30.-1-90.6	Certificate of Occupancy	21-157	Marge LLC	1670 State Route 52	02/21/2024
<b>Comm. Acces. Struct. # of CC/CO :Issued : 1</b>						
Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
23-030	14.-1-1.2	Certificate of Occupancy	23-030	Muhamed Paljevic	246 Muhlign Rd	02/13/2024
<b>Res. One Family # of CC/CO :Issued : 1</b>						
Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
23-103	5.-1-27.1	Certificate of Occupancy	23-103	Manor Forged LLC	Interstate 86	02/21/2024
<b>Comm. Alter. &amp; Repairs # of CC/CO :Issued : 1</b>						
Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
23-246	11.-2-2	Certificate of Occupancy	23-246	Marin Daskalov	454 Benton Hollow Rd	02/07/2024
<b>Res. One Family # of CC/CO :Issued : 1</b>						
Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
24-003	40.-1-21.1/3301	Certificate of Occupancy	24-003	11 Miron Court LLC	11 Miron Ct	02/26/2024
<b>Add., Alter., &amp; Repairs # of CC/CO :Issued : 1</b>						
						<b><u>Grand Total: 5</u></b>

## Completion Issued Report

02/01/2024 - 02/28/2024

Contact Type: Applicant

Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
21-106	27.-2-8.3	Certificate of Compliance	21-106	Altisource (Ron Tergeesen)	40/42 West St	02/23/2024
<b>Add., Alter., &amp; Repairs # of CC/CO :Issued : <u>1</u></b>						
Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
21-114	37.-1-7.7	Certificate of Compliance	21-114	Joseph Wilson	331 Twin Bridge Rd	02/28/2024
<b>Acc. Bldg. &amp; Garages # of CC/CO :Issued : <u>1</u></b>						
Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
23-148	48.-1-15.3	Certificate of Compliance	23-148	LaBelle Farm, Inc.	504-556 Stanton Corner Rd	02/07/2024
<b>Comm. Alter. &amp; Repairs # of CC/CO :Issued : <u>1</u></b>						
Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
23-249	30.-1-87.1	Certificate of Compliance	23-249	Good Life Enterprises LLC	34 Cross Farm Road - 319 State Route 52	02/28/2024
<b>Res. Demolition # of CC/CO :Issued : <u>1</u></b>						
Permit #	SBL	Completion Type	Completion Number	Applicant	Location	Completion Date
24-012	46.-1-10.4	Certificate of Compliance	24-012	New Hope Community, Inc.	4862 State Route 55	02/06/2024
24-037	29.-1-13.10	Certificate of Compliance	24-037	Mitchell Glover	26 Mahogany Ln	02/28/2024
<b>Add., Alter., &amp; Repairs # of CC/CO :Issued : <u>2</u></b>						
<b><u>Grand Total:</u></b>						<b><u>6</u></b>

Town of Liberty

## Complaint By Status

Opened: 2/1/2024 - 2/28/2024

Status: Open

Complaint #	Open Date	Close Date	Location	Identifier	Complaint Type	Owner
<i>Complaint Status: Open</i>						
4959	02/20/24		76 Sullivan Ave	29.-3-4	Violation of zoning regs	Antonio Fernandes
4961	02/26/24		10 Main St	7.-5-6	Garbage & Debris	Boris Khentov
4962	02/26/24		154 Service Rd	5.-1-10.1	Fire Calls / Prop. Maint.	Charles Crespo
<b>Complaint Status: Open</b>						<b>Total #: 3</b>
<b>Grand Total:</b>						<b>3</b>

Town of Liberty

## Complaint By Status

Closed: 2/1/2024 - 2/28/2024

Status: Completed

Complaint #	Open Date	Close Date	Location	Identifier	Complaint Type	Owner
<i>Complaint Status: Completed</i>						
4182	01/25/21	02/06/24	34 Main St	7.-8-6	Garbage Containers	Joseph Peters
4191	03/03/21	02/06/24	34 Main St	7.-8-6	Garbage & Debris	Joseph Peters
4197	03/04/21	02/22/24	19 Main St	7.-4-2	Property Maintenance	Zoli Kleinberger
4462	04/08/22	02/26/24	76 Sullivan Ave	29.-3-4	Junk Cars	Antonio Fernandes
4619	09/19/22	02/02/24	45 Post Rd	46.A-2-5	Property Maintenance	Sheryl Jacobowitz
4774	04/12/23	02/28/24	26 Mahogany Ln	29.-1-13.10	Building Without a Permit	Mitchell Glover
4807	05/23/23	02/22/24	19 Main St	7.-4-2	Property Maintenance	Zoli Kleinberger
4830	06/19/23	02/26/24	45 Youngs Hill Rd	18.-1-56	Garbage & Debris	Kristin Erickson
4933	12/11/23	02/12/24	1415 Briscoe Rd	45.-1-3	Garbage & Debris	Jamaica Avenue Commons LLC
4951	01/22/24	02/07/24	10 Main St	7.-5-6	Storage containers	Boris Khentov
4952	01/22/24	02/06/24	34 Main St	7.-8-6	Discharge runoff	Joseph Peters
4956	02/05/24	02/06/24	136 Denman Rd	37.-1-62.1	Garbage & Debris	Rivka Jacobowitz
4957	02/12/24	02/26/24	17 Lenape Lake Rd	5.-1-38.5	Building Without a Permit	Hannah Kelleher
4958	02/13/24	02/21/24	5826 State Route 55	22.-8-3	Illegal Occupancy	Vicente Leal
4960	02/22/24	02/28/24	181 Huschke Rd	48.-2-23.1	Septic	Live Liberty Life LLC
4963	02/26/24	02/28/24	863 Briscoe Rd	42.-1-28.3	Fire Calls / Prop. Maint.	Frank March
<b>Complaint Status: Completed</b>						<b>Total #: 16</b>
<b>Grand Total:</b>						<b>16</b>

## Town of Liberty Justice Court

	24-Feb
V&T Appearances	65
Criminal Appearances	258
Ordinance Appearances	13
Civil Appearances	12
Total Fines Collected	\$51,816.00
Total Fines to Town	<i>not available</i>
Total Fines to Village	<u>not available</u>

Town of Liberty Finance Office  
120 North Main Street  
Liberty, NY 12754  
(845) 292-5772  
[c.gerow@townofliberty.org](mailto:c.gerow@townofliberty.org)

DATE: February 28, 2023  
TO: Supervisor DeMayo and Town Board Members  
FROM: Cheryl Gerow  
RE: February Monthly Report

~~~~~  
The following took place in the Finance Office for the month of February:

1. Submitted 2023 Fixed Assets Inventory Report
2. Began working on compiling data for the 2023 Employee Benefit Statement
3. Started 2023 Annual Financial Report to be filed with the State
4. Submitted application for 2023/2024 Commercial Liability Insurance Renewal
5. Completed annual audit with Cooper Arias LLP, had exit interview and discussed findings and resolutions to those findings regarding the 2023 Financial Audit
6. Submitted street light outages at Presidential Estates to NYSEG and requested updates on various other submissions.
7. Set up new desktop for Recreation Supervisor
8. Submitted forms 1095-C electronically to the IRS
9. All other daily duties and responsibilities

**TOWN OF LIBERTY  
HIGHWAY DEPARTMENT  
DEPARTMENT HEAD REPORT  
Matthew DeWitt, Highway Superintendent  
February 2024**

**Improvements/Maintenance:**

- Cold patched all Town Roads
- Cut trees and brush on Muhlig Road

**Winter:**

- Tuesday, February 13, 7AM- 3:30PM - snow
- Wednesday, February 14, 4AM – 3:30PM – snow
- Friday, February 16, 4AM – 3:30PM – snow/ice
- Saturday, February 17, 4AM – 11Am – snow
- Friday, February 23, 4Am – 3:30PM – snow/ice
- Maintained and cleaned winter equipment, February 2, 20, 28
- Cut and chipped downed tress from wind storm, February 15, 29

**Facilities:**

- Three loads of tires have been removed, clean up of tires will continue
- Repair to urinal and toilet completed

**Equipment/Vehicles:**

- Battery disconnect switches being installed per insurance company request

**Personnel:**

- Approval of new hire, David Simerson as an HMEO

**Misc:**



| Account#                                         | Account Description                       | Fee Description           | Qty                                 | Local Share        |
|--------------------------------------------------|-------------------------------------------|---------------------------|-------------------------------------|--------------------|
| A 2590                                           | Highway Fees                              | Road Access Permit        | 2                                   | 200.00             |
|                                                  |                                           |                           | <b>Sub-Total:</b>                   | <b>\$200.00</b>    |
| A1255                                            | Marriage License                          | Marriage License Fee      | 2                                   | 35.00              |
|                                                  | Permits                                   | Peddlers License          | 1                                   | 150.00             |
|                                                  |                                           | Refuse Collection         | 12                                  | 1,200.00           |
|                                                  | TOWN CLERK                                | EZ Pass                   | 7                                   | 175.00             |
|                                                  |                                           | Marriage Certificate      | 3                                   | 30.00              |
|                                                  |                                           |                           | <b>Sub-Total:</b>                   | <b>\$1,590.00</b>  |
| A1620.4                                          | Central Printing & Mailing                | Photo Copies              | 67                                  | 16.75              |
|                                                  |                                           |                           | <b>Sub-Total:</b>                   | <b>\$16.75</b>     |
| A1670.4                                          | Building Fees                             | Certified Mailings        | 3                                   | 408.43             |
|                                                  |                                           |                           | <b>Sub-Total:</b>                   | <b>\$408.43</b>    |
| A2544                                            | Dog Licensing                             | Exempt Dogs               | 1                                   | 0.00               |
|                                                  |                                           | Female, Spayed            | 4                                   | 36.00              |
|                                                  |                                           | Female, Unspayed          | 1                                   | 12.50              |
|                                                  |                                           | Male, Neutered            | 1                                   | 9.00               |
|                                                  |                                           | Male, Unneutered          | 2                                   | 25.00              |
|                                                  | SENIOR                                    | SENIOR                    | 2                                   | -5.00              |
|                                                  |                                           |                           | <b>Sub-Total:</b>                   | <b>\$77.50</b>     |
| A2545                                            | Dog                                       | Redeemed Dog              | 1                                   | 75.00              |
|                                                  |                                           |                           | <b>Sub-Total:</b>                   | <b>\$75.00</b>     |
| A3510.4                                          | Dog                                       | Reimbursement Of Expenses | 1                                   | 25.00              |
|                                                  |                                           |                           | <b>Sub-Total:</b>                   | <b>\$25.00</b>     |
| B2110                                            | Building Fees                             | Variance                  | 1                                   | 300.00             |
|                                                  |                                           |                           | <b>Sub-Total:</b>                   | <b>\$300.00</b>    |
| B2770                                            | Building Fees                             | Building Permit           | 26                                  | 43,739.31          |
|                                                  |                                           | Municipal Search          | 18                                  | 1,800.00           |
|                                                  |                                           |                           | <b>Sub-Total:</b>                   | <b>\$45,539.31</b> |
|                                                  |                                           |                           | <b>Total Local Shares Remitted:</b> | <b>\$48,231.99</b> |
| Amount paid to:                                  | Ny State Dept. Of Health                  |                           |                                     | 45.00              |
| Amount paid to:                                  | NYS Ag. & Markets for spay/neuter program |                           |                                     | 14.00              |
| <b>Total State, County &amp; Local Revenues:</b> |                                           | <b>\$48,290.99</b>        | <b>Total Non-Local Revenues:</b>    |                    |
|                                                  |                                           |                           | <b>\$59.00</b>                      |                    |

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Laurie Dutcher, Town Clerk, Town of Liberty during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

|                     |               |                     |               |
|---------------------|---------------|---------------------|---------------|
| _____<br>Supervisor | _____<br>Date | _____<br>Town Clerk | _____<br>Date |
|---------------------|---------------|---------------------|---------------|

DEPARTMENT HEAD REPORT  
WATER & SEWER DEPARTMENT  
March 4, 2024

1. Business has been the usual for this time of year. We have been busy checking bleeders, hydrants, testing meters, looking for leaks, rebuilding chlorine pumps, and servicing our small equipment.
2. I have scheduled tank cleaning for Route 55, Stevensville (old tank-water tower road) and Ferndale tanks on April 22, 2024. I have also been working on a date to have Sherwood and Roth wells cleaned.
3. On February 7<sup>th</sup> we had to dig and repair a sewer line on Redwood Lane in Swan Lake.
4. As of March 18<sup>th</sup> we will have one new employee starting work. I have not been able to contact the second individual who was approved for the job.
5. Any other items that may arise prior to meeting.

## Dan Fagnani

---

**From:** Dave Ohman  
**Sent:** Wednesday, February 28, 2024 2:56 PM  
**To:** Frank DeMayo (supervisordemayo@townofliberty.org)  
**Cc:** c.gerow@townofliberty.org; l.dutcher@townofliberty.org; vmcphillips@labellapc.com; ken@kenkleinlaw.net; Helen Budrock; John Peterson; Margery K. Merzig - Keough Consulting (keough\_consulting@yahoo.com); Mark Blauer - Blauer Associates (mblauer@evenlink.com); Jeff Francisco; Nick Rusin (n.rusin@townofliberty.org); Water and Sewer Department - Town of Liberty (w.s.dept@townofliberty.org); Damon Knack (d.knack@townofliberty.org); j.lennon@townofliberty.org; Joe Gollin; Dennis Bacon; Matthew R. Smith - Municipal Solutions, Inc. (mrsmith@municipalsolution.com); Cheryl DeCarr; Cory Dame; Kaitlyn Stephany; Dean Farrand <neck1257@gmail.com>; Dan Fagnani; w.banks@townofliberty.org  
**Subject:** RE: Dept Head/Town Board Meeting March 4, 2024 handout  
**Attachments:** Liberty (T) TBMTg handout 03-04-24 final.pdf; WSS Phase 10 Boyd Road Reconstruction Bid Notice.pdf; February 15, 2024 EFC EPG 128719 Award Letter and Acknowledgment and Acceptance Form.pdf; February 20, 2024 USEPA Town of Liberty, ACO-Close-Out Letter.pdf

Hi Frank and all,

Our projects update handout is attached for board information.

Items being provided for Board consideration/Action at this meeting:

***CDBG Grant Project Phase 10 – White Sulphur Springs Boyd Road and Well Screens – Additional Road Reconstruction:***

- Consider authorization for Town Clerk to advertise for construction bids for the WSS Phase 10 Boyd Road Reconstruction

***Swan Lake WWTP:***

- No Actions required.
- Sampling for the NY-2A SPDES permit application underway
- Design continuing

***Swan Lake Sewer System Evaluation/I/I EPG:***

On 2/15/24 the Town received notification from NYSEFC that the Town has been awarded a NYS Environmental Facilities Corporation (EFC) Engineering Planning Grant (EPG) for the project, in an amount not to exceed \$50,000, for the development of an engineering report to identify sources of inflow and infiltration, evaluate alternatives, and recommend improvements to the Town of Liberty's Swan Lake Sewer District. This has a 20% local match (\$10,000) which the Town agreed to do in March 2023 if the grant was awarded.

Board to consider and decide as to whether to move forward – **response to EFC needed by March 8**

- Review EPG Award Letter and Award Acceptance Form
- Consider authorization for the Town Supervisor to execute Acknowledgement and Acceptance of EPG Grant Award Form Consider – needs to be returned to EFC by March 8
- Authorization for the Town Clerk to publish the legal notice for Request for Qualifications for professional services for work associated with preparation of the Swan Lake Sewer District Engineering Report for the Sewer System evaluation

**Lead & Copper Rule Revisions service line inventory requirements, due October 2024**

- Based on the DRAFT FFY-24 IUP Amendment, it appears that the LSL grant application will not be funded
- Delaware provided a draft comment letter to help municipalities (The Town) comment on the draft IUP for EFC consideration.
- The Town Supervisor signed, and submitted, by email, to [design@health.ny.gov](mailto:design@health.ny.gov) on February 15, 2024
- The October 2024 deadline remains
- The Town will need to continue to move forward with this recognizing that outside funding is unlikely

More detail on the above and other issues provided in the meeting handout - attached

**Attachments:**

- Meeting Handout
- WSS Phase 10 Boyd Road Reconstruction Bid Notice
- February 15, 2024 EFC EPG 128719 Award Letter and Acknowledgment and Acceptance Form for Swan Lake Sewer District I/I Sewer Evaluation
- February 20, 2024 USEPA Town of Liberty, ACO-Close-Out Letter

I plan to be at the meeting on Monday evening.

Please contact me if anyone has any questions.

**Frank/Nick:**

We will forward 8X via Fed Ex tomorrow for distribution to Town staff as needed.

Also, please forward this email to Sherri Kavaleski as I don't have her email address; and please send me Sherri's contact info.

Best to you all



**DAVE OHMAN, P.E.**  
PRINCIPAL  
55 South Main Street | Oneonta, NY 13820  
607.432.8073 x 302 (office)  
607.643.1356 (mobile)  
[dohman@delawareengineering.com](mailto:dohman@delawareengineering.com)



**Town of Liberty, NY  
March 4, 2024 Town Board Meeting  
Update on Projects**

**1. CDBG Grant Project Phase 10 – White Sulphur Springs Boyd Road and Well Screens**

- **Actions for the Board to consider at today's meeting:**
  - Consider authorization for Town Clerk to advertise for bids for the WSS Phase 10 Boyd Road Reconstruction

**Background**

- Project was identified for award of a grant of \$787,700; the Town agreed to fund grant administration (Blauer Associates) at \$45,000 to facilitate project readiness and score more points on the application
- Work includes replacement of approximately 1,650 lineal feet of 6" waterline from the connection on Warden Lane to the end of the line on Boyd Road. Horizontal directional drilling (HDD) will be used to install 6" HDPE lines under Route 52 (required by NYSDOT) and under the stream/wetlands on Boyd Road. The remaining piping will be ductile iron. New valves and hydrants and services to the shutoff box will be provided. Also includes work to replacing Shore Road Well 1 screen.
- Mark Bauer continues to work through NYSOCR items
- NYSDOH design review is complete. Final approval was received on 6/14/23.
- NYSDEC permit for boring under wetland area received on 7/7/23

- **Construction Status and Remaining Work for the Original Project (Tweedie Construction)**

- Contract was awarded at the April 17, 2023 meeting and execution copies of the construction contract have been prepared and distributed to the contractor and the Town
- NYSDOT Work Permit has been obtained by the contractor
- A pre-construction meeting was held on June 14, 2023
- Work started in mid-September 2023 and all contract work (for the original project, Tweedie)
- New waterline was put into operation on November 20, 2023, with approval by NYSDOH (Middletown District Office).

- **Original contract work was complete on December 1, 2023, except for punchlist work.**

- **Punchlist and remaining work (as of 12/21/23)**

- Complete disinfection testing for Well 1 – **Complete**
- Site restoration along the route of the water main installation – **Spring 2024**
- As-Builts – **Complete**
- Boyd Road restoration of existing roadway surface – **Complete**

- **Boyd Road Reconstruction**

- **Roadway additional patching work completed on December 1, 2023**

- \$15,000 in additional NYS OCR funds was approved on November 22, 2023 for partial roadway patching. (See Change Order 1 below).
- During watermain installation work, the existing surface of Boyd Road was damaged by heavy equipment. Prior to construction, the roadway was in fair condition with a paved surface and some ruts and cracks. The site conditions for the last 1,100 feet of roadway include high groundwater and poorly drained soils. These conditions, coupled with heavy equipment impacts have degraded this area.
- A site meeting with Tweedie Construction, the Town Highway Department, Town Board Member Lennon, and Delaware Engineering was held on November 27 to discuss restoration of existing roadway surface
- At this meeting, it was decided that Tweedie Construction would clean off the roadway surface on 11/30/23 and another site meeting with the Town Highway Dept would be held on 11/30 or 12/1 to decide how best Tweedie can spend the \$15,000 to provide some repairs to damaged sections to best get through the winter.
- On-site meeting held on 12/1/23 and all agreed to patch several areas with hot mix asphalt paving to get through the winter. Hot mix paving patch work complete on 12/1/23.

- See Boyd Road Reconstruction (plan forward and schedule), below

- The contract completion date was December 1, 2023. (Per Mark Blauer, the deadline for eligible work is January 5, 2024 and the deadline to submit final drawdown requests is February 5, 2024). **An OCR extension was granted until June 28, 2024 – see below – so Tweedie final work and final payment requests can be completed and submitted in May 2024.**

## DELAWARE ENGINEERING, D.P.C.

- **Change Order No. 1 – Final Over/Under including \$15,000 for Boyd Road patching**
  - Work complete
  - At the December 4, 2023 meeting the Town agreed to proceed with this change, and the Town Board resolved to authorize the Town Supervisor to execute Change Order No. 1 in the total amount of \$12,207.00, which will increase the cost of the contract to \$403,369.00 (\$391,162.00 plus \$12,207.00).
  - The contractor returned the fully executed change order on 12/18/23
  - No additional approvals required (i.e., OCR)
  - This change order is to address quantity adjustments, for items that were changed during the course of the work, and unforeseen items noted during construction. Additionally, a \$15,000 cost increase (pre-approved by OCR) for additional road restoration work is included in this change order.
    - A cost adjustment for actual lengths of pipe installed (based on unit prices from the bid) results in a net **decrease** in contract price of \$11,068.00.
    - Tweedie Construction Services, Inc. has provided a cost of \$5,500.00 for two reinforced concrete anchor blocks which were installed at both ends of the HDPE watermain to prevent movement due to thermal expansion or contraction.
    - Tweedie Construction Services, Inc. has provided a cost of \$2,775 for one hydrant extension which was installed on a new hydrant at a point where the new watermain was deeper than anticipated.
  - This change order increased the final project cost by a net amount of \$12,207.00, for a new final contract cost of \$403,369.00. The revised cost to finish the project, including retainage, will be \$274,026.68.
  - Adequate funds are available to address the additional \$12,207.00 in the existing project contingency. That is, \$183,381 dollars remain in uncommitted funds after this change order.
- **Substantial Completion**
- Contract work was substantially completed (as of 11/29/23), except for the following punch list items (as of 12/20/23):
  - Boyd Road restoration - \$15,000 – Complete
  - Final site restoration - \$12,892 – **Spring 2024**
  - Demobilization - \$6,000 – **Pending final site restoration**
  - Successfully Complete the Well 1 Disinfection testing - \$5,000 – Complete
  - As-builts - \$1,000 – Complete
    - Punch-list Remaining Value = \$18,892 (amount to be withheld as of 1/30/24)
- **Project Completion (Substantial):**
  - At the December 4, 2023 meeting the Town Board resolved to authorize the Town Supervisor to endorse the Certificate of Substantial Completion form for this contract with a date of Substantial Completion of December 1, 2023 and a final contract amount of \$403,369, including the Punch-list with a total amount of \$39,892. Punch-list amounts to be withheld until all punch-list work has been complete.
  - Delaware forwarded the Certificate to the contractor for execution and request project closeout paperwork (i.e., affidavit of release of liens for subcontractors and equipment suppliers, provide maintenance bond, etc.)
  - Tweedie provided the required closeout documents. We will assemble the project closeout package, and provide it to the Town, with a copy to the contractor, upon completion of as-builts and final contractor payment request (May 2024)
- **Contractor Payment Request No. 2**
  - At the November 6, 2023 meeting the Town resolved to authorize the Town Finance Department to proceed to process Payment Application No. 2, to General Contract No. TL1-G-22 for Tweedie Construction Services, Inc., for the period ending September 18, 2023, in the amount of \$124,592.32, as requested by the contractor.
- **Contractor Payment Request No. 3**
  - At the December 18, 2023 meeting, the Town resolved to authorize the Town Finance Department to proceed to process Payment Application No. 3, for General Contract No. TL1-G-22 to Tweedie Construction Services, Inc., for the period ending December 1, 2023, in the amount of \$219,564.18, as requested by the contractor.
- **Contractor Payment Request No. 4**
  - At the February 21, 2024 meeting, the Town resolved to authorize the Town Finance Department to proceed to process Payment Application No. 4, for General Contract No. TL1-G-22 to Tweedie Construction Services, Inc., for the period ending January 25, 2024, in the amount of \$ 35,570.50 as requested by the contractor.

## DELAWARE ENGINEERING, D.P.C.

- **Contractor Final Payment Request**

- Can be submitted in May 2024 following completion of remaining punchlist work

- **Boyd Road Reconstruction**

- On December 1, 2023 Mark Blauer and Delaware reached out to NYS OCR to discuss the possibility of OCR allowing use of some of the remaining uncommitted funds to perform roadway "reconstruction".
- NYSOCR responded that they had no objection to the Town proceeding as proposed, with the following conditions:
  1. The Town needs to submit a request for extension through June 28, 2024
    1. The OCR will be unable to consider any further requests for extension beyond that date
    2. The request needs to include a schedule for bidding/contracting the additional work
  2. Prior to proceeding with a new/revised ERR/RROF
    1. Review the original ERR/RROF to determine if this can be addressed through a Part 58.47 re-evaluation
- On December 8, 2023 the Town submitted a formal request to NYSOCR, including cost estimate and anticipated project schedule, Schedule Bar Chart and Email Correspondence between Blauer Associates and OCR regarding project extension.
  - Based on the cost estimate provided with the extension request, the estimated cost for this work is \$182,225
  - With the Town Highway Department willing to contribute up to \$20,000 toward the road reconstruction/paving work
- **On December 14, 2023 NYSOCR sent the Town a letter approving the request for a contract time extension for the above project. See attached.**
  - *The NYS Office of Community Renewal (OCR) is in receipt of the Town of Liberty's letter requesting an extension beyond the project completion deadline of January 5, 2024.*
  - *Based on OCR's review and careful consideration the Town of Liberty's request for an extension has been granted, and your revised project completion date is June 28, 2024.*
- This work, and other related expenses (additional engineering, not included in the cost estimate) are anticipated to be covered by the grant
  - It is Mark Blauer's opinion that extension approval was not an approval to spend a discrete amount of money. Instead, it was strictly an approval for extra time. In his view there is no limit on spending up to the balance available in the grant provided the spending is done within the extended contract period.
- With the Town Highway Department willing to contribute up to \$20,000 toward the road reconstruction/paving work
- On February 23, 2024 project drawings and specifications were submitted for OCR review. Comments anticipated by 3/1/24.
- A draft bid notification and proposed schedule for bidding, award, and construction were provided to the Town for input on 2/20/24, and finalized with the Town and OCR on 2/23/24 (see attached):
  1. Town Approval to go to Bid: considered at the Town's meeting on 3/4
  2. Bid notice published and project out to bid: between 3/8
  3. Pre-bid meeting: at 10:00 am 3/14 (confirmed availability of Parks and Rec. building with Town)
  4. Bid opening: at 3:00 pm on 4/4 which would allow 28 days from 3/8 for bidders to respond
  5. Bid review and recommendation to Town: by 4/10 for consideration at the

**DELAWARE ENGINEERING, D.P.C.**

- Town’s 4/15 meeting
- 6. Notice of Award issued: 4/16 if Town approves on 4/15
- 7. Construction substantial completion deadline: 5/31 (approximately a seven-week construction window)
- 8. Final contract closeout deadline for contractor: 6/7
- 9. OCR contract closeout and paperwork deadline: 6/28

- **Therefore, should the Village agree with our recommendation, Delaware Engineering recommends that:**
  - **The Town Board authorize the Town Clerk to advertise for bidding for the Boyd Road Reconstruction TL2-G-24 – General Construction, in the Town’s official newspaper, once the documents are ready for bidding**
- The anticipated project schedule is as follows:

| <u>Task:</u>                                       | <u>Schedule:</u>             |
|----------------------------------------------------|------------------------------|
| Second Public Hearing for Project:                 | December 4, 2023 - Complete  |
| Town Considers Extension Request and OCR Terms:    | December 4, 2023 - Complete  |
| Extension Request Submitted to OCR:                | December 8, 2023 - Complete  |
| Bid Document Preparation:                          | January - February 2024      |
| ERR/RROF Review and Revision/Re-evaluation:        | Complete                     |
| Bid Documents to OCR:                              | February 23, 2024 - Complete |
| Town Board Authorization to go to Bid:             | March 4, 2024 - Pending      |
| Bid Advertisement Published:                       | March 8, 2024                |
| Pre-bid Meeting:                                   | March 14, 2024               |
| Bid Opening:                                       | April 4, 2024                |
| Bid Review and Award Recommendation to Town:       | April 10, 2024               |
| Bid Award:                                         | April 15, 2024               |
| Issue Notice of Award:                             | April 16, 2024               |
| Pre-Construction Meeting:                          | April 2024                   |
| Construction Contract Document & Submittal Review: | April 2024                   |
| Construction:                                      | April 2024 - May 2024        |
| Town to Review and Consider Final Pay Request:     | On or Before June 7, 2024    |
| Construction Contract Close-out:                   | On or Before June 28, 2024   |

- This schedule is an estimate and the actual schedule may differ slightly as the project proceeds. However, we are confident this project will be brought to completion by the **June 28, 2024** deadline.

**Project Cost Summary**

- **Overview/Quick Summary**
- Awarded Bid total = \$391,162
- **Final Total of Contract TL1-G-22, Including All Changes = \$403,369**
- Construction budget (2021 estimate) = \$587,200 (not including contingency)
- **Pending Boyd Road Reconstruction/Paving, there remains \$234,831 (\$183,831 Remaining Construction Funds + \$51,000 in contingency) in grant dollars presently uncommitted.**
- **Planned expenditures associated with additional Boyd Road work**

| Item | Estimated Cost |  |  |
|------|----------------|--|--|
|      |                |  |  |



**DELAWARE ENGINEERING, D.P.C.**

|                                                                                                              |                 |                             |                                            |
|--------------------------------------------------------------------------------------------------------------|-----------------|-----------------------------|--------------------------------------------|
| Reconstruction of +/- 1,100 lineal feet of Boyd Road                                                         | \$182,225       | Per 12/2023 estimate to OCR | To be bid out                              |
| Additional Engineering work for design, bidding and construction phase services for Boyd Road reconstruction | \$30,000        |                             | Pending Amendment 1 to Delaware's contract |
| Sum of Items                                                                                                 | \$212,225       |                             |                                            |
| Remaining Budget                                                                                             | \$234,831       |                             |                                            |
| <b>Net remaining after planned expenditures</b>                                                              | <b>\$22,606</b> |                             |                                            |
|                                                                                                              |                 |                             |                                            |

**About \$22,000 is anticipated to remain in contingency after planned expenditures associated with reconstruction of about 1100 lineal feet of Boyd Road including the \$30,000 Delaware Engineering Contract Amendment No. 1**

**DELAWARE ENGINEERING, D.P.C.**

o **More detailed cost summary:**

| Item No.:   | Item Description:                                                      | Estimated cost/budget (Feb 2021 Engineering Report for the CFA application) | As bid April 2023 with Bid Alternate Price – no changes | Contract Costs to-date (as of 2-28-24) with all changes | Budget minus bid - minus changes as of 02-28-24 |
|-------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------|-------------------------------------------------|
| 1           | Construction – General                                                 | \$587,200                                                                   | \$391,162                                               | \$391,162                                               | \$196,038                                       |
| 2           | Construction – (no others)                                             |                                                                             |                                                         |                                                         |                                                 |
| 3           | Construction – Subtotal Bid                                            | \$587,200                                                                   | \$391,162                                               | \$391,162                                               | \$196,038                                       |
| 4           | Change Order No. 1 (Final Over/ Under):                                |                                                                             |                                                         |                                                         |                                                 |
|             | Quantity Adjustment (net)                                              |                                                                             | \$0                                                     | (\$11,068)                                              |                                                 |
|             | Concrete Anchor Blocks                                                 |                                                                             | \$0                                                     | \$ 5,500                                                |                                                 |
|             | Hydrant Extension                                                      |                                                                             | \$0                                                     | \$ 2,775                                                |                                                 |
|             | Add'l Funds for Road Restoration                                       |                                                                             | \$0                                                     | \$15,000                                                |                                                 |
|             | Change Order No. 1 Total (net) =                                       |                                                                             | \$0                                                     | \$12,207                                                | (\$12,207)                                      |
| 5           | Boyd Road Reconstruction (Estimated – to be bid)                       |                                                                             |                                                         | \$182,225                                               | (\$182,225)                                     |
|             | Anticipated Town Contribution (up to not to exceed \$20,000)           |                                                                             |                                                         |                                                         | Not deducted from total                         |
| 6=3+4+5     | <b>SUBTOTAL - Construction</b>                                         | \$587,200                                                                   | \$391,162                                               | \$585,594                                               | \$ 1,606                                        |
|             | <b>Other Costs:</b>                                                    |                                                                             |                                                         |                                                         |                                                 |
| 7A          | -Delaware Engineering                                                  | \$149,500                                                                   | \$149,500                                               | \$149,500                                               |                                                 |
| 7B          | - Amendment 1 Add'l Boyd Road Reconstruction 2024                      | \$ 0                                                                        | \$ 0                                                    | \$ 30,000                                               | (\$30,000) Pending Town Approval                |
| 8           | -Blauer Associates (Grant Admin) (1)                                   | \$45,000 (1)                                                                | \$45,000 (1)                                            | \$45,000 (1)                                            |                                                 |
| 9=6+7A+7B+8 | <b>Total Estimated Cost/Cost to Date</b>                               | \$781,700                                                                   | \$585,662                                               | \$810,094                                               | (\$28,394)                                      |
| 10          | Contingency                                                            | \$51,000                                                                    | \$51,000                                                | \$ 0                                                    | \$51,000                                        |
| 11=10+9     | Project Budget/Cost to Date Plus Contingency - <b>Total</b>            | \$832,700                                                                   | \$636,662                                               | \$810,094                                               | \$22,606                                        |
| 12=11-8     | Project Budget/Cost to Date Plus Contingency <b>Grant Eligible (2)</b> | \$787,700                                                                   | \$591,662                                               | \$765,094                                               | \$22,606                                        |
| 13          | Grant Amount                                                           | \$787,700                                                                   | \$787,700                                               | \$787,700                                               |                                                 |
| 14=13-12    | Grant Budget Minus Cost – <b>Remaining</b>                             | \$0                                                                         | \$196,038                                               | \$22,606                                                |                                                 |

(1)– Town agreed to fund grant administration (Blauer Associates) at \$45,000 to facilitate project readiness and score more points on the application – cost not eligible for grant reimbursement

(2)– All costs except Grant Administration are eligible for grant funding

- About \$22,000 is anticipated to remain in contingency after planned expenditures associated with reconstruction of about 1100 lineal feet of Boyd Road including the \$30,000 Delaware Engineering Contract Amendment No. 1

**DELAWARE ENGINEERING, D.P.C.**

- **Professional Services Contract Amendment No. 1 for Engineering Services**
  - At the February 5, 2024 meeting the Town Board authorized the Town Supervisor to execute Delaware Engineering, D.P.C.'s Professional Services Contract Amendment No. 1 for Engineering Services for the White Sulphur Springs Water District - Phase 10 Improvements, associated with partial reconstruction of Boyd Road, OCR Small Cities CDBG Project # 641PW78-21, in the total amount of \$30,000.
  - Contract Amendment No. 1 for Engineering Services executed on February 6, 2024
  - Budget modification that includes this work has been accepted by OCR on February 26, 2024

**DELAWARE ENGINEERING, D.P.C.**

**2. Swan Lake WWTP Upgrade**

- **Actions for the Board to consider at today’s meeting:**
  - None
  
- **Project Funding/Financing Overview**
  - **No Changes this month**
    - Project currently financed for hardship (0%) loan, WIIA grant and BIL funding with a grant of up to 50% of the project cost, less the WIIA grant.
  - Project funding summary based on current information:

| Project#                     | Description                                                     | WIIA Grant          | BIL Grant           | BIL 0% Loan         | Total                     |
|------------------------------|-----------------------------------------------------------------|---------------------|---------------------|---------------------|---------------------------|
| C3-5370-01-00                | Engineering/Prof Services (DEDPC contract plus 10% contingency) | \$ 2,922,655        | NA                  | NA                  | \$ 2,922,655              |
| C3-5370-01-01                | Other WWTP Upgrade scope items                                  | \$ 1,577,345        | \$ 6,916,000        | \$ 6,584,000        | \$ 15,077,345             |
|                              |                                                                 |                     |                     |                     |                           |
| <b>TOTAL</b>                 |                                                                 | <b>\$ 4,500,000</b> | <b>\$ 6,916,000</b> | <b>\$ 6,584,000</b> | <b>\$ 18,000,000</b>      |
| <b>Estimated Grant Total</b> |                                                                 |                     |                     |                     | <b>\$11,416,000 (63%)</b> |

In summary, the current \$18M project is in line to receive 63% in grants and 0% financing on the balance.

- Project Financing Agreements (PFAs) executed/closed on January 12, 2023 for both projects, short term financing funds now available and costs for contracts with approved MWBE/DBE/SDVOBE Plan(s) are eligible for disbursement
  - **Professional Services Work (C3-5370-01-00)** WIIA Grant funded only
  - In response to communications with NYSEFC, the Town responded on November 15, 2022 to NYSEFC requesting that WIIA funds be utilized for professional services.
  - We sent digital copies of the executed professional services contract to NYSEFC on November 20, 2022 which was approved per 12/6/23 NYSEFC letter.
  - Has 2 programs included for compliance:
    - MWBE/DBE/SDVOBE Goals
      - 30% MWBE, and
      - 6% SDVOBE
    - Delaware/MSI submitted our MWBE & SDVOBE Utilization Plans to the Town on March 16, 2023 and the Town submitted to NYSEFC for review/approval on March 21, 2023.
    - We have worked through many of NYSEFC MWBE review comments, and have successfully completed the Construction Inspection RFP solicitation process in September and October 2023.
    - We have worked through NYSEFC’s MWBE review comments and on November 2, 2023 the Town received notification that NYS EFC has reviewed and accepted our MWBE and SDVOB Utilization Plans and partial Waiver requests for the Town of Liberty - Project No. 5370-01-00, Delaware Engineering D.P.C. contract.
    - The DE contract is eligible for disbursement, EFC will release payment for all invoices submitted to date (upon receipt and processing of a disbursement request) and the Town can then reimburse internal funds
    - **Cheryl G. continues to submit disbursement requests for project invoices**
  - **Construction (C3-5370-01-01)** WIIA & BIL funded, has one program for compliance.
    - MWBE/DEB/SDVOBE

## DELAWARE ENGINEERING, D.P.C.

- 20% MWBE  
[20% DBE (fed.) if equivalency project (pop >10,000), NA]
- Utilization Plans to be provided by Construction Contractors following bid award so no action until then
- Delaware & MSI will continue to work with the Town and NYSEFC through WIIA & BIL requirements
- **Moving the WWTP Upgrade Project Forward**
  - Professional Services Work
    - Continuing to work with the Town and NYSEFC and our fiscal subconsultant MSI as needed on contract related items.
    - Design continues and plans to have another review meeting soon with Damon and Town staff to review drawings/concepts
      - Structural work continues on retrofitting the Oxidation Ditches with MBRs
      - Continuing development New Headworks Building layout and components
      - Mostly complete with MBR layout and performance and sizing
      - New MBR Building layout and components well underway
      - Starting existing building piping revisions
      - Post aeration cascade facilities - Complete
      - New Sludge Dewatering Building layout & structural design underway
  - Working on updated project cost estimate
  - Damon, Wayne, and John Lennon went on a trip on January 10, 2024 to Waverly WWTP to see the equipment proposed at this facility.
  - Site visit to Vernon, NY to see mechanical screens is pending
  - **Continuing work on NYSDEC SPDES permit Application for NY-2A for a facility upgrade and expansion**
    - Requesting limits for WWTP maximum monthly average daily flow of 0.960 MGD and 0.686 MGD.
    - New permit needed before NYSDEC will approve the design and before project can go out to bid.
    - Need Town to decide on permit limit
    - Draft NY-2A Form filled out and submitted on Friday, August 4, 2023, (and resubmitted on Tuesday August 29, 2023, and September 15, 2023) to NYSDEC Permits (Aparna Roy) along with
      - Location Map
      - Upgrade Site Plans and Process Flow Schematic
      - Detailed Mixing Zone Form
    - Need to submit yet: Updated WTC Form for anticipated WTC usage following the WWTP Upgrade
    - NYSDEC advised us on 10/25/23 that they are working on the application now and will get back to us soon.
    - Followed up with NYSDEC Region 3 Permits on 10/02/23, 11/29/23, & 12/19/23 to request update(s)
    - NYSDEC Responded on December 19, 2023 requesting that the Town please provide **all** information in Tables A, B, F, and G (attached, NY-2A Revised 05/12/2023 with additional sampling)
      - TABLE A. EFFLUENT PARAMETERS FOR ALL POTWS
      - TABLE B. EFFLUENT PARAMETERS FOR ALL POTWS WITH A FLOW EQUAL TO OR GREATER THAN 0.1 MGD
      - TABLE F. WATER TREATMENT CHEMICAL LISTING
      - TABLE G. INDUSTRIAL DISCHARGE INFORMATION
      - There is only sampling required for Table A (two sections) & B. Table F. Water Treatment Chemicals and Table G. Industrial Discharge Information do not require sampling, and Delaware will fill them out
      - Please note the section on Analysis (Page 2, the General Instructions) that the lab will need to pay attention to select the appropriate test method
      - We plan to schedule a pre-sampling meeting to make sure that they fully understand what we need.
      - The lab, or Town, can forward us the results and we can fill in the tables
      - W&S Dept. is reviewing and will let us know when you would like to schedule this sampling
    - We sent the list to Damon and Wayne on 12/20/23 and the Town conducted sampling on 1/17/24

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- We are summarizing the results received (in Tables A, B, F & G)
- There are still sampling results pending
- We need to estimate WTC list for the upgrade as well. Depends on permit flow limit
- On-site Under Ground Fuel Tanks
  - There are two existing onsite fuel tanks, shown on the existing plans, that have been abandoned in place
    - Diesel Oil Tank – 1,000 gal. capacity (located near emergency generator)
    - Gasoline Tank – 500 gal. capacity (filled with sand, located in parking lot)
  - No Town records of tanks being registered or formally closed
  - The Town will need to get these tanks registered in order to fully close out and remove them (e.g., closure report and sampling, etc.)
- Subcontract work
  - Financial Administration – Municipal Solutions, Inc. (WBE)
    - Subcontract executed 12/29/22 with Municipal Solutions, Inc for Financial Assistance Services to comply with NYSEFC requirements (e.g., MWBE, EEO, etc.)
    - Work to include NYSEFC program compliance, monthly paperwork, etc.
    - Continuing to work with the Town on periodic NYSEFC filings and paperwork and with DE on MWBE & SDVOBE Utilization Plan items
  - Survey and Subsurface Utility Exploration - Shumaker (WBE)
    - Subcontract executed on 10/21/22
    - SUE contractor was onsite Wednesday Nov 2 thru Friday November 4, 2022
    - The surveyor was onsite November 7 thru November 9, 2022 for the initial topo and boundary survey work
    - Topo and boundary survey received 12/22/22
  - Geotechnical (borings and geotech report for new bldgs.) – Atlantic Testing (WBE)
    - Subcontract executed on 02/08/23
    - Boring work began 3/21/23 and continued during the week of 3/27/23.
    - DRAFT boring logs were provided on 05/12/23
    - Final geotechnical report provided on 9/22/23
  - Reproduction/Printing Services
    - Planning to use Constructive Copy (WBE) for repro of bid specs and drawings
  - Construction Cost Estimating (construction) – Trophy Point (SDVOBE)
    - Planning to retain a Service-Disabled Veteran (SDVOBE) firm to provide construction cost estimates at two points during design (50% and 80% design estimate)
    - Demonstrates good faith effort to utilize SDVOBE firms when feasible - BIL funding SDVOBE) goals (6%)
    - Subconsultant agreement with Trophy Point Construction Services and Consulting for cost estimating services executed on 1/4/24
    - 40% Design drawings were submitted to TP on 2/9/24.
    - **A draft cost estimate is anticipated by 3/15/24**
  - Mechanical/HVAC Design Review – Jade Stone (MWBE)
    - Planning to retain a MWBE firm to provide mechanical/HVAC design review
    - Confirming scope of services
    - Subcontract pending
  - Other MWBE Subcontract's Pending
    - For Construction-Phase work – will seek as design nears completion
      - Construction Material Testing
      - Special Inspections

### 3. *Stevensville Water Project*

- **Actions for the Board to consider at today's meeting:**
  - None
- Construction and punch-list work complete
- Still waiting for Osterhoudt to return the maintenance bond and release of liens for Substantial Completion package (last requested on 1/31/24)
- As-builts being prepared
- Construction certification planned to go out to NYSDOH with as-builts in March 2024
- Osterhoudt repaired a leaking water service on 12/19/23. The repair will be covered under the project 1-year maintenance bond which began on July 3, 2023. (maintenance bond is still pending from Osterhoudt). Some sort of restoration will need to occur in the spring.

More Detail below:

- **Contract TL2-E-2017 – Electrical.**
  - All work completed and paid out.
- **Contract TL2-G-2017 – General**
  - Water Storage Tank substantially complete June 2021 and paperwork previously processed.
  - **Remaining work for the Watermain, Swan Lake Crossing, and Well Field Improvements:**
    - New waterline has been in operation since late April 2023 and wellfield and other watermain work has been completed
    - All contract work is substantially completed as of 05/31/23, the following punch list items associated with the Swan Lake Crossing were completed as of 9/29/23
      - Insulation trim – Complete
      - Touch up galvanization paint for new base plates and support brackets – Complete
      - As-builts – Complete
  - **Project Completion (Substantial) – Watermain, Swan Lake Crossing, and Well Field Improvements Only** (Substantial Completion for Water Storage Tank accepted on June 7, 2021)
    - At the July 3 meeting the Town Board resolved to authorize the Town Supervisor to endorse the Certificate of Substantial Completion form for Contract No. TL2-G-17 – General with May 31, 2023 as the date of Substantial Completion for the Watermain, Swan Lake Crossing, and Well Field Improvements/non-water storage tank work and a final contract amount for Well Field Improvements/non-water storage tank work, of \$1,182,484 and a total final contract amount of \$2,378,660
    - Delaware has forwarded the Town-signed Certificate of Substantial Completion to the contractor for execution and requested project closeout paperwork (i.e., affidavit of release of liens for subcontractors and equipment suppliers, provide maintenance bond, etc.) on 07/5/23, and resent the Certificate of Substantial Completion (and Change Order No. 7) for execution on 9/22/23
    - The contractor returned the executed Certificate of Substantial Completion (and Change Order No. 7) on 10/13/23; we are still waiting for several items from the contractor (maintenance bond, last requested on 1/31/24) and, when all items are in hand, we will assemble the project closeout package, including the final payment application and as-builts, and provide it to the Town, with a copy to the contractor.
- **Swan Lake Crossing at Lake Outlet**
  - Osterhoudt was onsite during the weeks of April 17 and 24, 2023, completing the water main crossing, and successfully tested (disinfection and pressure) the new line
  - Delaware submitted NYSDOH Certification of Completion for the crossing and received NYSDOH-District Office approval to put it on line when ready on April 21, 2023
  - Delaware plans to submit a final Construction Certification for all contract work to be submitted with as-builts to NYSDOH – currently working on as-builts and will submit certification in the near future
  - **Change Order No. 7 – No Cost Time Extension:**
    - Change Order No. 7, the no cost time extension, to extend the project completion date from November 30, 2022 to May 31, 2023, was approved at the December 19, 2022 meeting and has been circulated to Osterhoudt for signature several times, the latest resent for execution on 9/22/23.
    - The Contractor returned executed Change Order No. 7 on 10/13/23
    - The fully executed copy will be distributed to the Town, Osterhoudt and NYSDOH and NYSEFC in the near future. Submitted to NYSDOH & NYSEFC for approval on 12/19/23

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- The additional time is needed to finish work on the pipe crossing, to complete pressure testing, disinfection, and installation and connection of a new water service. During this time, the new water line will be put into operation, making the project substantially complete.
- Final site restoration and completion of any punch list work will occur in the spring, at which time all work will be fully complete.
- **Change Order No. 6 – Final Over/Under Change Order and Time Extension**
  - Work Substantially Complete on 5/31/23 and Fully Complete on 9/29/23
  - At the September 19, 2022 meeting Town Board resolved to authorize the Town Supervisor to execute Change Order No. 6 to Contract No. TL2-G-2017, in the total amount of \$29,400.00; which will increase the cost of the contract to \$2,378,660.00 (\$2,349,260.00 plus \$29,400.00) and to extend the contract completion date from September 30, 2022 to November 30, 2022.
  - CO signed by Frank and copies of the change order sent to Osterhoudt for signing on 9/26/22 and to return to us for final change order processing and distribution.
  - Fully executed CO Submitted to NYSEFC for approval on 9/30/2022
  - Due to the freezing weather, work on the pipe crossing - to complete pressure testing, disinfection, and installation and connection of a new water service- as well as, final site restoration and completion of any punch list work will occur in the spring 2023, at which time all work will be fully complete.
- **Change Order No. 5**
  - Work Substantially Complete on 5/31/23 and Fully Complete on 9/29/23
  - At the July 18, 2022 meeting the Town Board resolved to authorize the Town Supervisor to execute Change Order No. 5 to Contract TL2-G-2017 – General (H. Osterhoudt Excavating, Inc.) for the Stevensville Water Project to:
    - extend the contract completion date from August 1, 2022 to September 30, 2022, and
    - to provide and perform the work associated with providing the new elevated watermain crossing near the Swam Lake outlet instead of the underwater boring under Swan Lake, and all work associated with each, per the revised design and July 18, 2022 Osterhoudt quote, for a net cost of \$229,810, resulting in an estimated revised contract price of \$2,349,260.
  - The Change Order form was fully executed by the town, Osterhoudt and Delaware on July 20, 2022 and has been subsequently circulated to all, including NYSDOH and NYSEFC.
  - Due to the freezing weather, work on the pipe crossing - to complete pressure testing, disinfection, and installation and connection of a new water service- as well as, final site restoration and completion of any punch list work will occur in the spring 2023, at which time all work will be fully complete.
- **Payment Requests for General Contract (Osterhoudt):**
- **Payment Request No. 9:**
  - At the December 19, 2022 meeting the Town Board resolved to authorize the Finance Department to proceed to process Payment Application No. 9, to General Contract No. TL2-G-2017 for H. Osterhoudt Excavating, Inc. for the period ending November 14, 2022, in the amount of \$348,433.10, 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.
  - We have reviewed the attached Payment Application No. 9 for H. Osterhoudt Excavating, Inc., the contractor for the subject project, for the period ending November 14, 2022, in the amount of \$348,433.10 for work associated with maintenance and protection of traffic, highway work permit compliance, Change Order 5 (including work associated with the new elevated Swan Lake pipe crossing), and Change Order 6.
  - The total cost to date for the project, including this request, is \$2,245,217.00, which equates to approximately 97% of the General Contract price for the project. Following this payment, the balance to finish for the project, including retainage, will be \$133,443.00.
- **Payment Request No. 10 (Final)**
  - At the November 20, 2023 meeting the Town Board resolved to authorize the Finance Department to proceed to process Payment Application No. 10 (Final), to General Contract No. TL2-G-2017 for H. Osterhoudt Excavating, Inc. for the period ending October 13, 2023, in the amount of \$133,443.00 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, and **contingent upon the receipt of the complete closeout package and all payment application items**
  - **Final payment Check mailed to the contractor the week of 11/20/23**
- **NYSEFC Final Short Term (ST) Loan Disbursement Request and Long Term (LT) Loan**
  - LT Closing was completed on 12/6/22, Long-term funds became available for disbursement beginning on 12/8/2022
- **NYSEFC Document Collection**
  - **All documents have been submitted**, with the exception of TAM's Subcontract Agreement with Turtle & Hughes, including the EEO Policy Statement and Lobbying Certificate.



- An explanation has been provided to NYSEFC that the prime contractor for the Electrical contract has indicated that there is no subcontract because Turtle & Hughes is a materials supply vendor. They only supplied material for this project. **This is under review by NYSEFC.**

#### 4. ***Economic Development Water and Sewer Infrastructure Capacity Planning Study***

- A draft/ most current revised version of the report of the report was provided to the Town Supervisor on 12/12/23, and to the Village Mayor and Dave B. on 1/17/24
- **The Town is proposing a joint meeting in March 2024**
- Met with Village DPW Supervisor on October 13, 2023
- Working to revise this ASAP with Dave Burke and then get to the Town for review
- Elm Street Well remediation and future use are key to this study
- Due to likely SPDES permit changes, study to review the ability of the Village WWTP to meet the new limits will also be added to the study recommendation – WWTP has adequate capacity for some additional flow/contributions without more upgrades.
- DE Staff held initial meeting with the Town (Frank and Damon) to review scope, current zoning, water, sewer, development projects, collaboration with Village, study products, and action items, etc. on November 14, 2022
- Met at Village Hall on February 7 with the Village (Mayor Joan, Judy, Lynn Barry, Dave Harman, Mark Kellam) and Town (Supervisor DeMayo and Dean Farrand) with the focus on Village infrastructure and needs.
- Meeting summary was sent to Town and Village on 3/14/22
- Will involve planning staff as well as Town and Village water and sewer staff
- At the September 6, 2022 meeting the Board authorized the Town Supervisor to endorse the Economic Development Water and Sewer Infrastructure Capacity Planning Study, dated August 15, 2022 to conduct:
  - Economic Development Water and Sewer Infrastructure Capacity Planning Study
  - Update to Parksville Sewer Service Alternatives Study
  - Select Grant Writing

#### 5. ***Swan Lake Sewer System Evaluation/I/I EPG***

- Board Action Required at Tonight's Meeting:
  - **Review EPG Award Letter and Award Acceptance Form**
  - **Consider authorization for the Town Supervisor to execute Acknowledgement and Acceptance of EPG Grant Award Form, and**
  - **Consider authorization for the Town Clerk to advertise for Professional Services Request for Qualifications for work associated with the Sewer System evaluation and Engineering Report.**
- **This Project has been selected for award!!**
- **On 2/15/24 the Town received notification from NYSEFC that the Town has been awarded a NYS Environmental Facilities Corporation (EFC) Engineering Planning Grant (EPG) for the project, in an amount not to exceed \$50,000, for the development of an engineering report to identify sources of inflow and infiltration, evaluate alternatives, and recommend improvements to the Town of Liberty's Swan Lake Sewer District. This has a 20% local match (\$10,000) which the Town agreed to do in March 2023 if the grant was awarded.**
- **A grant requirement includes soliciting for and evaluating Request for Qualifications to facilitate selection for professional services to prepare the Engineering Report and associated activities.**
- Below excerpts from EFC
  - *Please confirm acceptance of the grant award and intent to proceed with this project by completing and signing the Acceptance Form and e-mailing it to [epg@efc.ny.gov](mailto:epg@efc.ny.gov) no later than **March 8, 2024***
  - *Without confirmation, EFC may bypass your project and award these grant funds to another community*
  - *Once the Town has accepted the grant EFC will contact the Town provide further assistance in entering into a Grant Agreement*
  - *In order to remain eligible for these funds, your community must enter into a Grant Agreement for the above project by September 30, 2024*
- **Therefore, if the Town would like to proceed with the project, we recommend that the**

**Town Board resolve to:**

- **Authorize the Town Supervisor confirm acceptance and intent to proceed with this project by completing and signing the Acknowledgement and Acceptance of EPG Grant Award Form and e-mailing it to [epg@efc.ny.gov](mailto:epg@efc.ny.gov) no later than March 8, 2024, and**
- **Authorize the Town Clerk to publish the legal notice for Request for Qualifications for professional services for work associated with preparation of the Swan Lake Sewer District Engineering Report for the Sewer System evaluation**

- **Background**

- At the March 30, 2023 meeting the Town Board authorized the Supervisor to execute planning grant application with the NYS Environmental Facilities Corporation and authorization and appropriation of local match (minimum of 20% if the EPG grant is awarded).
- Delaware submitted EPG application for up to \$50,000 in grant funding I/I investigations, with commitment for a \$10,000 local match (20%) on August 11, 2023
- Digital copies forwarded to the Town Supervisor, Water and Sewer and Town Clerk on 08-31-23 – hard copy can be provided if requested.

**6. Lead & Copper Rule Revisions service line inventory requirements, due October 2024**

- NYSDOH recently issued a draft amendment to the FFY2024 DWSRF IUP regarding the BIL Lead Service Line Replacement (BIL-LSLR) funding. Comments were accepted via e-mail until 5:00 p.m. on Friday February 16, 2024 to [design@health.ny.gov](mailto:design@health.ny.gov)
- The result of this submission was that the Town was determined by EFC to be eligible for funding under the BIL LSLI grant program.
- **However, based on the draft IUP amendment, which was published by EFC in January 2024, it appears that the Town may not receive a grant**
- Grant funds for the program are limited, and it appears that a majority of the funding is scheduled to be awarded to large cities like NYC, Albany, and Rochester.
- Municipalities may provide comments to EFC, regarding the draft IUP amendment, before it is finalized.
- **On February 14, 2024 Delaware provided a draft comment letter to help municipalities (the Town) comment on the draft IUP for EFC consideration.**
- **The Town Supervisor signed, and submitted, by email, to [design@health.ny.gov](mailto:design@health.ny.gov) on February 15, 2024**
- While it is possible that these comments could result in funding being awarded to a greater variety of small eligible communities, it should be understood that there is no guarantee that that the Town will be one of them.
- **The October 2024 inventory deadline remains**
- **The Town will need to continue to move forward with this recognizing that outside funding is unlikely**
- **Town should continue to organize information on lead services lines**
- **More Background Information**
- Funding Listing/Application:
  - A report and listing form were finalized and submitted on 8/25/23 for a lead service line inventory project, covering the Town's seven water districts, to be considered for 100% grant funding through the BIL program administered by NYS DWSRF. PER and Listing form emailed to Town Supervisor and Damon on 8/25/23.
  - The estimated project cost is \$569,094.
  - If a grant is received, the project will be subject to federal and DWSRF requirements (e.g., MWBE, BABA, AIS, Davis Bacon, etc.).
  - A copy of what was submitted (i.e., engineering report and IUP listing form) was submitted to the Town on August 28.
  - **DRAFT Funding Award Notification occurred in January 2024**
  - **It is likely that this funding application was not successful**
- 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 Town 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.

## DELAWARE ENGINEERING, D.P.C.

- You can only apply for LSL replacement funding for locations where the number and location of LSL are known and verified, even if it is just a targeted area. However, if you are requesting replacement funding, then the entire line (public and private portion) must be replaced.
- You can apply for both inventory and replacement projects simultaneously, but with separate applications. For example, in the Village of Catskill there are some known locations of lead service lines associated with a water main replacement project that is in the planning stages, but they still need to complete a community-wide LSL inventory before the DOH October 2024 deadline.
- You may be able to “piggy-back” a LSL replacement project with a water main replacement project that is anticipated to receive DWSRF funding, but only if the two projects can be kept completely separate. They are two different sources of funds with different reporting requirements and must be tracked separately.
- A/E Procurement Requirements will apply, just like every other BIL-funded project. Procurement doesn’t need to happen before an application is made, but it would make sense to get that out of the way while we wait for news on any grant awards so we can hit the ground running.
- The application process for both project types is the same. No authorizing resolution is needed, just a completed DWSRF listing form and a brief Engineering Report. Engineering report templates are being worked on. Deadline is August 25.
- Town applied for a grant for the inventory this round, and may apply for replacement in subsequent rounds

- 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 ..... NA
  - Review Existing Files ..... August 2024
  - Anticipated Funding Notification ..... February to March 2024
  - Public Bidding for Excavation Contract ..... January to February 2024
  - Public Outreach ..... January to June 2024
  - Field Investigation and Data Input ..... May to September 2024
  - Final Data Compilation ..... September to October 2024
- LSL Inventory Completed and Submitted ..... October 2024

### 7. *Swan Lake WWTP USEPA Administrative Compliance Order*

- Working with the Town to develop written O&M procedures for its Sanitary Sewer System SSS in accordance with EPA’s Attachment entitled “EPA Region 2’s Recommendations Concerning Written Sanitary Sewer System Operation and Maintenance Procedures.”
- Provided with the EPA correspondence was an attachment with EPA’s recommendations for written O&M procedures and O&M manual Template for the Town to get an idea of what others have developed.
- Needs to be submitted to EPA, with a copy to NYSDEC, by February 1, 2024
- A draft response letter, and enclosures for the Town review and comment on 1/24/24.
- We worked with the Town to finalize the response letter, and enclosures, and submitted to USEPA (and NYSDEC) on Wednesday 1/31/24
- **On 2/20/24 USEPA issued formal closeout of the administrative order, see February 20, 2024 USEPA Town of Liberty, ACO-Close-Out Letter attached**
- USEPA had minor comments on the O&M Manual, mostly related to figures that would need to be updated annually (e.g., annual budgets, capital and O&M units) and other minor wording recommendations
- Ideally the Town wants develop the document so it can stand on its own, without having to make too many edits over the years.
- **Delaware plans to update the O&M Plan with the Town, and if required resubmit to USEPA, confirmation pending**

**DELAWARE ENGINEERING, D.P.C.**

**8. Sherwood-Roth Booster Pump Replacement (Reviewed at the February 21, 2024 Meeting)**

- At the February 21, 2023 meeting the Town resolved to:
  - Award the Contract No. TL1-G-21 – General Construction for the Sherwood-Roth Booster Pump Replacement Work to Wittcon, Inc. for the low bid price of \$41,000, contingent upon
  - Authorize the Town Clerk to issue a Purchase Order to Wittcon, Inc. awarding the Sherwood-Roth Booster Pump Replacement to Wittcon, Inc. for a price of \$41,000, directing Wittcon to proceed with the work and to follow up with submittals for review as soon as possible.
  - Authorize the Town Supervisor and Clerk to execute the necessary paperwork (e.g., purchase order, pay requests etc.), for contract initiation and completion of the work.
  - **Contract award and work Contingent upon successful permissive referendum**
- **Background**
- In the fall of 2023 Damon obtained three quotes for the Sherwood-Roth Booster Pump Replacement work
- Anticipated costs exceeded standard bidding requirements under General Municipal Law § 103
  - *All contracts for public work involving an expenditure of more than \$35,000 and all purchase contracts involving an expenditure of more than \$20,000 must typically be awarded to the lowest responsible bidder after advertisement for sealed bids.*
- Damon asked us for help preparing a mini specification to put this out to bid
- We have generated a Legal Notice/Advertisement for Bids (required by GML § 103) and Request for Bids (RFB) package
- The Legal Notice appeared in Friday's 1/26/24 edition of the Sullivan County Democrats (SCDC) with bids due on Friday 2/16/24
- It is anticipated that the Board will review bids at the February 21 meeting

**9. Attachments**

- February 15, 2024 EFC EPG 128719 Award Letter and Acknowledgment and Acceptance Form
- February 20, 2024 USEPA Town of Liberty, ACO-Close-Out Letter
- WSS Phase 10 Boyd Road Reconstruction Bid Notice

**10. Items Discussed or Reviewed at Meeting but not distributed with this package:**

- Sherwood-Roth Booster Pump Replacement Bid Summary

Liberty (T) TBM Handout 03-04-24.docx  
Enclosures



# Environmental Facilities Corporation

KATHY HOCHUL  
Governor

MAUREEN A. COLEMAN  
President and CEO

February 15, 2024

The Honorable Frank DeMayo  
Town Supervisor, Town of Liberty  
120 North Main Street  
Liberty, NY 12754

Re: Town of Liberty  
Project No. 128719  
EPG Swan Lake I&I Study

Dear Town Supervisor DeMayo:

On behalf of Governor Kathy Hochul, I am pleased to inform you that your community has been awarded a NYS Environmental Facilities Corporation (EFC) Engineering Planning Grant (EPG) for the above referenced project. Your EPG has been awarded in an amount not to exceed \$50,000, for the development of an engineering report to identify sources of inflow and infiltration, evaluate alternatives, and recommend improvements to the Town of Liberty's Swan Lake Sewer District.

Please confirm your acceptance of the grant award and intent to proceed with this project by completing and signing the enclosed form and e-mailing it to [epg@efc.ny.gov](mailto:epg@efc.ny.gov) no later than March 8, 2024. Without your confirmation, we may bypass your project and award these grant funds to another community.

As means of advancing this project, members of our EFC team will contact you to guide you through the program requirements and related processes, and to answer any of your questions. In order to remain eligible for these funds, your community must enter into a Grant Agreement for the above project by September 30, 2024.

We appreciate your interest in the EPG program and look forward to working with you on your water quality improvement project.

Sincerely,

A handwritten signature in black ink, appearing to read "Maureen A. Coleman".

Maureen A. Coleman  
President & CEO

Enclosure

**ACKNOWLEDGEMENT AND ACCEPTANCE OF EPG GRANT AWARD**

The Engineering Report MUST follow the [EFC/DEC Engineering Report Outline](#) and recommend a Capital Improvement Project which addresses and aligns with the issue(s) identified in the EPG application.

Please confirm your community's acceptance of the EPG by signing below. Please e-mail the completed form to [epg@efc.ny.gov](mailto:epg@efc.ny.gov) no later than **March 8, 2024**.

**ACKNOWLEDGMENT BY THE AWARDEE:**

Town of Liberty  
Project No. 128719  
EPG Swan Lake I&I Study

The Awardee intends to proceed with this project and accepts the Engineering Planning Grant.

\_\_\_\_\_ (Signature of Authorized Representative)  
\_\_\_\_\_ (Print Name)  
\_\_\_\_\_ (Title)                      \_\_\_\_\_ (Date)

**I.dutcher townofliberty.org**

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**From:** libertydpw@hvc.rr.com  
**Sent:** Wednesday, February 28, 2024 12:28 PM  
**To:** I.dutcher townofliberty.org  
**Subject:** New Hire

Can you please add to the agenda to approve new hire, David Simerson as an HMEO.

Thank you