



TOWN OF LIBERTY

N E W Y O R K

DEPARTMENT HEAD/WORKSESSION MEETING

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

DATE: April 1, 2024

TIME: 6:30 P.M.

FRANK DEMAYO, SUPERVISOR

SHERRI KAVLESKI, COUNCILMEMBER

LAURIE DUTCHER, TOWN CLERK

VINCENT MCPHILLIPS, COUNCILMEMBER

DEAN FARRAND, COUNCILMEMBER

JOHN LENNON, COUNCILMEMBER

PLEDGE OF ALLEGIANCE

CORRESPONDENCE

INCOMING:

1. Correspondence from General Code regarding improvements made to eCode360.
2. Correspondence from the Chiefs of Swan Lake Hose Co. #1 regarding Devany Rd.
3. Correspondence from the Liberty Fire Department listing the activated fire alarms in the Town and Village of Liberty for the month of February.
4. Correspondence from Sullivan 180 advising the Town that they have been awarded a Sullivan 180 Community Development Grant in the amount of \$500 to be used to support the Cinco De Mayo festival.
5. Email from Adrian Perlmutter regarding Leadership Sullivan Day in Liberty and Parksville.

OUTGOING:

1. Correspondence sent by Supervisor DeMayo regarding the Daffodil Dash being held on Sunday, September 8th at the Arrowhead Ranch.

DEPARTMENT HEAD REPORTS

ASSESSOR

BUILDING

COURT

DOG CONTROL

FINANCE

HIGHWAY

PARK & RECREATION



TOWN OF LIBERTY

N E W Y O R K

TOWN CLERK

W&S

DELAWARE ENGINEERING

NEW BUSINESS

1. Approval of the following minutes as submitted by the Town Clerk:
 - Town & Village Joint Comp. mtg. 2/21/24
 - Regular Monthly mtg. 2/21/24
 - Public Hearing- LL Parks 3/4/24
 - Dept. Head/Worksession mtg. 3/4/24
2. Motion to approve resolution in memory of former Supervisor Beverly O'Hearn.
3. Motion setting stone bid for 4/25/24 at 11:00 a.m. at the Town Clerk's Office, 120 North Main St., Liberty.
4. Motion setting Spring Clean-up for May 9th, 10th & 11th at the Town Barn.
5. Motion introducing Introductory Local Law #3 of 2024 amending the Zoning of the Town.
6. Motion authorizing the placement of a historic marker in the municipal parking lot behind the church at the intersection of Short Ave. and Parksville Rd.

DISCUSSION

1. Solar Liberty Proposal w/ Town of Rockland
2. PUD

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.
2. Fines
3. Empty Lot in Parksville
4. Illegal dumping of garbage



TOWN OF LIBERTY

N E W Y O R K

5. Delaware Town/Village Water Sewer Study
6. Lead Service Line Inventory
7. Walnut Mt. Pavillion.
8. Swan Lake- Lake

PUBLIC PARTICIPATION

BOARD DISCUSSION

EXECUTIVE SESSION



Exciting improvements are coming to eCode360™



Laurie Dutcher
120 N Main St
Liberty NY 12754-1861

T8 P1
1860

RECEIVED

MAR 22 2024

3/20/2024

TOWN OF LIBERTY
TOWN CLERK'S OFFICE

Dear Laurie,

General Code has been hard at work making improvements to our *eCode360* platform. We wanted to let you know that **these changes will go live on all *eCode360* accounts the week of April 22, 2024.**

The changes include a refreshed modern look and a new customizable home page, which can quickly direct constituents to the answers they seek. Other changes will be evident in terms of overall performance thanks to our continued commitment to incorporating the most current technology solutions that will enhance speed, functionality, and responsiveness across the *eCode360* platform.

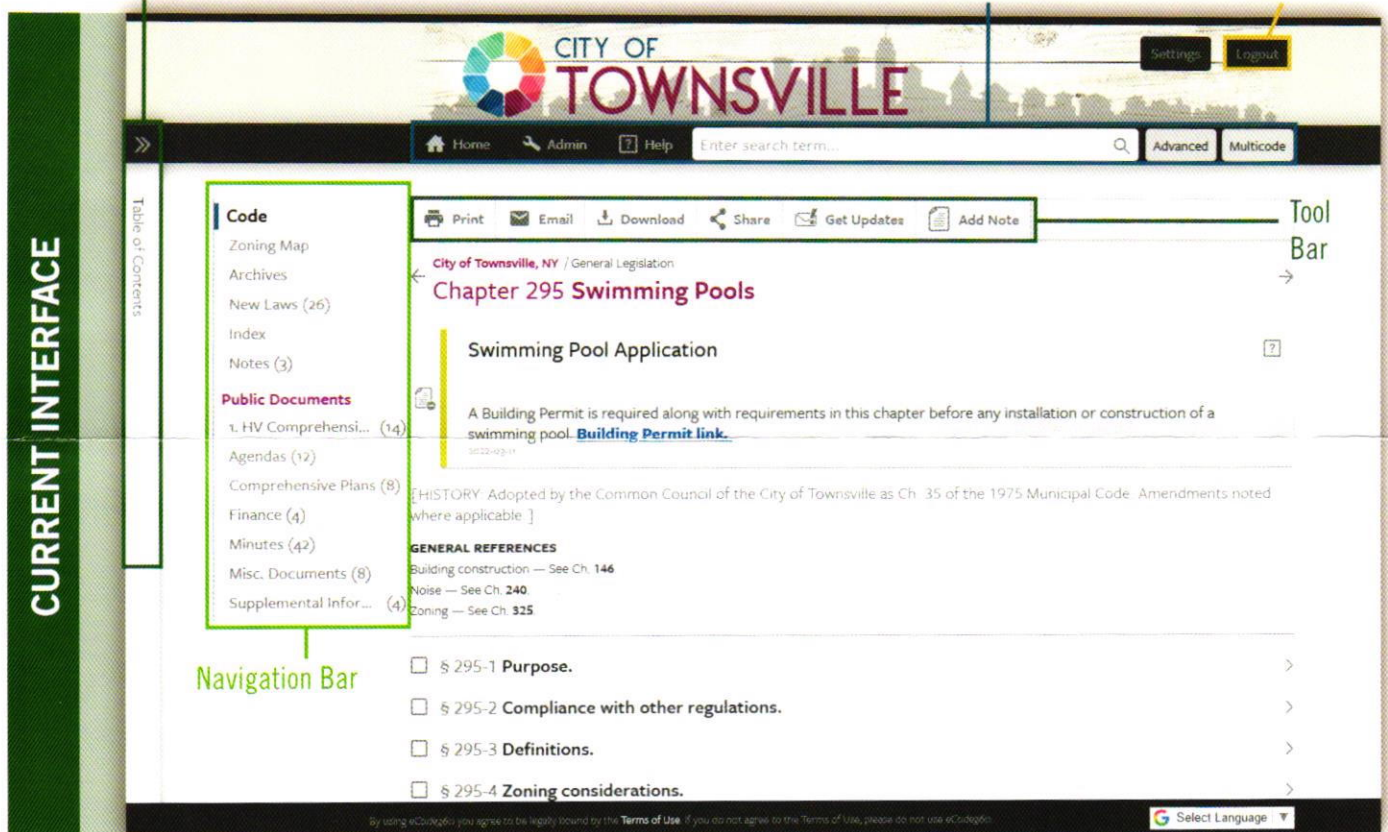
To help you and your constituents acclimate to the new *eCode360* interface, we've included a quick start guide. If you would like to send it to others or print more copies, a PDF copy can be found at bit.ly/newecodeguide. Stay tuned for more communications from General Code via email closer to the launch, including opportunities to attend helpful webinars. In the meantime, for questions and further assistance, please contact our Customer Care Team at 800.836.8834 or eCodeHelp@generalcode.com. We're happy to help!

Thank you for being a valued *eCode360* customer.

Best regards,

Jeff Wight
Vice President, Operations

Table of Contents **Menu /Search Bar** [Login](#)



CURRENT INTERFACE

Table of Contents (Sidebar)

- Code
 - Zoning Map
 - Archives
 - New Laws (26)
 - Index
 - Notes (3)
- Public Documents
 - 1. HV Comprehen... (14)
 - Agendas (12)
 - Comprehensive Plans (8)
 - Finance (4)
 - Minutes (42)
 - Misc. Documents (8)
 - Supplemental Infor... (4)

Navigation Bar (Main Content Area)

City of Townsville, NY / General Legislation

Chapter 295 Swimming Pools

Swimming Pool Application

A Building Permit is required along with requirements in this chapter before any installation or construction of a swimming pool. [Building Permit link.](#)

[HISTORY: Adopted by the Common Council of the City of Townsville as Ch. 35 of the 1975 Municipal Code. Amendments noted where applicable.]

GENERAL REFERENCES

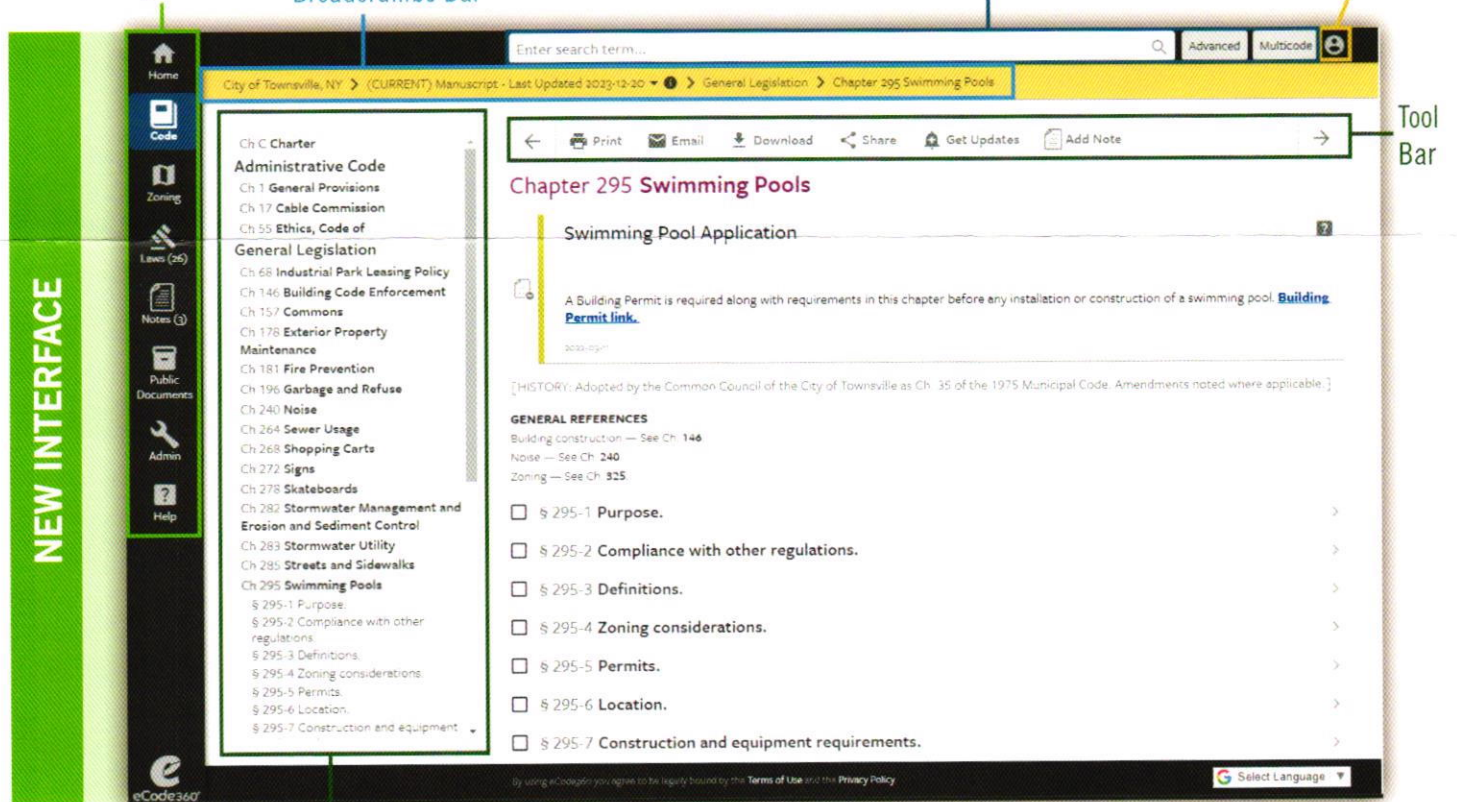
- Building construction — See Ch. 146
- Noise — See Ch. 240
- Zoning — See Ch. 325

- § 295-1 Purpose.
- § 295-2 Compliance with other regulations.
- § 295-3 Definitions.
- § 295-4 Zoning considerations.

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[Select Language](#)

Navigation Bar **Breadcrumbs Bar** **Search Bar** [Login](#)



NEW INTERFACE

Navigation Bar (Sidebar)

- Home
- Code
- Zoning
- Laws (26)
- Notes (3)
- Public Documents
- Admin
- Help

Breadcrumbs Bar (Main Content Area)

City of Townsville, NY > (CURRENT) Manuscript - Last Updated 2023-12-20 > General Legislation > Chapter 295 Swimming Pools

Search Bar (Main Content Area)

Enter search term...

Tool Bar (Main Content Area)

Print Email Download Share Get Updates Add Note

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- § 295-4 Zoning considerations.
- § 295-5 Permits.
- § 295-6 Location.
- § 295-7 Construction and equipment requirements.

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[Select Language](#)

Table of Contents

supervisordemayo townofliberty.org

From: Yvonne Eronymous <tjelandscape@gmail.com>
Sent: Monday, March 18, 2024 7:25 PM
To: l.dutcher townofliberty.org
Cc: Michael Edwards; supervisordemayo townofliberty.org; vmcphillips@labellapc.com; Neck1257@gmail.com; j.lennon townofliberty.org; sherrick@hvc.rr.com
Subject: Swan Lake Hose Co. #1 letter regarding Devany Rd. project
Attachments: Swan Lake Hose Co. Letter regarding Devany Rd. March 2024.docx

Good Evening,

Attached please find a letter from the Chiefs of Swan Lake Hose Co. #1 regarding the building project on Devany Rd. Thank you in advance for reading it.

Timothy J.Eronymous

The Chief's of Swan Lake Hose Co. #1

PO Box 177

52 Stanton Corner Rd. Swan Lake NY 12783

PH # (845)292-6918 FX# (845)292-6948

March 18th, 2024

Dear Town Board Members, Supervisors Office, Building Dept., Planning Board, and Highway Dept.

We, the Chiefs as representatives for the Swan Lake Hose Co. #1 are reaching out to you all to communicate concerns that we have regarding the building project on the corner of Devany Rd. and Ferndale Rd. in the fire district of Swan Lake. Up to the present date not one of the Chiefs has received copies of the plans.

As this project has progressed, we feel that it is more of a housing development than the individual development of "individually owned parcels". The project is moving along quickly without any permits issued for the installation of driveways by the Highway Dept. or Building Dept. that we know of after speaking with Supervisor Frank DeMayo and Highway Superintendent Matt Dewitt.

Currently there are 10 duplexes', each with a driveway for two cars. The driveways are located directly on the road approximately 30 feet from each other. Without any variation, that is 40 vehicles coming in and out, directly on the road over a very short distance. To our collective knowledge, there is not one Town road that has this type of heavy traffic potential.

Allowing these driveways to exist like this will greatly affect the ability of traffic to move freely through the road. This road is very narrow and curvy without an extremely sharp turn that is blind, right up to the part where the driveways are being put in. A large bungalow colony Hillcrest and a large summer camp surround the development. There are buses coming and going, visiting parents, family, and friends. Hundres of people use this quaint road to walk on during the summer months. The greatly increased traffic along with the hazardous set-up of these driveways will greatly affect the Fire Co. and its ability to respond to emergencies that could and probably dwill arise. Some we fear as traffic accidents.

As this development has progressed our Fire co. has responded several times due to the reckless activities of their machine operators. Power lines and telephone lines have been ripped down. Machines are using the road as part of their "job site" without the use of flaggers or signs indicating men are working. Material is being dumped in the road and scooped up by machines in the road. To our knowledge the road was not bonded and there was no authority given to use the road in this fashion.

We the chiefs feel that this traffic safety issue can be resolved by locating the driveways opposite the roadside with one entrance in and out which will control heavy traffic to a manageable level. This project should be treated as a development, not individual build sites. We also feel there has been poor overall supervision of this project and it has and continues to put town residents' safety at risk.

In addition to our Traffic safety concerns, we have no knowledge of any available water source for these large duplex's or of the installation of any fire suppression systems in any of the units. We feel that as new construction is becoming larger, can be connected by common walls, and within proximity to one another that this poses a major fire threat and must be resolved before C.O.'s are issued.

In Spring 2023 there was a fire in the Town of Bethel right outside of Swan Lake within 1/2 mile of our Firehouse. The fire leveled 8 units and tied up over a dozen surrounding fire departments. There were hours and hours of intense firefighting in dangerous conditions. This could have easily been avoided by making sure the proper safety measures were taken such as the installation of fire suppression systems and proper spacing of the units to prevent the spread of fire from one unit to the next.

The Swan Lake Hose Co. is prepared to take full action necessary against the Town of Liberty for failure to protect our town residents. We are asking for your help in resolving these issues. We are asking that you consider our concerns for the safety of our town residents. Residents who are family, friends, and firefighters.

Sincerely,

The Chiefs of Swan Lake Hose Co. #1

supervisordemayo townofliberty.org

From: Yvonne Eronymous <tjelandscape@gmail.com>
Sent: Monday, March 18, 2024 7:31 PM
To: l.dutcher townofliberty.org
Cc: Michael Edwards; supervisordemayo townofliberty.org; vmcphillips@labellapc.com; Neck1257@gmail.com; j.lennon townofliberty.org; sherrick@hvc.rr.com
Subject: Re: Swan Lake Hose Co. #1 letter regarding Devany Rd. project
Attachments: REVISED Letter from Chiefs Swan Lake Hose Co #1 regarding Devany project.docx

Sorry all!

Please see this revised copy of the letter. The background on the previous copy was very dark and I'm not sure it was legible.

Thanks.

On Mon, Mar 18, 2024 at 6:24 PM Yvonne Eronymous <tjelandscape@gmail.com> wrote:

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--

TJE Landscaping Inc.
PO Box 266, Swan Lake NY 12783
PH # 845-798-4456 Tim
PH # 845-707-3036 Yvonne
tjelandscape@gmail.com

The Chief's of Swan Lake Hose Co. #1
PO Box 177
52 Stanton Corner Rd. Swan Lake NY 12783
PH # (845)292-6918 FX# (845)292-6948

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Sincerely,

The Chiefs of Swan Lake Hose Co. #1



Liberty Fire Department
Liberty Joint Fire District
256 Sprague Ave., Suite 4
Liberty, N.Y. 12754



Mark Johnstone
Chief

Beat Birrer
1st Asst. Chief

Lyman Wood
Treasurer

James Simon
2nd Asst. Chief

Cheryl Gerow
Secretary

To: Town of Liberty/Village of Liberty/LJFD board of fire commissioners
Re: Liberty Joint Fire District list of activated fire alarms for ordinance
02/2024:

Town of Liberty:

- 02/06/2024: #52 Ferndale Loomis Road (Boces) alarm activated due to accidental trip of alarm.
- 02/07/2024: #82 West Street. Carbon monoxide alarm. Alarm activated due to vehicle in garage.
- 02/16/2024: #361 Parksville Road (Camp Hasch). Alarm activated due to being pulled by juvenile.
- 02/18/2024: #198 Muhlig Road. Alarm activated due to system malfunction.
- 02/28/2024: 95 Twin Bridge Road (Jerusalem Court). Alarm activated due to juvenile pulling alarm.

Village of Liberty:

- 02/03/2024: #20 Yaun Ave. Alarm activated due to burning incense.
- 02/06/2024: #58 Sullivan Ave (MCDonalds). Alarm activated due to burnt food.
- 02/07/2024: #204 South Main Street (Liberty Motel). Alarm activated due to burning incense.
- 02/10/2024: #58 Sullivan Ave (MCDonalds). Alarm activated due to burnt food.
- 02/15/2024: #58 Sullivan Ave (Mcdonalds). Alarm activated due to system malfunction.
- 02/22/2024: #5 Liberty Commons. Alarm activated due to steam from shower.

Respectfully Submitted,

James Simon
LJFD Administrator

-- WE'LL HANDLE IT! --



March 19, 2024

Town of Liberty
120 North Main Street
Liberty, NY 12754
Attn: Frank DeMayo, Supervisor

Re: 2024 Sullivan 180 Community Development Grant – Town of Liberty

Dear Frank,

Congratulations on being awarded a **Sullivan 180 Community Development Grant** in the amount of \$500.00.

Based on your application, the grant will be used to support the Cinco De Mayo festival as stated in your grant application and attached addendum. To confirm that this is your intention, please sign and return the enclosed addendum at which time the funding will be released.

All funded projects are required to submit final reports and documentation no later than October 1, 2024.

We ask that any documentation or publicity in connection with this project include the following language: **Funding for this project was made possible in part by a Community Development Grant from Sullivan 180.**

Please contact Shannon Cilento, Community Development & Communications Manager, at (845) 295-2434 with any questions.

Thank you for your continued work to support these initiatives in Liberty. We wish you the best with your project.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise Frangipane".

Denise Frangipane, CEO

cc: Shannon Cilento, Community Development & Communications Manager
Elise Yamen, Office Coordinator

2:57

5G 68

< 62

24 Messages



Hi and thank you everyone for shining a li...



From: **Adrian Perlmutter** >

To: Hope Blecher >

Cc: Ali Azios > Lourdesa Hunt >

Marcus Brooks > Todd Perlmutter >

James Karpowicz > Kim Rayevsky >

pop@catskillmountainkids.org >

evelyn hefter >

Today, 2:52 PM

Re: Leadership Sullivan Day in Liberty and Parksville

A wonderful opportunity for community leaders and business owners to come together and share experiences. All phases of revitalization were represented but a necessary common goal was achieved! Seeing how far some of us have come in the process is eye opening and inspiring for others who are just starting the journey, which can be challenging, but we all are up for it. Really great morning, thank you Hope and Lourdesa 🧡

Adrian

Office of the Supervisor



Town of Liberty Government Center
120 North Main Street • Liberty, New York 12754

Frank DeMayo
Supervisor

Nick Rusin
Confidential Secretary

supervisordemayo@townofliberty.org

www.townofliberty.org

TEL:845-292-5111

n.rusin@townofliberty.org

Fax: 845-292-1310

March 25,2024

Rose Barnett – Proprietor
Arrowhead Ranch and Retreat
450 Cooley Road
Parksville, NY 12768

Dear Rose,

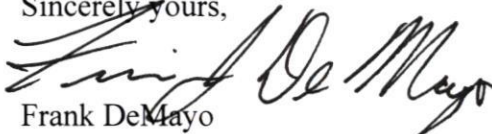
I am excited to hear that the Daffodil Dash will be held on Sunday, September 8th for the second year and will begin at the Arrowhead Ranch.

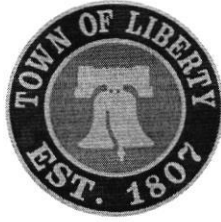
The fact that you and the volunteers will be planting and dedicating a garden in association with the Worldwide Daffodil Project will certainly enhance the beautification efforts of our Town and bring attention to the importance of the Worldwide Daffodil Project's mission. Also, the program to host the Daffodil Dash Fun Run from the Ranch to Cabernet Frank's, the event you creatively named the "Dove to Daffodil Dash", helps to emphasize the importance for folks to get outside, get some exercise and enhance their physical health.

The Town will work with you to secure permission to use CR84 for the Dash and to make sure participants are safe throughout the event.

Your efforts will certainly enrich and entertain the community and I fully support the entire event and any efforts to secure funding through grants and donations. Thank you to you and your Team for the efforts in making Liberty the best it can be.

Sincerely yours,


Frank DeMayo
Town of Liberty - Supervisor



Assessor's Office

Department Head Report

March 2024

Deeds received

Town - 10

Village – 8

Combination 20.-3-5 & 20.-3-6

Combination 13.A-38 & 13.A-3-7

Split:

18.-1-49.1

18.-1-49.3

18.-1-49.4

18.-1-49.5

Processing exemptions:

Senior

Agricultural

Forest

Veteran's

Non-Profit

Disability

Enhanced Star etc.....

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

Jordan is doing very well. She picks up very quickly

Brad (data collector) – worked 3/26/24

Kevin (data collector) scheduling work

Town of Liberty Justice Court

	24-Feb	24-Mar
V&T Appearances	65	123
Criminal Appearances	258	244
Ordinance Appearances	13	1
Civil Appearances	12	14
Total Fines Collected	\$51,816.00	not available
Total Fines to Town	<i>not available</i>	<i>not available</i>
Total Fines to Village	<u>not available</u>	<u>not available</u>

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

DATE: March 31, 2024
TO: Supervisor DeMayo and Town Board Members
FROM: Cheryl Gerow
RE: March Monthly Report

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

1. Completed and filed 2023 Annual Financial Report
2. Submitted two insurance claims (Ferndale Accident and employee accident)
3. Submitted payment request to EFC for Swan Lake Sewer. Total requested and received to date is \$499,003.42
4. Submitted additional requests for 2024-2025 General Liability Renewal
5. Worked with County on various IT issues
6. Completed and disbursed Employee Benefits Summary
7. Sent notification to Departments to update their inventory list for insurance purposes and to return by April 30, 2024
8. All other daily duties and responsibilities

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

**Improvements/Maintenance:**

- Cold patched all Town Roads – 9 days
- Cut trees and brush on Muhlig Road – 6 days
- Trees and brush on Ferndale Lomis Road – 7 days
- Ditched- Breezy Hill, Old Loomis, Boyd, Clements, Scheibe, Fox Mountain, Revonah
- Replaced culvert – Townsend, Boyd
- Grade gravel road – West Lily Pond
- 4 days of wind storm clean up

**Winter:**

- Saturday, March 2, 4AM – 3:30PM, snow
- Monday, March 11, 3AM – 3:30PM, snow with wind storm
- Thursday, March 21, 7AM – 3:30 PM, snow
- Saturday, March 23, 4AM – 12PM, ice and wind
- Sunday, March 24, 4AM – 8AM, ice and wind

**Facilities:**

- Last load of tires should be hauled out next week

**Equipment/Vehicles:**

- Battery disconnect switches have all been installed
- Maintenance and cleaning of winter equipment – 3 days

**Personnel:**

**Misc:**

- Steep grade ahead sign installed on Ferndale Loomis
- Stone Bid Opening, April 25
- Spring Clean Up, May 9, 10, 11
- Received final CHIPS check for 2023, \$61520.94





119 NORTH MAIN STREET  
LIBERTY, NEW YORK 12754

## **Parks and Recreation Report**

### **Recreation**

**Youth Basketball** – Is wrapped up

**Day Camp/Pool** – Still taking employment applications and setting up interviews. Working on Camp and Pool permits. Swim registration open for Liberty residents only for the month of March. April, it opens to non-residents.

**Youth Indoor Baseball Clinic** – Was approved and ready to start.

**Plant Pal's** – Has started

**Warriors Football and cheerleading** – Set to open up registrations. Program will start in late summer early Fall.

**The Fun Group/Sullivan 180** – Set to enroll in our swim lessons.

**Easter Egg Hunt** – Was postponed to 3/30

**Adult Volleyball** – League meeting and registration set for early May

**Adult Woman's Soccer League** – Looking to Start in Mid to Late May.

**Mens Adult Softball League** – Set to start in May.

**Seniors** – Working on setting up trips using a smaller bus in the spring and summer.

**NICA Bike Race** – Set to take place at Walnut Mountain on April 21<sup>st</sup>.

### **Parks**

Repainted the Indoor Pavilion

Moving dumpsters across the street

Working on new pool entrance

Put in walk way going to indoor pavilion

Interviewing and hiring new summer seasonal staff

Starting the spring clean-up and getting parks ready for a very busy summer.

| Account# | Account Description        | Fee Description           | Qty               | Local Share        |
|----------|----------------------------|---------------------------|-------------------|--------------------|
| A1255    | Conservation               | Conservation              | 1                 | 1.38               |
|          | Marriage License           | Marriage License Fee      | 1                 | 17.50              |
|          | Permits                    | Junk Yard                 | 2                 | 500.00             |
|          | TOWN CLERK                 | EZ Pass                   | 8                 | 200.00             |
|          |                            | Marriage Certificate      | 7                 | 70.00              |
|          |                            |                           | <b>Sub-Total:</b> | <b>\$788.88</b>    |
| A1620.4  | Central Printing & Mailing | Photo Copies              | 10                | 16.75              |
|          |                            |                           | <b>Sub-Total:</b> | <b>\$16.75</b>     |
| A1670.4  | Building Fees              | Certified Mailings        | 1                 | 129.60             |
|          |                            |                           | <b>Sub-Total:</b> | <b>\$129.60</b>    |
| A2544    | Dog Licensing              | Female, Spayed            | 7                 | 63.00              |
|          |                            | Male, Neutered            | 7                 | 63.00              |
|          |                            | Male, Unneutered          | 2                 | 25.00              |
|          |                            | Replacement Tags          | 2                 | 10.00              |
|          | SENIOR                     | SENIOR                    | 3                 | -15.00             |
|          |                            |                           | <b>Sub-Total:</b> | <b>\$146.00</b>    |
| A2545    | Dog                        | Redeemed Dog 3            | 4                 | 1,200.00           |
|          |                            |                           | <b>Sub-Total:</b> | <b>\$1,200.00</b>  |
| B2115    | Building Fees              | Lot Improvements          | 1                 | 300.00             |
|          |                            | Special Use               | 3                 | 900.00             |
|          |                            | Subdivision               | 1                 | 300.00             |
|          |                            |                           | <b>Sub-Total:</b> | <b>\$1,500.00</b>  |
| B2770    | Building Fees              | Building Permit           | 20                | 8,785.50           |
|          |                            | Municipal Search          | 24                | 2,400.00           |
|          |                            |                           | <b>Sub-Total:</b> | <b>\$11,185.50</b> |
| B3620.4  | Reimbursement of Expenses  | Reimbursement Of Expenses | 2                 | 21.25              |
|          |                            |                           | <b>Sub-Total:</b> | <b>\$21.25</b>     |

**Total Local Shares Remitted: \$14,987.98**

Amount paid to: Ny State Dept. Of Health ..... 22.50  
 Amount paid to: NYS Ag. & Markets for spay/neuter program ..... 20.00  
 Amount paid to: NYS Environmental Conservation ..... 23.62

**Total State, County & Local Revenues: \$15,054.10**

**Total Non-Local Revenues: \$66.12**

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.

Supervisor

Date

Town Clerk

Date



## Dave Ohman

---

**From:** Dave Ohman  
**Sent:** Wednesday, March 27, 2024 12:31 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 (dfagnani@delawareengineering.com); 'w.banks@townofliberty.org'; Sherri Kavleski (s.kavleski@townofliberty.org)  
**Subject:** RE: Dept Head/Town Board Meeting April 1, 2024 handout  
**Attachments:** Liberty (T) TBMtg handout 04-01-24.pdf; Checklist of Supporting Documentation (Feb 2024).pdf; Budget and Plan of Finance.pdf; Resolution for Authorization Rep Execute Grant Agreement and Appropriation of Local Match.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:***

- No action required
- Boyd Road Reconstruction package is out to bid, bids due 4/4/24
- Bid review award recommendation will be provided to the Town for review by 4/10/24 for action at the 4/15/24 board meeting

### ***Swan Lake WWTP:***

- Town to consider authorizing the Town Clerk to issue a \$300 check to NYSDEC for the underground fuel storage tank registration application
- Additional Sampling for the NY-2A SPDES permit application underway with WWTP staff
- Design continuing

### ***Swan Lake Sewer System Evaluation/I/I Engineering Planning Grant (EPG):***

- EPG Document Checklist and other documents listed below and attached provided for Board to review before the May 6 meeting.  
Deadline to get all checklist items into NYSEFC is August 31, 2024
- Board Action Required at the **May 6, 2024 Meeting:**
  - Review and consider adopting recommended Board Resolutions
  - Review and consider accepting Budget and Plan of Finance
- A/E Procurement/RFQ Documents - to be provided at May 6 meeting

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

- Final FFY 2024 IUP Amendment No. 2 was issued in March 2024 with no changes

- 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
- Swan Lake Sewer System Evaluation/I/I EPG
  - EPG Document Checklist
  - Updated Board Resolution
  - Plan of Finance

I will be away on April 1 and will not be at the meeting on Monday evening.

If anyone has any questions, please contact me on my cell at 607-643-1356.

**Frank/Nick:**

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

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  
April 1, 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:**
  - None
- **Construction Status and Remaining Work for the Original Project (Tweedie)**
  - Contract work was substantially completed (as of 11/29/23), except for the following punch list items (as of 3/26/24):
    - Final site restoration - \$12,892 – **Spring 2024**
    - Demobilization - \$6,000 – **Pending final site restoration**
      - Punchlist Remaining Value = \$18,892 (amount to be withheld as of 1/30/24)
  - Project Substantial Completion
    - Tweedie has provided the required closeout documents (except for final payment application, pending completion of punchlist)
    - **Tweedie final work and final payment requests can be completed and submitted in May 2024.**
    - **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**
- **Contractor Final Payment Request**
  - **Can be submitted in May 2024 following completion of remaining punchlist work**
- **Boyd Road Reconstruction**
  - **An OCR extension was granted until June 28, 2024**
  - **Boyd Road Reconstruction package is out to bid**
  - **Bids due 4/4/24**
  - **Bid review award recommendation will be provided to the Town for review by 4/10/24 for action at the 4/15/24 board meeting**
  - **Construction documents require completion of work by May 31, 2024**
  - **Background**
    - 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
    - On 2/23/24 project drawings and specifications were submitted for OCR review.

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

- The Town received OCR review comments on 2/28/24, 2/29/24,
- The Town received notice that the bid specifications appear to be in compliance with applicable OCR requirements, and on 3/1/24 that OCR has no objections to the Town of Liberty publishing the notice on 2/29/24

- The anticipated project schedule is as follows:

| <b><u>Task:</u></b>                                 | <b><u>Schedule:</u></b>        |
|-----------------------------------------------------|--------------------------------|
| 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 - Complete       |
| Bid Advertisement Published:                        | March 8, 2024 - Complete       |
| Pre-bid Meeting:                                    | March 14, 2024 - Complete      |
| <b>Bid Opening:</b>                                 | <b>April 4, 2024 - Pending</b> |
| <b>Bid Review and Award Recommendation to Town:</b> | <b>April 10, 2024</b>          |
| <b>Board Resolution for Bid Award:</b>              | <b>April 15, 2024</b>          |
| Issue Notice of Award:                              | April 16, 2024                 |
| Pre-Construction Meeting:                           | April 2024                     |
| Construction Contract Document & Submittal Review:  | April 2024                     |
| Construction:                                       | April 2024 - May 31, 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.

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

**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  |                             |                                            |
|--------------------------------------------------------------------------------------------------------------|-----------------|-----------------------------|--------------------------------------------|
| 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**

○ **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                                                |                                                 |

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

|                    |                                                                               |              |                  |                  |                                                     |
|--------------------|-------------------------------------------------------------------------------|--------------|------------------|------------------|-----------------------------------------------------|
|                    | Change Order No. 1 Total (net)<br>=                                           |              | \$0              | \$12,207         | (\$12,207)                                          |
| 5                  | Boyd Road Reconstruction<br>(Estimated – to be bid)                           |              |                  | <b>\$182,225</b> | <b>(\$182,225)</b>                                  |
|                    | <b>Anticipated Town Contribution<br/>(up to not to exceed \$20,000)</b>       |              |                  |                  | Not deducted<br>from total                          |
| <b>6=3+4+5</b>     | <b>SUBTOTAL - Construction</b>                                                | \$587,200    | \$391,162        | <b>\$585,594</b> | <b>\$ 1,606</b>                                     |
|                    | Other Costs:                                                                  |              |                  |                  |                                                     |
| 7A                 | -Delaware Engineering                                                         | \$149,500    | \$149,500        | \$149,500        |                                                     |
| <b>7B</b>          | <b>- Amendment 1 Add'l<br/>Boyd Road<br/>Reconstruction 2024</b>              | <b>\$ 0</b>  | <b>\$ 0</b>      | <b>\$ 30,000</b> | <b>(\$30,000)<br/>Pending<br/>Town<br/>Approval</b> |
| 8                  | -Blauer Associates (Grant<br>Admin) (1)                                       | \$45,000 (1) | \$45,000 (1)     | \$45,000 (1)     |                                                     |
| <b>9=6+7A+7B+8</b> | <b>Total Estimated Cost/Cost to<br/>Date</b>                                  | \$781,700    | \$585,662        | <b>\$810,094</b> | <b>(\$28,394)</b>                                   |
| 10                 | Contingency                                                                   | \$51,000     | \$51,000         | <b>\$ 0</b>      | <b>\$51,000</b>                                     |
| 11=10+9            | Project Budget/Cost to Date<br>Plus Contingency - <b>Total</b>                | \$832,700    | \$636,662        | <b>\$810,094</b> | <b>\$22,606</b>                                     |
| 12=11-8            | Project Budget/Cost to Date<br>Plus Contingency <b>Grant<br/>Eligible (2)</b> | \$787,700    | <b>\$591,662</b> | <b>\$765,094</b> | <b>\$22,606</b>                                     |
| 13                 | Grant Amount                                                                  | \$787,700    | \$787,700        | \$787,700        |                                                     |
| 14=13-12           | Grant Budget Minus Cost –<br><b>Remaining</b>                                 | \$0          | <b>196,038</b>   | <b>\$22,606</b>  |                                                     |

(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**
- **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:**
  - Town to consider authorizing the Town Clerk to issue a \$300 check to NYSDEC for the underground fuel storage tank registration application
- **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/SDOVBE 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/SDOVBE 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**

## DELAWARE ENGINEERING, D.P.C.

- **Construction (C3-5370-01-01)** WIIA & BIL funded, has one program for compliance.
    - MWBE/DEB/SDVOBE
      - 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 continuing
    - Working on updated project cost estimate with subcontractor Trophy Point
    - 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 flow
      - 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
      - We are summarizing the results received (in Tables A, B, F & G)
      - There are still sampling results pending
      - There were some sample results received that used the incorrect standard testing method and will need to be redone (at no cost to the Town)
      - The sampling that needs to be redone was ordered on 3/22/24
      - The lab is shipping new sampling bottles to the Town



## DELAWARE ENGINEERING, D.P.C.

- The Town should receive the additional sampling bottles the week of 3/25-3/29, and should proceed with resampling
- 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.)
  - The only tank that requires registration is the gas tank. The diesel tank would not require registration if the gas tank was not there, but because of the gas tank, all tanks (above & below ground) onsite need to be registered
  - Once the inground tanks are removed the other above ground tanks are not required to be registered
  - There would be an initial \$300 registration fee, but DEC may come back for additional fee based on all the missed years of registration
    - The tank registrations go in 5-year cycles, so the Town could owe \$300 for every five-year period that these tanks have existed (bases on Total Design Capacity of All Tanks at the Facility)
    - Given the age of the USTs per the record plans, there could be 8 or 9, five-year registration cycles that were missed. The Town could be looking at back registration fees of up to \$2,400.
  - Once the registrations of the tanks are processed, the Town would then submit a Tank Notification Closure Form whenever we know the schedule of the tank closing work
  - Delaware will continue to move forward with Damon on the missing application items and get the application ready to go, and recommended that the Town will need to pay \$300 in the near term to start the application review process, and may need to backpay for previous registration cycles at a cost of \$300 per 5-year cycle
  - **Therefore, if the Town would like to move forward with closure of the existing abandoned storage tanks, then we recommend that the Town Board:**
    - **Authorize the Town Clerk to issue a check to NYSDEC for \$300 for the tank registration application**
- 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/quarterly 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)**

## DELAWARE ENGINEERING, D.P.C.

- 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)**
  - Subconsultant agreement with Trophy Point Construction Services (SDVOBE) and Consulting for cost estimating services executed on 1/4/24
  - 40% Design drawings were submitted to TP on 2/9/24.
  - **The 40% cost estimate is anticipated to be received by April 1, 2024**
- **Mechanical/HVAC Design Review – Jade Stone (MWBE)**
  - Retaining a MWBE firm to provide mechanical/HVAC design review
  - Peer review of HVAC design
  - 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 for the project closeout package (last requested on 3/26/24)
- As-builts being prepared
- Construction certification planned to go out to NYSDOH with as-builts in April 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 the maintenance bond from the contractor (last requested on 3/15/24) 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.**
    - **EFC is questioning the contract amount versus amount paid for the final quarterly report for Osterhoudt and subcontractor Rock Mtn**
    - **We have asked Osterhoudt to confirm the final subcontract amount with Rock Mtn., and if the subcontract decreased, to please provide a brief explanation to respond to EFC with**
- **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**

## DELAWARE ENGINEERING, D.P.C.

- **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 April 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 Document Checklist
  - **Board Action Required at the May 6, 2024 Meeting:**
    - Review and consider adopting recommended Board Resolutions
    - Review and consider accepting Budget and Plan of Finance
  - Delaware submitted EPG application for up to \$50,000 in grant funding for I/I investigations, with commitment for a \$10,000 local match (20%) on August 11, 2023
  - **This Project has been selected for award!!**
  - On 2/15/24 the 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
-

## DELAWARE ENGINEERING, D.P.C.

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.**

- At the March 4, 2024 meeting the Town Board resolved 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
- The EPG Grant Acceptance Form was submitted NYSEFC by the Town Supervisor via email on February 22, 2024
- On March 13, 2024 NYSEFC provided the Town an EPG Checklist and supporting documentation to assist the Town in the process of entering into a Grant Agreement with EFC):

### **1. Board Resolutions (for action at the May 6, 2024 Meeting):**

Submit signed, certified board resolutions in PDF format designating the authorized representative and local match amount. Sample Resolution Language is available. Type II SEQR resolutions are no longer required for Engineering Planning Grants.

- Authorized Representative Resolution  
Board resolution designating an Authorized Representative for the project
- Local Match Resolution  
Board resolution authorizing and obligating local match funds

Note: Similar resolutions were adopted by the Town at the March 30, 2023 meeting. NYSEFC updated the template/sample resolutions in March 2024, so we recommend that the Town adopt the updated resolutions

### **2. Budget and Plan of Finance Form (for action at the May 6, 2024 Meeting):**

- Detailed budget and plan of finance including all prime contracts/agreements, in-kind services, third-party funding, and satisfaction of the minimum 20% local match requirement.

### **3. Executed Engineering Agreement (for action at the August 5, 2024 Meeting)**

- All architectural and engineering contracts must be procured through a federally acceptable Request for Qualifications (RFQ) process, in accordance with 40 U.S.C 1101. All contracts must be signed by both parties and must contain the scope of work and fee.
- Architectural/Engineering Procurement Certification

- All checklist items due by August 31, 2024 (See anticipated schedule below)
- In order to remain eligible for these funds, the Town 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, then we recommend at the May 6, 2024 meeting, that the Town:
  - Adopt the Board Resolutions designating an Authorized Representative, and authorizing the local match for the Liberty (T) EPG 128719/Swan Lake Sanitary Collection System I/I Investigation as set forth in the attached subject resolution
  - Accept the Budget and Plan of Finance Form

### **Professional Services RFQ**

- Requires evaluating Request for Qualifications to facilitate selection for professional services to prepare the Engineering Report and associated activities
- The Clerk does not need to do anything related A/E Procurement/RFQ Process at this time
- We plan to provide the Town with the A/E Procurement/RFQ documents (i.e., Legal Notice, RFQ, Scoring Matrix, Scoring Summary, Resolution for Contract Award, A/E Procurement Certification) for review at the May 6 meeting

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

**The anticipated schedule is as follows:**

- Adopt Board Resolutions ..... March 23, 2023 (A)
- Submit NYSCFA EPG Funding Application ..... August 11, 2023 (A)
- Award Announcement ..... February 15, 2024 (A)
- Award Letter received by Town ..... February 16, 2024 (A)
- Authorize the Town Clerk to publish the legal notice for RFQ ..... March 4, 2024 (A)
- Deadline to submit an executed Award Acceptance Form ..... March 8, 2024 (A)
- EPG Checklist of Supporting Documentation received by Town ..... March 13, 2024 (A)
- **Provide update to Town Board ..... April 1, 2024 (T)**
- Town adopts updated Board Resolutions and Plan of Finance ..... May 6, 2024 (T)
- RFQ for A/E Procurement ..... May - August 2024 (T)
  - Provide RFQ Documents to the Town ..... May 6, 2024 (T)
  - Town to publish the legal notice ..... May 10, 2024 (T)
  - Deadline to submit RFQ/SOQ ..... June 7, 2024 (T)
  - Town Clerk to distribute and Board to review RFQs/SOQs ... June 8 – July 1, 2024 (T)
  - Town Board to score RFQ/SOQ and select firm (at Board meeting) . July 1, 2024 (T)
  - Engineering Contract Submitted to Town ..... July 1, 2024 (T)
  - Engineering Contract Submitted to
  - Execute Agreement with selected firm (at Board meeting) ..... August 5, 2024 (T)
- Submit EPG Checklist Supporting Documentation ..... by August 16, 2024 (T)
- Deadline to submit EPG Checklist Supporting Documentation ..... August 31, 2024 (T)
- Execute PFA ..... September 2024 (T)
- Deadline to Execute Grant Agreement ..... September 31, 2024 (T)
- Complete I/I Engineering Report ..... October 2024-October 2025 (T)

**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**

- **Final FFY 2024 IUP Amendment No. 2 was issued in March 2024 with no changes**
- **However, based on the final IUP amendment, which was published by EFC in March 2024, it appears that the Town may not receive a grant**
- **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**
- **Background**
- 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.
- 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.
- 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

## DELAWARE ENGINEERING, D.P.C.

- 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.
  - 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

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

- On 2/20/24 USEPA issued formal closeout of the administrative order, see February 20, 2024 USEPA Town of Liberty
  - 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 updated the O&M Plan with the Town, and if required resubmit to USEPA, confirmation still pending
- Background
- 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

### 8. *Sherwood-Roth Booster Pump Replacement*

- Contract award and work Contingent upon successful permissive referendum (April 19, 30-days after adoption)
- 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

## DELAWARE ENGINEERING, D.P.C.

- 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.
- 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**

- EPG 128719 Swan Lake Sanitary Collection System I/I Investigations
  - Checklist of Supporting Documents Needed for Grant Agreement
  - Resolution for Authorization for a Designated Representative to Execute Grant Agreement and Appropriation of Local Match
  - Budget and Plan of Finance Form

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

- None

Liberty (T) TBM Handout 04-01-24.docx  
Enclosures





## Wastewater Infrastructure Engineering Planning Grant (EPG) Checklist of Supporting Documents Needed for Grant Agreement

Submit the following supporting documentation to your project coordinator by August 31, 2024:

**Board Resolutions**

Submit signed, certified board resolutions in PDF format designating the authorized representative and local match amount. Sample Resolution Language is available. Type II SEQR resolutions are no longer required for Engineering Planning Grants.

**Authorized Representative Resolution**

Board resolution designating an Authorized Representative for the project.

**Local Match Resolution**

Board resolution authorizing and obligating local match funds.

**Budget and Plan of Finance Form**

Detailed budget and plan of finance including all prime contracts/agreements, in-kind services, third-party funding, and satisfaction of the minimum 20% local match requirement. The form can be found at [www.efc.ny.gov/epg](http://www.efc.ny.gov/epg). Submit in Excel format.

**Administrative/Technical Force Account (If Applicable)**

Submit a proposal for administrative or technical force account (in-kind services) to be completed by municipal workforce, showing titles, rates, proposed hours, and tasks. For technical force account, submit a "Certification of Technical Work Force" signed and stamped by a NYS-Licensed P.E. Templates are available at [www.efc.ny.gov/epg](http://www.efc.ny.gov/epg).

**Executed Engineering Agreement**

All architectural and engineering contracts must be procured through a federally acceptable Request for Qualifications (RFQ) process, in accordance with 40 U.S.C 1101. All contracts must be signed by both parties and must contain the scope of work and fee.

**Architectural/Engineering Procurement Certification**

The A/E Procurement Certification form can be found at <https://efc.ny.gov/BIL>.



**Environmental  
Facilities Corporation**

**PROJECT BUDGET & PLAN OF FINANCE**

Recipient Name: Town of Liberty  
 Project Name: EPG Swan Lake I&I  
 Project Number: 128719  
 County: Sullivan  
 Date: April 1, 2024

Please fill out the left column for Green Innovation Grant Program (GIGP) costs, and the right column for Engineering Planning Grant (EPG) Program costs. Submit the form in excel format.

|                                                   | <u>COST (GIGP)</u> | <u>COST (EPG)</u> |
|---------------------------------------------------|--------------------|-------------------|
| <b>CONSTRUCTION</b>                               |                    | N/A               |
| <b>ENGINEERING</b>                                |                    | \$60,000.00       |
| <b>EQUIPMENT</b>                                  |                    |                   |
| <b>LEGAL</b>                                      |                    |                   |
| <b>ADMINISTRATIVE FORCE ACCOUNT</b>               |                    |                   |
| <b>TECHNICAL FORCE ACCOUNT</b>                    |                    |                   |
| <b>OTHER (Please Specify)</b>                     |                    |                   |
| <b>Total Project Costs:</b>                       | \$0.00             | \$60,000.00       |
| <b>Eligible Project Costs:</b>                    |                    | \$60,000.00       |
| <b>Grant Amount:</b>                              |                    | \$50,000.00       |
| <b>Minimum Required Local Share:</b>              | \$0.00             | \$10,000.00       |
| <b>Total Local Share:</b>                         | \$0.00             | \$10,000.00       |
| <b>Other Sources of Funding (Please Specify):</b> |                    |                   |

**Engineering Planning Grant (EPG) Program**  
**Resolutions**  
**Liberty (T) EPG 128719 Swan Lake Sanitary Collection System I/I**  
**Investigations**

**Authorization for Designated Representative to Execute Grant Agreement**

**NOW, THEREFORE, BE IT RESOLVED**, the Town Supervisor is hereby authorized to execute an Engineering Planning Grant (EPG) Agreement with the New York State Environmental Facilities Corporation (NYS EFC) and any and all other contracts, documents, and/or instruments necessary to facilitate the EPG project referenced herein and to fulfill the Town of Liberty's obligations thereunder.

**Authorization and Appropriation of Local Match**

\*Local match is a minimum of 20% of the total EPG grant award.

**NOW, THEREFORE, BE IT RESOLVED**, the Town of Liberty hereby authorizes and appropriates a minimum 20% local match as required by the Engineering Planning Grant Program for the Liberty (T) EPG 128719/Swan Lake Sanitary Collection System I/I Investigations in the amount of \$10,000 and based upon the total EPG Grant award of \$ 50,000.

**BE IT FURTHER RESOLVED**, the source of the local match, and any amount in excess of the required match, shall be provided by the Town's Sewer Fund.

TOWN OF LIBERTY BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 02/21/24

TIME: 6:30 PM

The Town Board and Village Board held a Joint Meeting at 6:30 p.m. to discuss the updating of the 2008 Liberty Joint Comprehensive Plan.

**PRESENT:**

Supervisor Frank DeMayo  
Councilmember Dean Farrand  
Councilmember Vincent McPhillips  
Councilmember John Lennon  
Councilmember Sherri Kavleski  
Mayor Joan Stoddard  
Trustee Rob Mir  
Trustee Ernie Feasel  
Trustee Evelese Lake

**RECORDING SECRETARY:**

Town Clerk Laurie Dutcher  
Village Clerk Judy Zurawski

**PLEDGE OF ALLEGIANCE**

The Town and Village discussed the organization and planning for a review and update of the 2008 Liberty Joint Comprehensive Plan.

**ADJOURN**

The Town & Village Board does hereby adjourn the meeting at 6:30 p.m.

Motion: Councilmember Vincent McPhillips  
Seconded: Trustee Rob Mir  
9 AYES Carried

Respectfully submitted,

Town Clerk, Laurie Dutcher

TOWN OF LIBERTY BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754  
DATE: 02/21/24  
TIME: 6:30 PM

At the Regular Meeting of the Town Board of the Town of Liberty held on 2/21/24 at 7:00 p.m., the following were present:

**PRESENT:**

Supervisor Frank DeMayo  
Councilmember Dean Farrand  
Councilmember Vincent McPhillips  
Councilmember John Lennon  
Councilmember Sherri Kavleski

**ABSENT:**

**RECORDING SECRETARY:**

Town Clerk Laurie Dutcher

**ALSO PRESENT:**

Confidential Secretary Nick Rusin  
Finance Director Cheryl Gerow

**PLEDGE OF ALLEGIANCE**

**CORRESPONDENCE**

**INCOMING:**

1. 2023 Investment Report from the Finance Director.
2. Correspondence from the Liberty Fire Department listing the activated fire alarms in the Town and Village.

**OUTGOING:**

1. Correspondence sent by Supervisor DeMayo regarding the IUP Amendment Comment.

**ACCEPTANCE OF INCOMING CORRESPONDENCE**

The Town Board of the Town of Liberty does hereby accept the incoming correspondence.

Motion: Councilmember Dean Farrand  
Seconded: Councilmember John Lennon  
5 AYES Carried

**NEW BUSINESS**

TOWN OF LIBERTY BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 02/21/24

TIME: 6:30 PM

**APPROVAL OF MINUTES**

The Town Board does hereby approve the following minutes as submitted by the Town Clerk:

- Public Hearing 1/3/24
- Dept. Head/Worksession Mtg. 1/3/24
- Regular Monthly Mtg. 1/17/24
- Dept. Head/Worksession Mtg. 2/5/24

Motion: Councilmember John Lennon  
Seconded: Councilmember Dean Farrand  
5 AYES Carried

**APPROVAL OF THE MONTHLY REPORTS**

The Town Board does hereby approve the following monthly reports:

- Town Clerk's Report 1/24
- Tax Collector's Report 1/24
- Revenue & Expense Report 1/24
- Supervisor's Report 1/24

Motion: Councilmember Dean Farrand  
Seconded: Councilmember John Lennon  
5 AYES Carried

**APPROVAL OF AUDITS**

The Town Board does hereby approve of the audits as follows:

1. January, 2024 Post Audit Claims #107 to #137 totaling \$252,102.29.
2. February, 2024 Abstract Claims #138 to #303 totaling \$625,708.65.
3. January, 2024 General Ledger Abstract Claims #1 to #35 totaling \$1,452,317.89.

Motion: Councilmember Dean Farrand  
Seconded: Councilmember John Lennon  
5 AYES Carried

**APPROVAL OF VOUCHER FOR TWEEDIE CONSTRUCTION, LLC**

The Town Board does hereby authorize payment of voucher for Tweedie Construction in the amount of \$33,570.50 for construction services for the White Sulphur Springs Phase 10-2023.

Motion: Supervisor Frank DeMayo

TOWN OF LIBERTY BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754  
DATE: 02/21/24  
TIME: 6:30 PM

Seconded: Councilmember Dean Farrand  
4 AYES Carried

**AWARD OF BID FOR SHERWOOD ROTH BOOSTER PUMP REPLACEMENT-WITTCON**

The Town Board does hereby award Contract No. VL1-G-21 – General Construction for the Sherwood-Roth Booster Pump Replacement Work to Wittcon, Inc. for the low bid price of \$41,000. payment of \$41,000 from the Stevensville Water District Capital Reserve Fund.

Motion: Councilmember Vincent McPhillips  
Seconded: Councilmember Dean Farrand  
5 AYES Carried

**TOWN ATTORNEY DIRECTED TO DRAW UP CAPITAL RESERVE RESOLUTION FOR AUTHORIZING THE PAYMENT OF \$41,000 FROM THE STEVENSVILLE WATER DISTRICT CAPITAL RESERVE FUND**

The Town Board does hereby direct the Town Attorney to draw up the necessary Capital Reserve resolution authorizing the payment of \$41,000 from the Stevensville Water District Capital Reserve Fund.

Motion: Councilmember Dean Farrand  
Seconded: Councilmember John Lennon  
5 AYES Carried

**APPROVAL OF PRO-HOUSING COMMUNITIES RESOLUTION**

WHEREAS, the Town of Liberty (hereinafter “local government”) believes that the lack of housing for New York residents of all ages and income levels negatively impacts the future of New York State’s economic growth and community well-being;

WHEREAS, the housing crisis has negative effects at regional and local levels, we believe that every community must do their part to contribute to housing growth and benefit from the positive impacts a healthy housing market brings to communities;

WHEREAS, we believe that supporting housing production of all kinds in our community will bring multiple benefits, including increasing housing access and choices for current and future residents, providing integrated accessible housing options that meet the needs of people with sensory and mobility disabilities, bringing economic opportunities and vitality to our communities, and allowing workers at all levels to improve their quality of life through living closer to their employment opportunities;

WHEREAS, we believe that evidence showing that infill development that reduces sprawl and supports walkable communities has significant environmental and public health benefits; and

WHEREAS, we believe that affirmatively furthering fair housing and reducing segregation is not only required by law, but is essential for keeping our community strong and vibrant;

TOWN OF LIBERTY BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 02/21/24

TIME: 6:30 PM

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Town of Liberty, in order to take positive steps to alleviate the housing crisis, adopts the Pro-Housing Communities pledge, which will has us endeavor to take the following important steps:

1. Streamlining permitting for multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.
2. Adopting policies that affirmatively further fair housing.
3. Incorporating regional housing needs into planning decisions.
4. Increasing development capacity for residential uses.
5. Enacting policies that encourage a broad range of housing development, including multifamily housing, affordable housing, accessible housing, accessory dwelling units, and supportive housing.

Motion: Councilmember John Lennon  
Seconded: Councilmember Dean Farrand  
5 AYES Carried

**SUPERVISOR AUTHORIZED TO EXECUTE MEMORANDUM OF UNDERSTANDING W/ CORNELL COOPERATIVE EXTENSION CREATING HEALTHY SCHOOLS AND COMMUNITIES TO IMPLEMENT FOOD SERVICE GUIDELINES AND /OR ACCESS TO PHYSICAL ACTIVITY**

The Town Board does hereby authorize the Supervisor to execute Memorandum of Understanding w/ Cornell Cooperative Extension creating Healthy Schools and Communities to implement food service guidelines and /or access to physical activity.

Motion: Councilmember Vincent McPhillip  
Seconded: Supervisor Frank DeMayo  
5 AYES Carried

**INTRODUCTORY LOCAL LAW NO. 2 OF 2024 ENTITLED "PARKS"**

At a regular meeting of the Town Board of the Town of Liberty, Sullivan County, New York, held at the Town of Liberty Senior Center, 119 North Main Street, Liberty, New York, in said Town, on the 21<sup>st</sup> day of February, 2024, at 7:00 p.m., prevailing time.

The meeting was called to order by Supervisor DeMayo and upon roll being called, the following were:

PRESENT: Supervisor Frank DeMayo  
Councilmember Dean Farrand  
Councilmember Vincent McPhillips  
Councilmember John Lennon



TOWN OF LIBERTY BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754  
DATE: 02/21/24  
TIME: 6:30 PM

Councilmember Sherri Kavleski

ABSENT:

The following resolution was introduced by Supervisor Frank DeMayo, who moved its adoption, and seconded by Councilmember Dean Farrand, to wit:

**BE IT RESOLVED**, that 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" is hereby introduced before the Town Board of the Town of Liberty, County of Sullivan, State of New York; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby determines that the aforesaid local law constitutes 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; and

**BE IT FURTHER RESOLVED**, that copies of the aforesaid local law be laid upon the desk of each member of the Town Board; and

**BE IT FURTHER RESOLVED**, that the Town Board hold a public hearing on the aforesaid local law at the Town of Liberty Senior Center, 119 North Main Street, Liberty, New York, at 6:15 p.m., prevailing time, on March 4, 2024; and

**BE IT FURTHER RESOLVED**, that the Town Clerk publish or cause to be published a public notice in the Sullivan County Democrat, of such public hearing at least five (5) days prior thereto.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, resulting as follows:

|                                  |        |     |
|----------------------------------|--------|-----|
| Supervisor Frank DeMayo          | voting | AYE |
| Councilperson Dean Farrand       | voting | AYE |
| Councilperson Vincent McPhillips | voting | AYE |
| Councilperson John Lennon        | voting | AYE |
| Councilperson Sherri Kavleski    | voting | AYE |

The resolution was thereupon declared duly adopted.

**SUPERVISOR AUTHORIZED TO EXECUTE ACKNOWLEDGEMENT & ACCEPTANCE OF EPG SWAN LAKE I&I STUDY GRANT AWARD IN THE AMOUNT OF \$50,000**

TOWN OF LIBERTY BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 02/21/24

TIME: 6:30 PM

The Town Board does hereby authorize the Supervisor to execute the Acknowledgement & Acceptance of EPG Grant Award for Swan Lake I&I Study Project #128719 in the amount of \$50,000.

Motion: Councilmember John Lennon  
Seconded: Councilmember Dean Farrand  
5 AYES Carried

## DISCUSSION

## 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- Next meeting
5. AIRBNB
6. Solar
7. County Water / Sewer Study-Meeting on 1/30/24 6:00-8:00 Monticello Government Center.

### IN PROGRESS

1. Converting and moving the Building Department and the Assessor's Office to the Park & Recreation Building. *(Made a few tweaks and will have plans for the 2<sup>nd</sup> mtg. in March)*
2. Fines
3. Empty Lot in Parksville
4. Illegal dumping of garbage *(A lot of garbage on Devany Rd. maybe do some surveillance)*
5. Delaware Town/Village Water Sewer Study *(Will have an update on this from Delaware at the next mtg.)*
6. Lead Service Line Inventory *(Protesting because we aren't getting any money)*
7. Walnut Mt. Pavilion. *(Not keen on the grading)*

## PUBLIC PARTICIPATION

Kenneth Walters-Open Meeting Law

Gerald Boornazian-Informing the public

John Wombacher-Ferndale-Loomis Rd.

Jean Dermer-Chamber Clean-up

Cora Edwards-Devany Rd.

TOWN OF LIBERTY BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754  
DATE: 02/21/24  
TIME: 6:30 PM

Yvonne Gomez-Devany Rd.

Elizabeth Greig-Devany Rd.

Cindy Geiger-Town Comprehensive Plan

Vance Spicer via ZOOM-Devany Rd.

**BOARD DISCUSSION**

Councilmember Vincent McPhillips

- Appreciated Legislature's Brian & Matt McPhillips attending meetings.

Councilmember John Lennon

- Appreciated Legislature's Brian & Matt McPhillips attending meetings.
- Bids for equipment distribution shed for Parks and Recreation.

Councilmember Dean Farrand

- Appreciated Legislature's Brian & Matt McPhillips attending meetings.
- Water Study

Supervisor Frank DeMayo

- Appreciated Legislature's Brian & Matt McPhillips attending meetings.
- Met with County
- Did not get ForwardNY grant.
- Working w/ Alex Rau for EMS services.

**EXECUTIVE SESSION**

The Town Board does hereby go into Executive Session to discuss a personnel matter.

Motion: Supervisor Frank DeMayo  
Seconded: Councilmember Dean Farrand  
5 AYES Carried

**OUT OF EXECUTIVE SESSION**

The Town Board does hereby come out of Executive Session at 8:12 p.m.

Motion: Supervisor Frank DeMayo  
Seconded: Councilmember Dean Farrand  
5 AYES Carried

**ADJOURN**

The Town Board does hereby adjourn the meeting at 8:13 p.m.

TOWN OF LIBERTY BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 02/21/24

TIME: 6:30 PM

Motion: Councilmember Vincent McPhillips  
Seconded: Councilmember John Lennon  
4 AYES Carried

Respectfully submitted,

Laurie Dutcher, Town Clerk

PUBLIC HEARING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

At the Public Hearing held 3/4/24 at 6:15 p.m., for Introductory Local Law #2 of 2024, the following were present:

**PRESENT:**

Supervisor Frank DeMayo  
Councilmember Dean Farrand  
Councilmember Vincent McPhillips  
Councilmember John Lennon  
Councilmember Sherri Kavleski

**RECORDING SECRETARY:**

Town Clerk Laurie Dutcher

**ALSO PRESENT:**

Town Attorney Kenneth Klein  
Confidential Secretary Nick Rusin  
Finance Director Cheryl Gerow

**ABSENT**

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING**

Supervisor DeMayo called the Public Hearing to order at 6:15 p.m.

**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 exempted Town parks that are lighted from the requirement of closing at sunset.

PUBLIC HEARING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

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.

No one from the Public wished to be heard and no written comments were received.

CLOSE PUBLIC HEARING

Motion: Supervisor Frank DeMayo  
Seconded: Councilmember Dean Farrand  
5 AYES Carried

Respectfully submitted,

Laurie Dutcher, Town Clerk

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754  
DATE: 03/04/24  
PLACE: SENIOR CENTER 119 NORTH MAIN STREET, LIBERTY, NY 12754  
TIME: 6:15 PM

At the Department Head/Worksession Meeting the following were present:

**PRESENT:**

Supervisor Frank DeMayo  
Councilmember Dean Farrand  
Councilmember Vincent McPhillips  
Councilmember John Lennon  
Councilmember Sherri Kavleski

**RECORDING SECRETARY:**

Town Clerk Laurie Dutcher

**ALSO PRESENT:**

Town Attorney Kenneth Klein  
Confidential Secretary Nick Rusin  
Finance Director Cheryl Gerow

**ABSENT**

**PLEDGE OF ALLEGIANCE**

The Supervisor then opened the Department Head/Worksession Meeting at 6:30 p.m.

A MOMENT OF SILENCE WAS HELD FOR **GEORGE PELLAM**.

**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:

**ACCEPTANCE OF INCOMING AND OUTGOING CORRESPONDENCE**

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

The Town Board of the Town of Liberty does hereby accept the incoming correspondence.

Motion: Councilmember Dean Farrand  
Seconded: Councilmember John Lennon  
4 AYES Carried

## DEPARTMENT HEAD REPORTS

### APPROVAL OF DEPARTMENT HEAD REPORTS

The Town Board of the Town of Liberty does hereby accept the Department Head Reports as submitted.

Motion: Councilmember Vincent McPhillips  
Seconded: Councilmember John Lennon  
5 AYES Carried

### ASSESSOR

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

Veterans

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



**TOWN BOARD MEETING**  
**119 NORTH MAIN STREET, LIBERTY, NY 12754**

DATE: 03/04/24

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

TIME: 6:15 PM

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

**CEO - BUILDING DEPARTMENT**

| 2024                        | Jan | Feb | Mar | April | May | June | July | Aug | Sept | Oct | Nov | Dec | Total |
|-----------------------------|-----|-----|-----|-------|-----|------|------|-----|------|-----|-----|-----|-------|
| Permits Issued              | 15  | 22  |     |       |     |      |      |     |      |     |     |     | 37    |
| Permits Completed/Closed    | 26  | 11  |     |       |     |      |      |     |      |     |     |     | 37    |
| Fire Inspections Performed  | 1   | 0   |     |       |     |      |      |     |      |     |     |     | 1     |
| Complaints Open             | 9   | 3   |     |       |     |      |      |     |      |     |     |     | 12    |
| Complaints Closed           | 41  | 16  |     |       |     |      |      |     |      |     |     |     | 57    |
| Appearance Tickets issued   | 0   | 0   |     |       |     |      |      |     |      |     |     |     | 0     |
| Planning Board Applications | 4   | 0   |     |       |     |      |      |     |      |     |     |     | 4     |
| Planning Board Approvals    | 2   | 3   |     |       |     |      |      |     |      |     |     |     | 5     |
| Zoning Board Applications   | 0   | 1   |     |       |     |      |      |     |      |     |     |     | 1     |
| Zoning Board Approvals      | 0   | 0   |     |       |     |      |      |     |      |     |     |     | 0     |
| Municipal Searches          | 15  | 18  |     |       |     |      |      |     |      |     |     |     | 33    |

**COURT-NO REPORT SUBMITTED**

| 2024                   | Jan | Feb           | Mar | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec |
|------------------------|-----|---------------|-----|-----|-----|------|------|-----|------|-----|-----|-----|
| V&T Appearances        | N/R | 65            |     |     |     |      |      |     |      |     |     |     |
| Criminal Appearances   |     | 258           |     |     |     |      |      |     |      |     |     |     |
| Ordinance Appearances  |     | 13            |     |     |     |      |      |     |      |     |     |     |
| Civil Appearances      |     | 12            |     |     |     |      |      |     |      |     |     |     |
| Total Fines Collected  |     | \$51,816.00   |     |     |     |      |      |     |      |     |     |     |
| Total Fines to Town    |     | Not available |     |     |     |      |      |     |      |     |     |     |
| Total Fines to Village |     | Not available |     |     |     |      |      |     |      |     |     |     |

**DCO –NO REPORT SUBMITTED**

**FINANCE**

1. Submitted 2023 Fixed Assets Inventory Report
2. Began working on compiling data for the 2023 Employee Benefit Statement

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

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

## **HIGHWAY**

### **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 trees 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:**

## **PARK & RECREATION-NO REPORT SUBMITTED**

TOWN BOARD MEETING  
 119 NORTH MAIN STREET, LIBERTY, NY 12754  
 DATE: 03/04/24  
 PLACE: SENIOR CENTER 119 NORTH MAIN STREET, LIBERTY, NY 12754  
 TIME: 6:15 PM

**TOWN CLERK**

|                                      |                           |                 |           |        |
|--------------------------------------|---------------------------|-----------------|-----------|--------|
| Highway Fees                         | Road Access Permit        | 2               | 200.00    |        |
| Conservation                         | Conservation              | 0               | 0         |        |
| Marriage Licenses                    | Marriage Licenses         | 2               | 35.00     |        |
| Permits                              | Refuse Collection         | 12              | 1200.00   |        |
|                                      | Towing Licenses           | 0               | 0         |        |
|                                      | Peddler's Permit          | 0               | 0         |        |
| Small Sales                          | EZ Pass                   | 7               | 175.00    |        |
|                                      | Notary Fees               | 29              | 58.00     |        |
|                                      | Marriage Certificate      | 3               | 30.00     |        |
|                                      | Photocopies               | 67              | 16.75     |        |
|                                      | Misc (2 USB Devices)      | 0               | 0         |        |
| Building                             | Certified Mailings        | 0               | 0         |        |
| Dog Licensing                        | Female, Spayed            | 4               | 36.00     |        |
|                                      | Female, Unspayed          | 1               | 12.50     |        |
|                                      | Male, Neutered            | 1               | 9.00      |        |
|                                      | Male, Unneutered          | 2               | 25.00     |        |
|                                      | Purebred                  | 0               | 0         |        |
|                                      | Senior                    | 2               | -5.00     |        |
|                                      | Replacement Tags          | 1               | 5.00      |        |
|                                      | Exempt Dogs               | 1               | 0         |        |
|                                      | Redeemed Dog (1)          | 1               | 75.00     |        |
|                                      | Redeemed Dog (2)          | 0               | 0         |        |
|                                      | Redeemed Dog (3)          | 0               | 0         |        |
|                                      | Reimbursement of Expenses | 1               | 25.00     |        |
|                                      | Building                  | Variance        | 1         | 300.00 |
|                                      |                           | Lot Improvement | 0         | 0      |
| Special Use                          |                           | 0               | 0         |        |
| Junk Yard                            |                           | 0               | 0         |        |
| Subdivision                          |                           | 0               | 0         |        |
| Building Inspections Public Assembly |                           | 0               | 0         |        |
| Building Permit                      |                           | 26              | 43,739.31 |        |
| Commercial Establishment Inspection  |                           | 0               | 0         |        |
| Fire inspectors                      |                           | 0               | 0         |        |
| Municipal search                     |                           | 18              | 1,800.00  |        |
| Reimbursement of Expenses            |                           | 0               | 0         |        |

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

## WATER & SEWER

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.

## DELAWARE ENGINEERING

### 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 NYS DOT) 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
  - NYS DOT 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

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

- 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.**
  
- **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.

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

- 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)
2. **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.
3. **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.
4. **Contractor Payment Request No. 4**
- a. 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.
- **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.
      - 1.) Based on the cost estimate provided with the extension request, the estimated cost for this work is \$182,225
      - 2.) 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.**

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

- 1.) *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.*
  - 2.) *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
    - a. 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 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                    |

TOWN BOARD MEETING  
 119 NORTH MAIN STREET, LIBERTY, NY 12754  
 DATE: 03/04/24  
 PLACE: SENIOR CENTER 119 NORTH MAIN STREET, LIBERTY, NY 12754  
 TIME: 6:15 PM

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 |                             |                                            |
|--------------------------------------------------------------------------------------------------------------|----------------|-----------------------------|--------------------------------------------|
| 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      |                             |                                            |



TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

|                                                 |                 |  |  |
|-------------------------------------------------|-----------------|--|--|
| <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**

○ **More detailed cost summary:**

| Item No.: | Item Description:                                            | Estimated cost/budget<br><br>(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)             |                                                                                    |                                                         | <b>\$182,225</b>                                        | <b>(\$182,225)</b>                              |
|           | Anticipated Town Contribution (up to not to exceed \$20,000) |                                                                                    |                                                         |                                                         | Not deducted from total                         |

TOWN BOARD MEETING  
 119 NORTH MAIN STREET, LIBERTY, NY 12754  
 DATE: 03/04/24  
 PLACE: SENIOR CENTER 119 NORTH MAIN STREET, LIBERTY, NY 12754  
 TIME: 6:15 PM

|             |                                                                        |              |                  |                  |                                     |
|-------------|------------------------------------------------------------------------|--------------|------------------|------------------|-------------------------------------|
| 6=3+4+5     | SUBTOTAL - Construction                                                | \$587,200    | \$391,162        | \$585,594        | \$ 1,606                            |
|             |                                                                        |              |                  |                  |                                     |
|             | <u>Other Costs:</u>                                                    |              |                  |                  |                                     |
| 7A          | -Delaware Engineering                                                  | \$149,500    | \$149,500        | \$149,500        |                                     |
| 7B          | - Amendment 1 Add'l Boyd Road Reconstruction 2024                      | \$ 0         | \$ 0             | \$ 30,000        | (\$30,000)<br>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    | <b>\$591,662</b> | <b>\$765,094</b> | \$22,606                            |
| 13          | Grant Amount                                                           | \$787,700    | \$787,700        | \$787,700        |                                     |
|             |                                                                        |              |                  |                  |                                     |
| 14=13-12    | Grant Budget Minus Cost – <b>Remaining</b>                             | \$0          | <b>196,038</b>   | <b>\$22,606</b>  |                                     |

(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**

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

- **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

***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         |
|                       |                                                                 |              |              |              |                       |
| TOTAL                 |                                                                 | \$ 4,500,000 | \$ 6,916,000 | \$ 6,584,000 | \$ 18,000,000         |
| Estimated Grant Total |                                                                 |              |              |              | \$11,416,000<br>(63%) |

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/SDOVBE Plan(s) are eligible for disbursement
  - **Professional Services Work (C3-5370-01-00)** WIIA Grant funded only

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

- 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/SDOVBE 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
    - 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

TOWN BOARD MEETING

119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

- 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
  - 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.)

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

- 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

2. *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

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

- 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
    - 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

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

(\$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.



TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754  
DATE: 03/04/24  
PLACE: SENIOR CENTER 119 NORTH MAIN STREET, LIBERTY, NY 12754  
TIME: 6:15 PM

**3. 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

**4. Swan Lake Sewer System Evaluation//// 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**

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

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 w/ 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.

**5. 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

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

- 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.
- 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

**6. 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**

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

**7. 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

**8. 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

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

- Sherwood-Roth Booster Pump Replacement Bid Summary

**NEW BUSINESS**

**APPROVAL FOR HIGHWAY TO HIRE DAVID SIMERSON AS HMEO**

The Town Board does hereby authorize the Highway Department to hire David Simerson as HMEO pending results of pre-employment testing.

Motion: Councilmember John Lennon  
Seconded: Councilmember Dean Farrand  
5 AYES Carried

**TOWN CLERK TO ADVERTISE FOR CONSTRUCTION BIDS FOR WHITE SULPHUR SPRINGS PHASE 10 BOYD RD. RECONSTRUCTION**

The Town Board does hereby authorize the Town Clerk to advertise for construction bids for the White Sulphur Springs Phase 10 Boyd Rd. reconstruction on 4/4/24 at 3:00 p.m. at the Town Clerk's Office, 120 North Main Street.

Motion: Councilmember John Lennon

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

Seconded: Supervisor Frank DeMayo  
5 AYES Carried

**SUPERVISOR AUTHORIZED TO EXECUTE ACKNOWLEDGEMENT & ACCEPTANCE OF EPG SWAN LAKE I&I STUDY GRANT AWARD IN THE AMOUNT OF \$50,000**

The Town Board does hereby authorize the Supervisor to execute the Acknowledgement & Acceptance of EPG Grant Award for Swan Lake I&I Study Project #128719 in the amount of \$50,000.

Motion: Councilmember John Lennon  
Seconded: Councilmember Dean Farrand  
5 AYES Carried

**TOWN CLERK DIRECTED TO PUBLISH LEGAL NOTICE FOR REQUEST FOR QUALIFICATIONS FOR SWAN LAKE SEWER SYSTEM EVALUATION**

The Town Board does hereby direct the Town Clerk to publish 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.

Motion: Councilmember John Lennon  
Seconded: Councilmember Dean Farrand  
4 AYES Carried

**AUTHORIZE TAX COLLECTOR TO ACCEPT (5) CREDIT CARD PAYMENTS PAID WITHOUT INTEREST DUE TO ERROR BY TCS & EXPRESS PAY**

The Town Board does hereby authorize the Tax Collector to accept the (5) credit card payments without interest due to error by TCS & Express Pay as follows:

|                 |                |
|-----------------|----------------|
| SBL # 46.A-2-19 | \$29.33        |
| 41.A-5-5        | \$25.47        |
| 8.-1-11.21      | \$10.49        |
| 127.-1-4        | \$6.41         |
| 40.-1-21.1/0502 | <u>\$21.84</u> |
|                 | \$93.53        |

Motion: Councilmember Vincent McPhillips  
Seconded: Councilmember John Lennon  
5 AYES Carried

**PAVILLION AT WALNUT MT. PUT OUT BID PACKAGE FOR 60X96**

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754

DATE: 03/04/24

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

TIME: 6:15 PM

The Town Board does hereby approve getting the bid package out for the pavilion at Walnut Mt. size 60x96.

Motion: Councilmember Dean Farrand

Seconded: Supervisor Frank DeMayo

5 AYES Carried

### **BUILDING & ASSESSOR SPACE PUT OUT BID PACKAGE**

The Town Board does hereby approve getting the bid package out for the relocation of the Building & Assessor space.

Motion: Councilmember John Lennon

Seconded: Councilmember Vincent McPhillips

5 AYES Carried

### **DISCUSSION**

#### **Mark Baez of the Sullivan County Partnership**

Mr. Baez of the Sullivan County Partnership advised the Town Board that the Western part of Sullivan County and the Town of Thompson are doing very well. He is focusing his energy on the Town and Village of Liberty. He advised that Old Rt. 17 business zone has had significant interest. They have applied for FASTNY grants in the amount of \$13 million. Grossinger's is one very significant property that needs to go back to the RH zoning. He stated that Grossinger's has the best golf course on the East Coast. This development would have no cost to the Town or Village of Liberty. He also stated that we are very close.

### **MOTION OF INTENT TO CHANGE ZONING OF GROSSINGERS AND SULLIVAN COUNTY GOLF COURSE FROM R1 TO RH**

The Town Board does hereby make a motion of their intent to change the zoning of Grossingers and the Sullivan County Golf Course from R1 to RH.

Motion: Supervisor Frank DeMayo

Seconded: Councilmember Dean Farrand

4 AYES Carried

### **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.

TOWN BOARD MEETING  
119 NORTH MAIN STREET, LIBERTY, NY 12754  
DATE: 03/04/24  
PLACE: SENIOR CENTER 119 NORTH MAIN STREET, LIBERTY, NY 12754  
TIME: 6:15 PM

**IN PROGRESS**

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

**PUBLIC PARTICIPATION**

Bob Fix

- RH Zone
- Walnut Mt. Pavilion

Paul Edelstein

- Swan Lake

John Wombacher

- Walnut Mt.
- Fire on Old Rt. 17

Vance Spicer

- Devany Rd.

Kevin McManus

- Grossinger's

Cora Edwards

- PUD

**ADJOURN**

The Town Board does hereby adjourn the meeting at 7:43 p.m.

Motion: Supervisor Frank DeMayo  
Seconded: Councilmember Dean Farrand  
4 AYES Carried

Respectfully submitted,

Town Clerk, Laurie Dutcher

## RESOLUTION IN MEMORY OF BEVERLY O'HEARN

**WHEREAS**, the Town of Liberty wishes to record its deep sorrow over the passing of Beverly O'Hearn; and

**WHEREAS**, Beverly served as Town Supervisor for the Town of Liberty from 1988-1991; and

**WHEREAS**, many said she was the best Supervisor the Town ever had; and

**WHEREAS**, the Town is grateful for her service and dedication to the Town; and

**WHEREAS**, Beverly's service was given with such dedication that she earned the respect, admiration and friendship of the citizens of our community.

**NOW, THEREFORE**, In recognition of Beverly's contributions to the Town of Liberty and its citizens, we hereby express our deep appreciation for her service to this community and extend to her family our sincere sympathy upon her passing.

Supervisor Frank DeMayo  
Councilmember Dean Farrand  
Councilmember Vincent McPhillips  
Councilmember John Lennon  
Councilmember Sherri Kavleski

Attested to by: Town Clerk Laurie Dutcher



**[l.dutcher.townofliberty.org](http://l.dutcher.townofliberty.org)**

---

**From:** libertydpw@hvc.rr.com  
**Sent:** Thursday, March 28, 2024 8:20 AM  
**To:** l.dutcher.townofliberty.org  
**Subject:** Department head Report  
**Attachments:** March 2024.docx

Can you please include the Spring Clean Up date of May 9, 10, 11 on the agenda.

Thank you.

## **supervisordemayo townofliberty.org**

---

**From:** n.rusin townofliberty.org  
**Sent:** Thursday, March 14, 2024 9:31 AM  
**To:** Marisa Scheinfeld; supervisordemayo townofliberty.org  
**Cc:** Adrian Perlmutter  
**Subject:** RE: Parkville: Borscht Belt Historic Marker

We will get you that letter. Thank you very much Marisa, be well.

---

**From:** Marisa Scheinfeld <info@borschtbelthistoricalmarkerproject.org>  
**Sent:** Wednesday, March 13, 2024 7:35 PM  
**To:** supervisordemayo townofliberty.org <supervisordemayo@townofliberty.org>; n.rusin townofliberty.org <n.rusin@townofliberty.org>  
**Cc:** Adrian Perlmutter <adrian@parkvilleartscenter.com>  
**Subject:** Parkville: Borscht Belt Historic Marker

Dear Frank and Nick,

Hope you both have been doing alright!

Adrian let me know a marker for Parkville was approved in the municipal parking lot behind the church, at the intersection of Short Ave. and Parkville Rd.

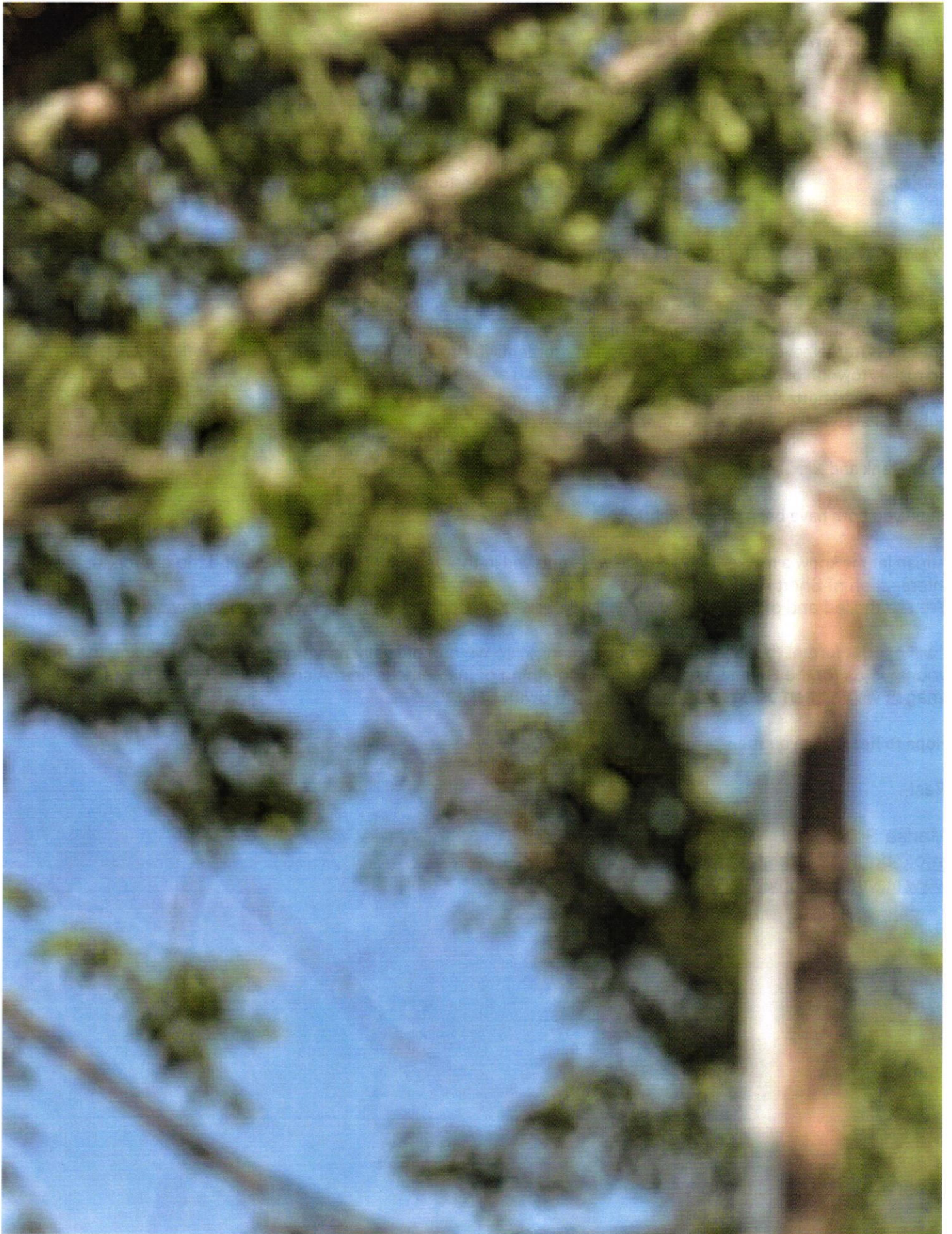
We are thrilled and excited. Parkville will be our 10th historic marker - and we are on the way to 20!

I will need a formal (but basic letter of acceptance) so we can officially move on this. I am attaching the letter you gave us for the Swan Lake marker — something of the same is fine. Also attached is one of the main images we've been using for the project of the Swan Lake marker.

Hope to hear from you soon.

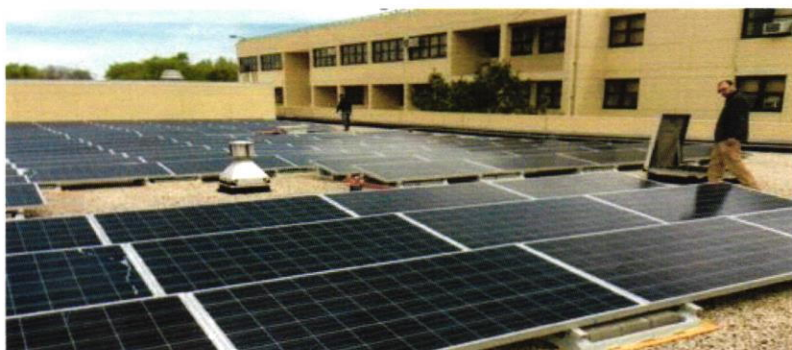
Best,

Marisa Scheinfeld  
[info@borschtbelthistoricalmarkerproject.org](mailto:info@borschtbelthistoricalmarkerproject.org)  
[www.maytheborschtbewithyou.org](http://www.maytheborschtbewithyou.org)



Frank

**SOLARLIBERTY®**  
THE FUTURE OF ENERGY INDEPENDENCE



Proposal Submitted to:

Town of Rockland  
Fishman Road  
Liberty, New York 12768

Proposed System:

696 kW Ground Mounted System

Proposal Submitted by:

Solar Liberty  
6500 Sheridan Drive, Suite 120  
Buffalo, NY 14221  
Phone: 866.807.3639  
Web: [solarliberty.com](http://solarliberty.com)



April 3, 2023

Mr. Robert Eggleton  
Town of Rockland  
Fishman Road  
Liberty, New York 12768

Dear Mr. Eggleton:

Solar Liberty is pleased to submit our response to and would be honored to become the solar partner of choice on this exciting initiative. We confirm that all elements of the project are understood and Solar Liberty can meet and exceed all expectations. Our proposal is centered on providing a turnkey solar system for Town of Rockland.

The proposal covers our experience as a turnkey installer and includes services such as design/ engineering, financing, installation, procurement, all permitting, environmental assessments, and ongoing maintenance.

Solar Liberty is proud to have installed over 4,000 solar systems across New York State and to be the recipient of the "Outstanding Achievement Award" by NYSERDA, the Department of Energy and Solar Power World magazine. Solar Liberty has been in business since 2003. Over our years of operation, we have installed and distributed more than 170 MW's of solar equipment to date.

We are confident that our proposal meets Town of Rockland's highest standards, and that our experience and deployment plan clearly differentiates us from other solar energy developers.

Thank you for this opportunity to propose a project and we look forward to the possibility of bringing your project to fruition.

Very truly yours,  
Solar Liberty Energy Systems, Inc.

  
Nathan T. Rizzo  
Vice President

## Solar Liberty

Since our inception in 2003, Solar Liberty has been continually expanding and reinvesting in New York State. Our sole focus is on solar energy, while utilizing proprietary equipment and processes. Solar Liberty's business model of in-house engineering, full-time solar crews, and strict attention to detail leverages innovation and solar industry expertise to design, install, operate and maintain PV systems, with lower costs and more value-added services than our competition.



Solar Liberty is a total turnkey solar energy developer, which means we handle all aspects of solar electric installations. We believe our approach sets us apart from other solar installation companies and enables us to provide a value added service to our customers that are second-to-none. The record number of New York State installations, coupled with the number of pleased repeat customers, is a testament to our attention to detail. We consistently execute a finely tuned systematic approach from the initial sale of a project and its in-house design, right through to the completed installation and ongoing maintenance.

Dedicated to being a leader in the solar energy sector, Solar Liberty draws on New York State resources and is committed to creating New York State jobs. The majority of our talented team of engineers and office personnel have graduated from New York State colleges and universities. Simultaneously, the installation teams represent the perfect example of transforming traditional blue-collar trades into modern green-collar professionals while producing a new skill set for the future.

- Buffalo based turnkey installer of grid-tied photovoltaic solar energy systems – schools, non-profit, commercial & residential.
- Co-founded in 2003 by brothers Adam & Nathan Rizzo.
- Locally owned and operated.
- Current installations completed or in progress on over 4,000 commercial and residential buildings/homes (inc. over 100 municipal projects) with 170 MW (700,000 Solar Modules) of solar power capacity.
- Installations include: 13 MW for Monroe County, 750kW project for SUNY at Buffalo, 137kW SUNY Binghamton, and 250kW NFTA Bus Garage.



### Solar Liberty Recently Completed and In Progress Solar Projects

- Cummins Engine, Lakewood NY - 2 MW Roof Top Installation
- Rochester Institute of Technology - 2 MW Ground Mounted Installation
- Grocery Stores throughout Rochester Area
- 17 NYC Public Schools with NYPA
- 2 MW of Installations in Long Island for Life Storage Facilities
- Town of Wawarsing- 1.1MW Landfill Ground Mount Installation
- Brooklyn Diocese, Babylon NY - 10.6 MW Ground Mount Installation



### Other Notable Project Customers



BOYS & GIRLS CLUB



animal humane society



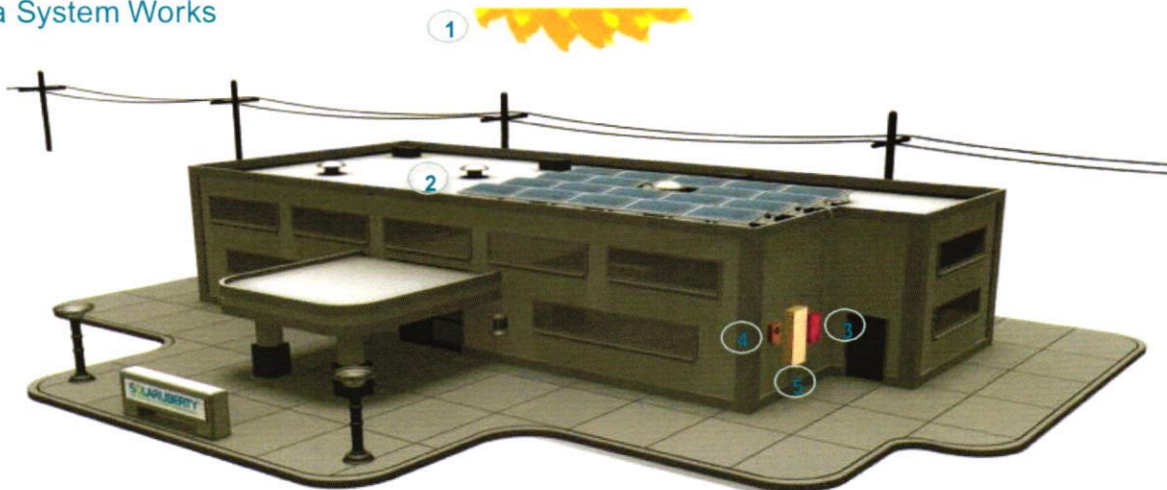
ROMAN CATHOLIC  
DIOCESE OF BROOKLYN



Diocese of  
Buffalo

Learn more and get involved today!

## How a System Works



- 1 Sunlight shines on the modules
- 2 The solar modules produce DC power
- 3 The inverter changes the DC power into AC power
- 4 The utility owned meter "measures" electricity produced by the solar system
- 5 Solar production is utilized locally and by your building

## How Solar is Credited (VDER) or "Value Stack"

- 1 NY State has created a value for solar energy production called the, "Value Stack"
- 2 Compensation is based on electricity delivered to the grid on an hourly basis via production of the solar system
- 3 Every kWh of Solar Production is given a monetary value
- 4 The monetary value is used as a credit to buy down your current electric bill



Value Stack

- **Avoided D** – Includes demand reduction value (DRV) & locational system relief value (LSRV)
- **E** – environmental benefit
- **Capacity** – ICAP
- **LBMP** – energy commodity



## Solar Incentives



- Purchase
  - Utilize the NYSERDA incentive
    - \$0.350/watt up to 750 kW
  - Federal Tax Credit (Direct Pay)- 30%
- Financing Available

## Monitoring

- Available accessory to solar installation - allows you to protect your investment
- Monitoring provides a real-time view of power production
- View historical data for reports or annual comparisons
- Customized views on your website or public display



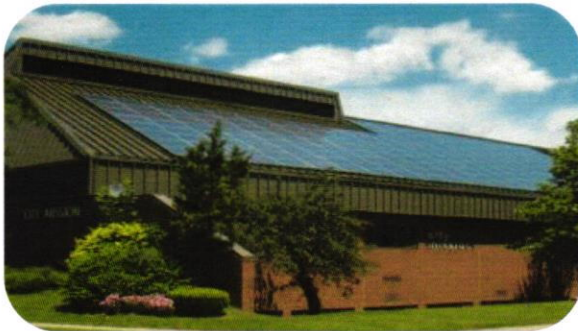
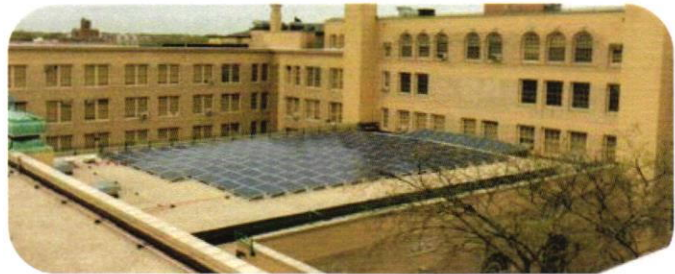
## Operations and Maintenance



- Routine Maintenance
  - Solar Panels - Area precipitation (inc. snow) typically helps to keep modules clean
  - Inverter - Clean accumulated dust from the heat sink or fan screen
  - Wiring - Check wiring around the inverter
- Power production - Compare estimated power output (kWh) to the measured values on inverter
- Snow removal - Not recommended

## Warranties and Service

- No moving parts means a long life expectancy
- PV panels come with a 25 year power production warranty from the manufacturer
- Inverters include a 10 to 25 year warranty
- Solar Liberty has a standard comprehensive 5-year service and product warranty

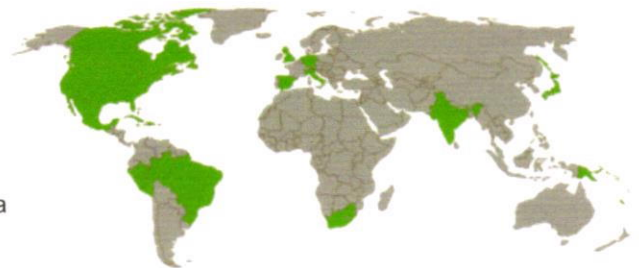


## Donations and Foundation

- Solar Liberty has donated over 125 solar systems to non-profit organizations in Western New York
- Systems include: Buffalo Catholic Diocese (65 Systems), The Boys and Girls Club, Boy Scouts of America, People Inc., Hospice, the City Mission and many others
- Solar Liberty Foundation - Renewing hope worldwide through renewable energy resources - [www.solarliberty.org](http://www.solarliberty.org)

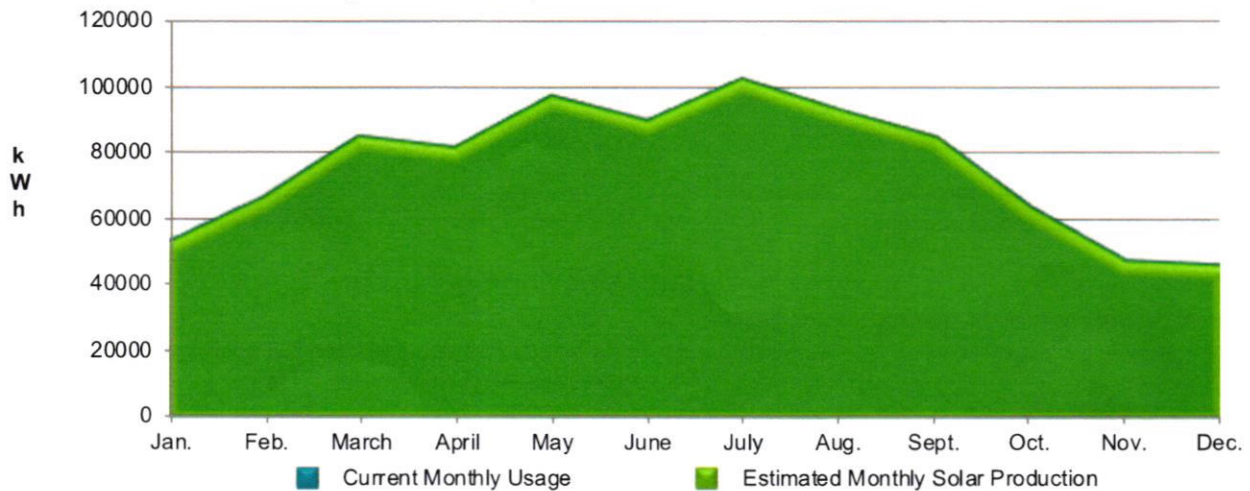
## Local manufacturing - Worldwide Sales

- Solar Liberty has been manufacturing solar mounting systems in NY State, since 2007, under the name DynoRaxx
- DynoRaxx sells solar mounting components worldwide and is specifically designed for the NY State Climate
- DynoRaxx is the only system designed specifically to provide a natural union with your building's roofing membrane and solar



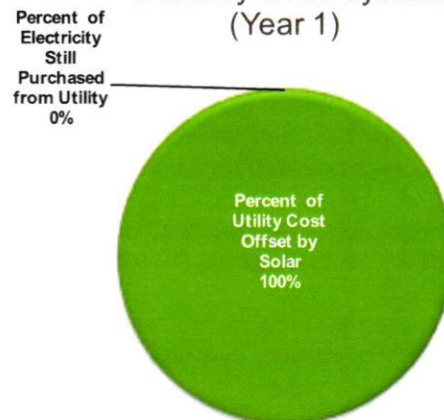
Solar Liberty Proposal

Monthly Consumption vs. Estimated Production



| Monthly Consumption vs. Estimated Production |                                      |                        |                              |
|----------------------------------------------|--------------------------------------|------------------------|------------------------------|
| Month                                        | Current Electrical Consumption (kWh) | Solar Production (kWh) | Consumption with Solar (kWh) |
| January                                      | 50,994                               | 50,994                 | 0                            |
| February                                     | 64,564                               | 64,564                 | 0                            |
| March                                        | 82,822                               | 82,822                 | 0                            |
| April                                        | 79,518                               | 79,518                 | 0                            |
| May                                          | 94,884                               | 94,884                 | 0                            |
| June                                         | 87,599                               | 87,599                 | 0                            |
| July                                         | 100,387                              | 100,387                | 0                            |
| August                                       | 90,889                               | 90,889                 | 0                            |
| September                                    | 83,168                               | 83,168                 | 0                            |
| October                                      | 61,818                               | 61,818                 | 0                            |
| November                                     | 45,433                               | 45,433                 | 0                            |
| December                                     | 44,266                               | 44,266                 | 0                            |
| Total                                        | 886,342                              | 886,342                | 0                            |

Percentage of Electric Costs Offset by Solar System (Year 1)



## Disclaimers and Assumptions

NYSERDA Commercial Incentive available through NY-SUN is \$0.35 per watt. If rebate program is cancelled at anytime the project will be reevaluated for feasibility. Project Proposal is valid for 30 days. Once project proposal is accepted, Photovoltaic Generating System Purchase and Sale Contract must be executed.

## Operation and Inflation Rates

This estimate assumes the following system operation and inflation rates:

|                           |                                               |
|---------------------------|-----------------------------------------------|
| System Life:              | 25 Years (Warranty of Modules)                |
| PV Degradation:           | 2% Year 1 and 0.2% Years 2-25                 |
| VDER Rate:                | \$0.119 per kWh                               |
| VDER Component LBMP:      | Escalated 2% Annually                         |
| VDER Component Avoided D: | Fixed for 10 Years                            |
| VDER Component E:         | Fixed for 25 Years                            |
| VDER Component Capacity:  | Escalated Per NYSERDA VDER Calculator Default |

## System Size Ratings and Performance

There are three methods used to size PV systems. They are STC, PTC and CEC. The Standard Test Condition (STC) rating or DC Nameplate is the rating under optimal operating conditions (laboratory). The lab testing is based upon 25 Degrees Celsius and 1000 Watts per Meter Squared. This rating is used by manufacturers to classify the power output of PV Modules. The PV-USA Test Condition (PTC) and California Commission (CEC) ratings were designed to test module performance under more realistic operating conditions.

The energy production for the first year is based on PV Watts Version 1 using the DC Nameplate. To calculate the system's energy production for years two through twenty-five, the expected degradation in system performance is included (See PV Degradation in above table).

## Environmental Benefits

Going solar not only benefits your pocket book but it generates significant environmental benefits in reducing your carbon footprint. Below is a comparison of CO2 emissions that will be offset by your solar system to various forms of carbon sequestration or polluting activities.

## Comparison of CO2 Emissions

The proposed 696 kW system will reduce Green House Gas Emissions by 32,810,103 lbs. of CO2 over 25 years. That is equivalent to:



Driving a car  
37,216,542 Miles



382,691 Tree Seedlings Grown  
for 10 Years



196.3 Tanker Trucks Filled  
with Gasoline



53,190 Five Gallon  
Buckets of Coal

## Cash Flow by Year

| Year                         | Zero          | One         | Two         | Three       | Four        | Five        |
|------------------------------|---------------|-------------|-------------|-------------|-------------|-------------|
| Turnkey System Cost          | (\$1,628,640) | \$0         | \$0         | \$0         | \$0         | \$0         |
| NYSERDA NY-SUN               | \$243,600     | \$0         | \$0         | \$0         | \$0         | \$0         |
| 30% Fed. Tax Cr./ Direct Pay | \$488,592     | \$0         | \$0         | \$0         | \$0         | \$0         |
| Est. Tax on NY-SUN           | \$0           | \$0         | \$0         | \$0         | \$0         | \$0         |
| Annual Utility Savings       | \$0           | \$105,475   | \$104,581   | \$105,499   | \$106,586   | \$107,581   |
| Total Annual Cash Flow       | (\$896,448)   | \$105,475   | \$104,581   | \$105,499   | \$106,586   | \$107,581   |
| Cumulative Cash Flow         | (\$896,448)   | (\$790,973) | (\$686,392) | (\$580,893) | (\$474,307) | (\$366,726) |

| Year                   | Six         | Seven       | Eight      | Nine      | Ten       | Eleven    |
|------------------------|-------------|-------------|------------|-----------|-----------|-----------|
| Annual Utility Savings | \$108,659   | \$109,731   | \$110,799  | \$111,948 | \$113,177 | \$111,415 |
| Total Annual Cash Flow | \$108,659   | \$109,731   | \$110,799  | \$111,948 | \$113,177 | \$111,415 |
| Cumulative Cash Flow   | (\$258,067) | (\$148,336) | (\$37,536) | \$74,412  | \$187,589 | \$299,004 |

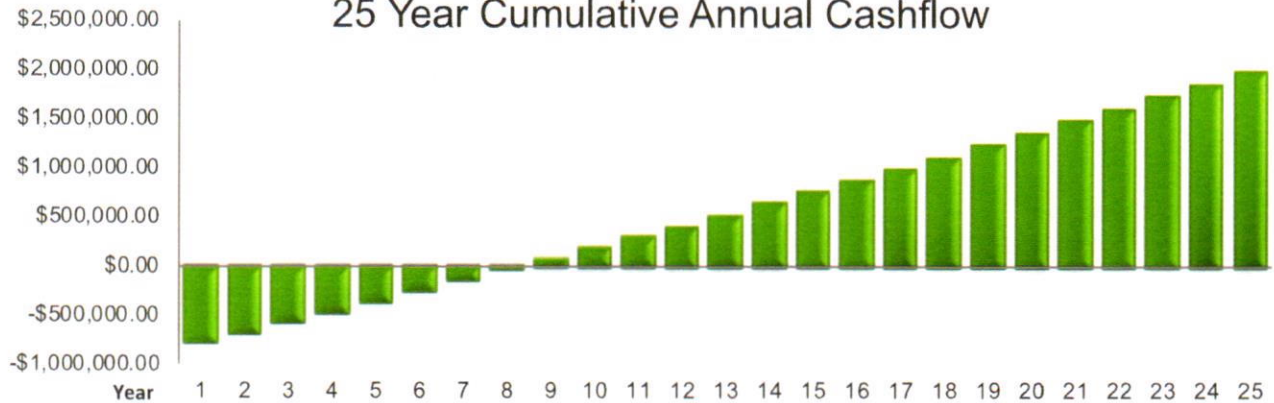
### Cash Flow by Year (Continued)

| Year                   | Twelve    | Thirteen  | Fourteen  | Fifteen   | Sixteen   | Seventeen |
|------------------------|-----------|-----------|-----------|-----------|-----------|-----------|
| Annual Utility Savings | \$112,640 | \$113,859 | \$115,073 | \$116,366 | \$117,654 | \$118,936 |
| Total Annual Cash Flow | \$112,640 | \$113,859 | \$115,073 | \$116,366 | \$117,654 | \$118,936 |
| Cumulative Cash Flow   | \$411,644 | \$525,504 | \$640,577 | \$756,943 | \$874,597 | \$993,533 |

| Year                   | Eighteen    | Nineteen    | Twenty      | Twenty One  | Twenty Two  | Twenty Three |
|------------------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Annual Utility Savings | \$120,296   | \$121,651   | \$123,083   | \$124,509   | \$125,929   | \$127,427    |
| Total Annual Cash Flow | \$120,296   | \$121,651   | \$123,083   | \$124,509   | \$125,929   | \$127,427    |
| Cumulative Cash Flow   | \$1,113,829 | \$1,235,480 | \$1,358,563 | \$1,483,072 | \$1,609,002 | \$1,736,429  |

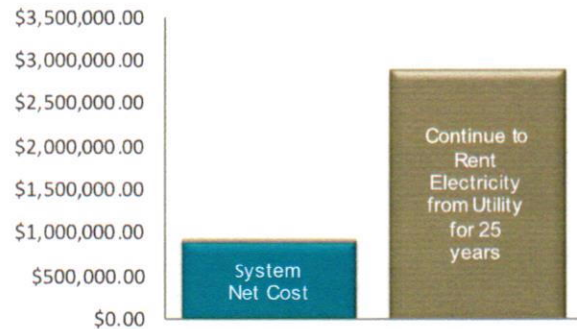
| Year                   | Twenty Four | Twenty Five |
|------------------------|-------------|-------------|
| Annual Utility Savings | \$128,917   | \$130,401   |
| Total Annual Cash Flow | \$128,917   | \$130,401   |
| Cumulative Cash Flow   | \$1,865,346 | \$1,995,747 |

### 25 Year Cumulative Annual Cashflow



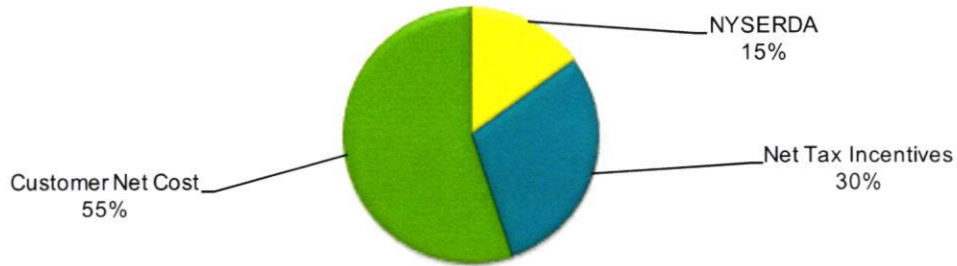
| System Summary                  |                    |
|---------------------------------|--------------------|
| System Size                     | 696 kW             |
| Module Azimuth                  | 180 Degrees        |
| Module Tilt                     | 20 Degrees         |
| Output Due to Shading           | 100%               |
| Estimated Annual Production     | 850,424 kWh        |
| Current Value Stack Rate (VDER) | \$0.119 / kWh      |
| Net Cost (After Incentives)     | \$896,448.00       |
| Average Monthly Savings         | \$9,640.65         |
| 25 Year Utility Savings         | \$2,892,195.30     |
| Payback Period                  | 8 Years 4 Month(s) |
| Internal Rate of Return (IRR)   | 12.9%              |
| Net Investment is Recouped      | 3.2 Times          |
| Utility Company                 | NYSEG              |

### Estimated Solar Offset vs. "Renting" Utility Power (25 Years)





### Percentage of Total Cost by Category



| System Description and Financial Cost Detail                                |                       |
|-----------------------------------------------------------------------------|-----------------------|
| PV Module: HANWHA Q Cell, Quantity: 1200, Model:Q.PEAK DUO XL-G11.3/BFG     | Included              |
| Module Wattage: 580                                                         | Included              |
| Inverter: CPS Chint, Qty: 4, Model:SCH100KTL-DO (1-Derated to 99kW)         | Included              |
| Inverter 2: , Qty: , Model:                                                 | Included              |
| Balance of System for a Ground Mounted System                               | Included              |
| Permitting                                                                  | Included              |
| Labor                                                                       | Included              |
| <b>Gross System Cost:</b>                                                   | <b>\$1,628,640.00</b> |
| Rebate Received By Solar Liberty                                            |                       |
| NYSERDA NY-SUN incentive for \$0.350 /W up to 750kW (Reduces Contract Cost) | <b>(\$243,600.00)</b> |
| <b>Due to Solar Liberty (Gross Cost - NYSERDA Incentive):</b>               | <b>\$1,385,040.00</b> |
| Incentive Received by Customer                                              |                       |
| 30% Federal Tax Credit/ Direct Pay (Gross System Cost)                      | <b>(\$488,592.00)</b> |
| System Cost After All incentives                                            |                       |
| <b>Final System Cost:</b>                                                   | <b>\$896,448.00</b>   |

\*Assumes Town of Rockland installing Service Road. Assumes Driven Pile Racking is able to be utilized (no bedrock issues). Utility will provide a Secondary Service. Includes 8' woven agricultural fence. Includes Prevailing Wages. Does not include CESIR study costs and Utility Upgrades. Final service/ connection methodology may reduce costs.

### Federal Tax Credit (Direct Pay)

Our proposal shows the 30% Federal Investment Tax Credit using the Direct Pay option for Nonprofit entities.

### Average Monthly Utility Savings

This figure is the average monthly electric savings the system will produce over the course of 25 years using a PV Degradation and Utility Annual Inflation Rate as listed under section Operation and Inflation Rates.

### Internal Rate of Return (IRR)

The internal rate of return (IRR) is the discount rate at which the net present value of costs (negative cash flows) of the investment equals the net present value of the benefits (positive cash flows) of the investment.

### Levelized Cost of Energy

The Levelized Cost of Energy is an estimation. It is based on the Net Cost (\$896,448.00) of the system divided by the amount of power the system is estimated to produce over 25 years (21,260,589).

### Environmental Analysis

The Environmental Analysis is determined by calculations found at <http://www.epa.gov/cleanenergy/energy-resources/calculator.html#results>.

*Maintenance  
Insurance Dave Bodenstein*