

**ROCKLAND COUNTY SEWER DISTRICT NO. 1
BOARD OF COMMISSIONERS MEETING
June 22, 2023**

Members Present:

P. Carroll
K. Connell
R. Diaz
M. Genito
G. Hoehmann
T. Kenny
S. Lehman
A. Simon
M. Specht
J. Tursi

Members Absent:

Others Present:

M. Saber, M. Dolphin, T. Phillips, J. Gilberg, T. West, S. Torres, M. Meyers

Item #1: The meeting was called to order at 6:06 pm.

M. Specht: Good evening everyone. I'll call to order this meeting of the Rockland County Sewer District No. 1 for tonight, June 22, 2023. We'll start with the pledge to the flag. I'm going to ask if Commissioner Diaz would lead us in the Pledge. Thank you.

Item #2: Roll Call

M. Specht: Now we'll ask the clerk to call the roll.

Item #3: Public Participation

M. Specht: We'll start with Public Participation. Is there anyone from the public who wishes to speak? It does not appear there is anyone. So, I'll call for a motion to close Public Participation.

Item #4:

**RESOLUTION NO. 33 OF 2023
ADOPT MINUTES OF MEETING OF MAY 23, 2023**

WHEREAS, S. Lehman offered the following resolution, which was seconded by G. Hoehmann and approved unanimously, now, therefore, be it,

RESOLVED, that the transcribed Minutes of the Rockland County Sewer District No. 1 Meeting of May 23, 2023, as recorded by the Clerk, are hereby adopted.

Item #5:

M. Specht: I'll ask Mr. Saber to discuss the proposed budget.

M. Saber: A preliminary budget was developed by staff of the Sewer District and presented to the budget committee. Four (4) options for fund balance release and corresponding user charges were presented to the committee. Option C was chosen and has a fund balance release of \$1,944,856. Prior to the appropriation, the amount in undesignated fund balance is estimated to be \$13,482,264 as of May 15, 2023. After the appropriation, the undesignated fund balance is estimated to be \$11,537,408.

The 2023 to 2024 user charge would be increased from \$323 to \$342 which is a 5.9% increase. The area benefit charges would be increased by 2.0%. The overall increase would be 4.5%. The total cost to the typical property owner in Ramapo would be \$438.23 and \$461.70 in Clarkstown, which is below the projected 2024 national average of \$618 as published by NACWA. The projected 2024 average annual sewer charge for New York/New Jersey is \$559 also published by NACWA.

The total 2024 budget as requested is \$47,416,385 which is \$2,336,275 higher than the adopted 2023 budget. Some of the increased costs are related to salary increases, increased debt service payments, projected chemical and utility increases, and increased repairs projected at the wastewater treatment plant in Orangeburg. As part of the salary increases, two (2) new positions are being requested. Material and equipment costs have increased. Contracts are coming in higher. Debt service payment for 2024 is up approximately \$800,000 from 2023 and nothing is coming off of the books until 2026.

If anyone has any questions, I will try to address them.

M. Specht: Any questions?

Motion to Approve:
Hoehmann/Genito

Unan.

June 22, 2023

**RESOLUTION NO. 34 OF 2023
RECOMMEND THE ADOPTION OF THE
PROPOSED 2024 BUDGET FOR ROCKLAND
COUNTY SEWER DISTRICT NO. 1**

WHEREAS, the Board of Sewer Commissioner's Budget Committee and the staff of the Sewer District have participated in the preparation of a proposed 2024 budget, according to their best estimates of the needs and requirements for 2024, and,

WHEREAS, the same has been reviewed by the Board of Sewer Commissioners, Rockland County Sewer District No. 1, in a scheduled meeting, now, therefore, be it,

RESOLVED, that the Board of Sewer Commissioners, Rockland County Sewer District No. 1, does hereby adopt the proposed budget for 2024, and, be it,

FURTHER RESOLVED, that the budget materials of the Budget, as adopted by the Board of Sewer Commissioners, Rockland County Sewer District No. 1, be forwarded to the Department of Budget and Management.

Item #6: Orangeburg Plant Performance

M. Specht: We have an Executive Session item that it might relate to it. Should we do that together?

M. Saber: I can do this on its own and then we could do the Executive Session.

M. Specht: Okay. Great.

M. Saber: In your packet is a summary of some of the performance parameters of the wastewater treatment plant in Orangeburg. The CBOD limit of 85% removal was met last month in May

after several months of not meeting the parameter. We are continuing to monitor our progress for June.

M. Specht: Very good. Any questions about this item?

Item #7: New Business

M. Specht: At this time, under New Business we have the need to go into Executive Session to discuss legal matters/potential litigation.

Executive Session – for legal matters/potential litigation.

Enter Executive Session at 6:10pm

Motion: R. Diaz and K. Connell

Leave Executive Session at 7:08pm

Motion: J. Tursi and P. Carroll

M. Specht: We are out of Executive Session. We discussed matters regarding pending or potential litigation and personnel issues. At this time, we have a proposed resolution to request that the County Executive authorize the commencement of an Article 78 proceeding against the New York State Department of Environmental Conservation and we discussed having a unanimous motion and unanimous second. Is anyone opposed that we have a unanimous motion by the entire Board? So, there is a motion approved and seconded unanimously. Any objection? So, seconded unanimously to ask the County Executive to authorize commencement of the Article 78. Very good. Do we have any other business, Mr. Saber?

M. Saber: No.

June 22, 2023

Motion to Approve and Seconded by all Board Members in Attendance:

Chairman Specht, Commissioners Carroll, Connell, Diaz, Genito, Hoehmann, Kenny, Lehman, Simon, Tursi,

**RESOLUTION NO. 35 OF 2023
REQUESTING THAT THE ROCKLAND COUNTY EXECUTIVE AUTHORIZE THE
COMMENCEMENT OF AN ARTICLE 78 PROCEEDING AGAINST THE NEW YORK DEPARTMENT
OF ENVIRONMENTAL CONSERVATION**

WHEREAS, the Rockland County Sewer District No. 1 (the “District”), is a county sewer district, duly organized and existing under Article 5-A of the County Law of the State of New York, and,

WHEREAS, the District is the Permittee for the State Pollutant Elimination Systems (SPDES) permit No. NY0031895 covering the wastewater treated at the District’s Orangeburg Wastewater Treatment Plant (the “Treatment Plant”), and,

WHEREAS, the District applied for a permit renewal on January 10, 2014, to continue discharging at the Hudson River Outfall 001 in Piermont, New York, and,

WHEREAS, On June 7, 2018, the New York State Department of Environmental Conservation (the “Department”), issued a Notice of Complete Application and Draft Permit in conjunction with the District’s application for permit renewal (the “2018 Draft Permit”), and,

WHEREAS, the 2018 Draft Permit contained even more restrictive changes to the ammonia effluent limits than the District’s previous SPDES permit which would require making significant upgrades to the District’s wastewater treatment facilities, and,

WHEREAS, the District and the Department had multiple meetings and conversations regarding the appropriate final ammonia limits, and,

WHEREAS, on August 26, 2020, the Department issued an updated draft permit which included the even more restrictive 2018 Draft Permit ammonia effluent limits (the “2020 Updated Draft Permit”), and,

WHEREAS, the District timely requested an adjudicatory hearing from the Department to appeal the Department’s issuance of the final permit but the Department denied the District an adjudicatory hearing, and,

WHEREAS, on June 21, 2023, the Department issued the final SPDES permit, and,

WHEREAS, pursuant to Section 17-0909 of the Environmental Conservation Law, the District has sixty (60) days from the date of service of the determination/decision to file an action against the Department (June 6, 2023), and,

WHEREAS, the District has exhausted all administrative remedies, and,

WHEREAS, the County of Rockland (the “County”) has retained West Group Law PLLC (“West”) to represent the District and County in all matters regarding the District’s SPDES permit, and,

WHEREAS, West has represented the District at each step of this process, and,

WHEREAS, the County Executive of the County has sole discretion over whether to file suit over this matter, now, therefore, be it,

RESOLVED, that the Sewer Board of Commissioners (the “Board”) and the District hereby formally requests that the County Executive of the County authorizes the commencement of an Article 78 Proceeding against the Department, challenging the issuance of the final SPDES permit and the denial of the adjudicatory hearing, and, be it,

FURTHER RESOLVED, that the Board and the District authorizes the District’s Executive Director to prepare and execute such documents as may be necessary to carry out the intent of this resolution, and, be it,

STILL FURTHER RESOLVED, that the Executive Director is authorized to forward said documents to the County Executive and the County Attorney for their approval.

A. Simon: I have one thing, if I may. We do not need to vote on it but on July 17th, I’m celebrating my 80th birthday. I am having a birthday party at the Finkelstein Memorial Library in the area that used to be used as the Holocaust Museum. It’s between 5:00pm and 8:00pm. We’ve all been together through the brother and sisterhood of government and I’d like to invite anyone who would like to come. No gifts are necessary. At 80, I have everything I’ll ever need.

K. Connell: What’s the date again?

A. Simon: The 17th of July.

M. Saber: We have a flyer that Mayor Simon gave us. We’ll have it scanned and sent to the Board.

K. Connell: Great. Okay.

M. Specht: Thank you, Mayor Simon. Very nice.

Motion to Adjourn.

**RESOLUTION NO. 36 OF 2023
ADJOURNMENT**

K. Connell offered the following resolution, which was seconded by J. Tursi and approved unanimously.

BE IT RESOLVED that the June 22, 2023, Meeting of the Board of Commissioners, Rockland County Sewer District No. 1, is hereby adjourned.

The Board of Sewer Commissioners Meeting adjourned at 7:10 pm.

M. Specht: Thank you everybody. Great meeting.

Respectfully submitted,
Jean Langan
Clerk to the Board of Commissioners
Rockland County Sewer District No. 1