

ROCKLAND COUNTY SEWER DISTRICT NO. 1
BOARD OF COMMISSIONERS MEETING
November 16, 2023

Members Present:

K. Connell
P. Carroll – arrived at 6:11 pm
M. Genito
G. Hoehmann
A. Simon
M. Specht
J. Tursi

Members Absent:

R. Diaz
T. Kenny
S. Lehman

Others Present:

M. Saber, T. Phillips, J. Gilberg, L. Apotheker, T. Bezborodko

Item #1: The meeting was called to order at 6:09 pm.

M. Specht: I'll call to order tonight's meeting of the Rockland County Sewer District No. 1. We'll start with the Pledge to the Flag, I'm going to ask Commissioner Connell to lead us in the Pledge.

Item #2: Roll Call

M. Specht: We'll ask the Clerk to call the roll. Thank you.

Item #3: Public Participation

M. Specht: We'll start with Public Participation. If there's anyone in the audience that wishes to address the Board, this would be the opportunity. We'll ask that you start off by giving us your name and where you're from. We'll allow up to three (3) minutes for comment.

T. Bezborodko: I'm Tammy Bezborodko. I'm from Bronx River Bottling. We're a sauce manufacturing in Valley Cottage. I know it's late and since I'm from the Bronx, I'll make this fast. First, I want to thank Joan Roth, especially, and Mike for helping me get up to speed on the requirements of our factory and wastewater. Bronx River Bottling is part of a 100 year old family business, my family. As happens in so many families, my brothers disagreed with my mother and walked out, leaving me to run a facility with many deficiencies. We moved our factory to Valley Cottage from New Jersey and added jobs and taxes to the County. We are female owned and operated. Despite moving during COVID, lack of grants, no state incentives, many debts, staffing shortages, lawsuits, court judgements, credit trouble, and supply change issues, we've managed to survive and even improve two (2) years later. We've also made every mistake imaginable. Yet despite that, we also accomplished a lot. BRB managed to hold onto jobs for twenty (20) local Rockland residents. BRB managed to donate sauces to charities like the Ashley's Child Cancer Foundation. BRB managed to employ special needs residents and BRB managed to pay unemployment taxes, insurance, rent, and salaries. We were able to control our pH levels but then had issues with our grease and oil levels. Running a factory has been a game of whack a mole every day. We've managed to correct most of our wastewater problems by doing the following and these are all recent. Education and training of our staff on the importance of not allowing refuse and scrap to go down the drain. Investing in pig oil socks and using them strategically throughout the facility. Increasing our pump outs with our contracted pumper, David Zuidema. Adapting how we clean out our kettles so that semi-solids aren't washed away with the water that goes down the drain. Results are good. Today, despite having a very full grease trap, we received a notification that are efforts are working and we are in compliance. None

of these excuse us from the monies owed or analytical fees and fines accrued. Unfortunately, I can't hand you a check for \$20,000 today. We spent countless dollars and resources on improving our wastewater processing but that only solves the present and future, not the past. I'm asking for a way to lower our debt and be allowed to continue operating. Not to be dramatic, but a levy and having to deal with our landlord would essentially close our business. While our business is struggling to survive, I understand that this is not a charity and that we have an obligation to pay and we have an obligation to the taxpayers as you do. What's worse than making a commitment is not meeting them. I'm not proud to be here and need to ask for an extension for payments. Obviously, we need to pay for testing but these are really challenging times. As you can see on the Explore Rockland website, I love being a part of the Rockland Community and I appreciate how hard you guys are all working to make it clean and beautiful. I really thank you for your time.

M. Specht: Thank you very much. At this time, I think we should hear from our Executive Director, Mr. Saber, about this matter.

M. Saber: So, a couple of things. Bronx River Bottling has made an effort. They gave us a plan to make some improvements to minimize the grease violations. Some of it they have done in the past but they are trying to improve on some of those remediation efforts. That being said, there is an outstanding bill that dates back to November of 2021 of \$20,012.57. Those are our hard costs that we have to pay for labs and analytical fees, like BOD, TSS surcharges to process the waste. This past year, we had about eight (8) violations on various topics. So, in the past, the Board has put about \$14,000 into abeyance for fines and penalties. That's separate from the \$20,000 as to our hard costs. At this point in time, the \$20,000 is on the relevy list because I have to have everything out by tomorrow. That's kind of where we are. Those are our hard costs and they're on the relevy list. At this point, that's where we are.

M. Specht: Do we have any options in terms of extending any time to pay? I guess my question would be, if we were to do that, we would have to take them off the relevy list and then if we weren't paid, we would have to wait until next year to relevy?

M. Saber: That's correct. We would have to wait until this time next year to relevy it if we didn't receive the payments.

G. Hoehmann: Could we do that or do a payment plan with these folks? Give them a little bit of time?

M. Saber: Originally, they gave us a payment plan that they were supposed to start in October and we haven't received any payments to date. So, that's where some of my concern comes in.

M. Specht: So, you see where our concern is now.

T. Bezborodko: Listen, I really understand. Personally, I'm not taking salary for the past two weeks because I'm waiting on so many payments but we have great customers. We have a lot of orders but I can't go to BJ's and say pay me earlier. They're just going to laugh. I'm waiting for my own checks to come in and clear so that I could keep on top of things. My priorities are always my people and then rent and insurance. I think that our payment plan that Eric put together was a little optimistic, honestly. I think a payment plan that we can actually meet would probably be something that we could look into.

M. Specht: I think we're all sympathetic to your situation and we appreciate what you're trying to do

but the problem is you haven't made any payments. It was supposed to start in October.

M. Saber: We came up with some costs. Originally, the number that was given to Bronx River Bottling was \$8,111.00. Those were the 2022 and 2023 charges. When I had asked my staff what the total costs were, the 2021 charges were not included with that. That brought it up to the \$20,000. Now, the relevy goes to the landlord. I'm not sure what the landlord would say at that point of time.

T. Bezborodko: He's just going to kick me out. I mean, truthfully, maybe it's a better thing because it's really stressful to run a factory by yourself. But, I will just add that, and this is obviously on us and it's not an excuse, it's just a reason, we did not realize what these were all accumulating to because when we came here, and we were told it was in abeyance, we thought that we were in the clear and then when we got your email, or Joan's email in October 13, literally like a month ago, it was that we have to give you \$17,000 by the end of business on the 16th which I'm sure for a lot of businesses that would have been doable but unfortunately we're not one of them.

G. Hoehmann: Can you come up with something?

T. Bezborodko: Hopefully tomorrow I can. I mean, as I said, I did not get a paycheck for tomorrow.

M. Specht: I understand. The problem is we have to decide this tonight. We don't have the luxury of waiting until tomorrow.

G. Hoehmann: But you'd hate to have a business, particularly you're in Valley Cottage. You'd hate to have a business that's going to go belly up because of our fees.

M. Specht: Of course.

A. Simon: Mr. Chairman. I kind of understand where they're at in terms of this. I had a thought, which may not be good. What if we take the \$20,000 and divide it into four (4). If one payment is made in December of \$5,000 and on January 1st, when the other tax payments generally would be due, another payment of \$5,000 and in let's say in June, another \$5,000 and let's say August or September the last \$5,000, and the \$20,000 would be paid. Keeping in mind that if it isn't paid, then they will relevy it next year and there would be additional costs based upon the processing that took place now. Would that be something that we can think of or do?

M. Specht: What is the Board's consensus?

J. Tursi: I'm kind of on the same page as George. We don't want businesses to go out. But, are you going to meet that criteria?

M. Specht: Could you pay that quarterly \$5,000?

M. Genito: I have a general question. So, we have this on the relevy. This amount of \$20,000 is included as a relevy on the landlord's tax bill. Is that correct? The property tax bill.

M. Saber: That's correct. But when I relevy it, I have to add interest so it's actually a higher number on the relevy chart.

M. Genito: Okay, So, it's \$20,000 plus.

M. Saber: Yes, sir.

M. Genito: If we were to do anything, the landlord is going to get that bill. Is there a way that we're going to be able to pull that off before we submit it to the County? If we decided to do something different.

M. Saber: No. My deadline is I have to get everything up to the Department of Law and the County Executive's office tomorrow morning. The Legislature meets...

M. Genito: That's my question. Is that hard and fast that the \$21,000 is fixed onto that bill at this point or could that be pulled off when you go and submit your information to the....

M. Specht: I think what Mr. Saber is saying, if we resolve to settle it, we could pull it off now but after tonight, it's too late.

M. Saber: After tonight, it's too late.

M. Specht: One or the other. We can put it back on or we can take it off.

M. Genito: I'm fully in favor of working through a plan that would be more workable and maybe with you looking at it and saying what's doable and what's not, I don't have a problem with that.

P. Carroll: I think we're all in agreement. If we could work something out, it would be ideal.

M. Specht: We're all of the consensus here.

G. Hoehmann: Let's be realistic. So, you have ten months or whatever it is, eleven months to pay it off so is it easier to come up with \$2,000 a month?

T. Bezborodko: Honestly, yes. That's kind of where our game is. In December, I probably could come up with the \$5,000 and maybe that would bring down 2024's bill so that we could then do the \$2,000 a month. That would probably be something that we could do.

G. Hoehmann: Would that work, Mike, if she did \$5,000 in December and then divide the rest out monthly until it's paid through the end of September?

M. Saber: We could do that but just realize that when we come out and test, there's another analytical fee. So, I got another notice today for another analytical fee which is not included because it's after the cut off date. There's also whatever the surcharges are going to be for 2023 after we calculate them out for where we were, there is going to be a surcharge in 2024 for 2023.

G. Hoehmann: Can they pay for their own testing?

M. Saber: I just want to let the Board know there's other costs coming.

P. Carroll: It's not a flat fee. It's always growing.

M. Specht: It's going to keep accumulating.

M. Saber: It just doesn't end with the \$20,000. There's more fees coming.

T. Bezborodko: Is that possible? Could we pay for our own analytical fees so we're not left?

M. Saber: You can hire your own lab but we're typically cheaper but if you want to hire your own lab, you're more than welcome to do that.

T. Bezborodko: Just to be completely transparent. Waiting for the mail, the sending of a check, all of that stuff, is something that we do as ACH's and wires, and Zelle just because we're so tight that even just having like these lingering five (5) days and you got it and then nobody deposits until Wednesday or they deposit Thursday. God willing, we'll get through this and we'll get to the other side. That's what we're working on at our end. Nobody's going to look at investing in me until 2024. So right now, I just need to ride things out to just get my teeth into January.

M. Saber: So, you could hire your own lab. We would have to modify your permit. You would just have to contact Joan and tell her you want to use your own lab and she could work you through it on how that all works. You're not the only who would do that. We have other organizations who do that as well.

T. Bezborodko: Just to have fees and then there's interest, and then it's levied. It's all in paper. There's nothing like digital. There's no statement that I'm getting from QuickBooks. All of that stuff for a bigger firm probably wouldn't make a difference but it's me.

G. Hoehmann: It's you.

T. Bezborodko: Right.

G. Hoehmann: So, maybe if I could just be so bold, sounds like the whole Board is kind of in favor of this. So, do you think you could come up with \$5,000.

T. Bezborodko: I think so. Yes, I'll make sure it happens.

G. Hoehmann: \$5,000 by the end of the year and then the rest as a payment plan. We pull them off of the relevy and then you could work to see if there's a way to get your own testing done, maybe cheaper, probably not. You could look into it that way.

M. Specht: I think we would have to make it a plan that the final payment would be due October of 2024.

G. Hoehmann: Okay?

T. Bezborodko: Okay. I really appreciate that.

M. Specht: So, let me ask. Do we need a resolution then to that effect to pull this off the relevy list?

M. Saber: We would need some sort of resolution, I think, that the Board would allow this to happen because those are hard costs and I'd have to pull them off the relevy. So, we could either do it separately or when we do the relevy resolution maybe we could do it then.

M. Specht: We could do that.

P. Carroll: Amend it.

M. Specht: Amend the relevy.

M. Saber: Jeanne, which way would be better?

J. Gilberg: Do it with the relevy.

M. Saber: Do it with the relevy. Okay.

G. Hoehmann: Do it with the relevy and then the payment plan. The record will reflect that it's \$5,000 by December 31, 2023 and then the balance by October 2024 through monthly payments.

M. Specht: I think the Board is being very understanding and sympathetic of your position and we want you to succeed. It's certainly in everyone's best interests if you thrive. I will say personally, I'm happy we could work this out. The reason why we're being lenient, your hardship is also giving me pause and concern as well as to whether we will get this paid. So, I'm going to ask you to live up to that commitment as best as you can and not let us regret this in the new year.

T. Bezborodko: I'll make every effort. I have twenty (20) people. I have to look into their faces. I don't see you guys that often but I see twenty (20) faces every day. So, I have to make sure that I do right by them. So that is why I'm here. If it was a lot easier to just say forget it, I'll walk away.

M. Saber: Mr. Chair, one more point, please. The Board will still have to pass a resolution to put the outstanding fines in abeyance since the last time Bronx River Bottling was here.

M. Specht: Sure.

M. Specht: So, we would have to do a resolution for that if the Board wants to waive the fines.

M. Specht: How much are the fines at this point?

M. Saber: I meant to look it up. I can't remember exactly when they came but I believe it was last year that Bronx River Bottling came. So, that would be about \$8,000.

M. Specht: So, we could hold them in abeyance until the end of this payment plan? Is that the suggestion?

M. Saber: Put it in abeyance for now assuming they don't have anymore violations. If they continue to have violations, even with this new plan, they may have to do some sort of capital improvement. I understand they're in an economic bind right now. Part of the reason they have all these analytical costs is because they're not meeting the permit requirements. Then they would save money on this if they did the improvement. Originally, we had asked when the brothers were running the facility, we had asked to put in a large grease interceptor and they said, "No, if there's a problem, we'll put one in later." So, instead of having Bronx River Bottling go through that large expense right now, what we've been trying to work out is other ways to mitigate the situation from the five (5) points they laid out to us.

M. Specht: Understood. So, we should do a resolution at this time then to continue to hold the fines in abeyance.

M. Saber: Yes, if the Board so chooses.

T. Bezborodko: I really appreciate it. Thank you so much for giving us a chance.

M. Specht: You're welcome. Good luck. Take care.

Motion to Approve:
Hoehmann/Genito

Unan.

November 16, 2023

RESOLUTION NO. 66 OF 2023
ROCKLAND COUNTY SEWER DISTRICT NO. 1 TO HOLD
FINES IN ABEYANCE FOR BRONX RIVER BOTTLING

WHEREAS, at the Board of Commissioners meeting on November 16, 2023, a discussion was presented before the Board regarding Bronx River Bottling, and,

WHEREAS, Bronx River Bottling is in violation of Rockland County Sewer Use Law regarding their permit limit for oil & grease and pH, and,

WHEREAS, Bronx River Bottling has been diligently working on correcting these violations, and,

WHEREAS, Bronx River Bottling is working diligently to keep the oil & grease and pH within their permit limit, and,

WHEREAS, the Board of Commissioners has agreed to hold the fines to date in abeyance for Bronx River Bottling, and,

WHEREAS, the Board of Commissioners maintains the right to revoke this resolution should Bronx River Bottling fail to be in compliance, now, therefore, be it,

RESOLVED that the Board of Commissioners, Rockland County Sewer District No. 1, does hereby authorize the Executive Director to hold in abeyance the fines to date imposed on Bronx River Bottling as long as they comply with the Rockland County Sewer Use Law.

M. Specht: Does anybody else wish to speak at Public Participation at this time?

A. Simon: Mr. Specht, I'd like to speak in Public Participation because what I have to say is as a citizen and not as a member of the Sewer Commission.

M. Specht: Go ahead please, Commissioner.

A. Simon: We had a big problem in Spring Valley last Friday. The problem dealt with something which I don't totally understand but some people were getting sewage in their basement. I am very proud as a Commissioner that we have an engineer named, and I hope I'm pronouncing his name correctly, Hassan and he came over and helped us thorough this problem and did a wonderful job in terms of helping us and not only that but behaved as a thorough professional in doing it. It is somebody that we, on the Commission, although I'm trying to balance what's appropriate, he did a wonderful job. He's somebody that, as a member of the Commission, I was extremely proud of. He did a great job. Some people getting sewage in their basement. It was a terrible situation and he did it

in a very efficient manner so that before darkness, this matter was resolved. I would really like, as the Mayor of the Village of Spring Valley, is to thank both the Sewer Commission and their engineer and their staff for such wonderful work to help us in our time of need.

M. Specht: Mayor, thank you so much for telling us about this. It's very good to hear. We commend the staff for their excellent work and particularly this engineer. We'll ask the Executive Director to take note of his outstanding job performance in this matter.

M. Saber: Yes, sir.

M. Specht: Thank you.

K. Connell: Mike, what's the engineers name?

M. Saber: His name is Al Hassan.

M. Specht: Very good. Give out thanks to Mr. Hassan for the excellent work he did in the Village on Friday.

M. Saber: I will. I'll put a copy of the minutes in his personnel file.

M. Specht: Thank you.

G. Hoehmann: Mr. Chairman, there being no other members of the public wishing to speak, I'll offer a motion to close Public Participation.

Item #4:

**RESOLUTION NO. 67 OF 2023
ADOPT MINUTES OF MEETING OF NOVEMBER 2, 2023**

WHEREAS, K. Connell offered the following resolution, which was seconded by J. Tursi and approved unanimously, now, therefore, be it,

RESOLVED, that the transcribed Minutes of the Rockland County Sewer District No. 1 Meeting of November 2, 2023, as recorded by the Clerk, are hereby adopted.

Item #5:

M. Specht: Resolution to relevy the unpaid sewer charges on the 2024 tax levy and we have to amend it to remove Ford Products Road Owner LLC from the list.

Motion to Approve:
Genito/Hoehmann

Unan.

November 16, 2023

**RESOLUTION NO. 68 OF 2023
RELEVY OF UNPAID SEWER RENTS ON 2024
TAX LEVY FOR UNPAID SEWER USE CHARGES**

WHEREAS, certain property owners as indicated on the attached list have not paid their sewer rents, and,

WHEREAS, in accordance with Rockland County Sewer Use Law as last amended, unpaid sewer rents and unpaid surcharges and violations shall be collected in the same manner as other unpaid County charges, now, therefore, be

it,

RESOLVED, that the Board of Commissioners, Rockland County Sewer District No. 1, upon the recommendation of the Executive Director does hereby request the Rockland County Legislature to relevel the unpaid sewer use charges and unpaid surcharges, with interest, indicated on the attached list on the respective property owners 2024 tax levy, and, be it,

FURTHER RESOLVED, that the Executive Director is hereby authorized and directed to take such steps as may be necessary to carry out the intent of this resolution.

Item #6:

M. Saber: This annual contract is required under the past SPDES permit. Since we are appealing the current SPDES permit, it could revert to the past one. Therefore, we bid this work which benefits the District either way. The work includes cleaning, televising, testing, and sealing approximately 130,000 linear feet of non-PVC sewers pipes within the Sewer District. National Water Main Cleaning Co. was the lowest responsible and responsive bidder in the amount of \$1,449,335.05. They have performed satisfactorily for us in the past. I would recommend that the Board consider awarding this contract to them.

M. Specht: Thank you, Mr. Saber. Any questions?

Motion to Approve:
Hoehmann/Carroll

Unan.

November 16, 2023

**RESOLUTION NO. 69 OF 2023
AWARD OF CONTRACT RFB-RC-SWR-SM2024-01
2024 SEWER SYSTEM MAINTENANCE PROJECT**

WHEREAS, bids for Contract RFB-RC-SWR-SM2024-01, 2024 Sewer System Maintenance Project were advertised and received on October 24, 2023, and,

WHEREAS, this contract is for Sewer System Maintenance in the Towns of Clarkstown and Ramapo which consists of sanitary sewer cleaning, televising, testing and sealing; manhole sealing; manhole chimney seals; and miscellaneous additional work, and,

WHEREAS, The work is located in the Town of Clarkstown, and the Town of Ramapo, Rockland County, New York.

WHEREAS, this work was required under the SPDES permit issued to the Sewer District by the NYSDEC, and,

WHEREAS, the District developed a Scope of Services and the Purchasing Department solicited proposals under RFB-RC-SWR-SM2024-01, 2024 Sewer System Maintenance Project, and,

WHEREAS, in a memo dated November 6, 2023, Staff of the Sewer District has indicated that a total of one (1) bid was received as follows:

<u>Contractor</u>	<u>Bid Amount</u>	<u>Revised Bid Amount</u>
National Water Main Cleaning Co.	\$1,471,558.05	\$1,449,335.05

and,

WHEREAS, the bid has been checked and tabulated by Staff of the Sewer District, and,

WHEREAS, National Water Main Cleaning Co. (NWMCC) was the only bidder, and,

WHEREAS, NWMCC's bid was higher than the engineers estimate, and,

WHEREAS, after negotiations, National Water Main Cleaning Co. has agreed to lower their price by \$22,223 for a total contract amount of \$1,449,335.05, and,

WHEREAS, National Water Main Cleaning Co. has completed similar projects for the Sewer District in the past in a satisfactory manner, now, therefore, be it,

RESOLVED, that the Board of Sewer Commissioners, upon the recommendation of the Executive Director, hereby awards Contract RFB-RC-SWR-SM2024-01, 2024 Sewer System Maintenance Project to National Water Main Cleaning Co., 1806 Newark Turnpike, Kearny, NJ, 07032 in the amount of \$1,449,335.05, and, be it,

FURTHER RESOLVED, that the Executive Director is authorized and directed to execute such documents as may be necessary to carry out the intent of this resolution, after review by the Staff of the Sewer District and Office of the County Attorney, and, be it,

STILL FURTHER RESOLVED, that the Executive Director is authorized to forward said documents to the County Executive for forwarding to the Rockland County Legislature for their approval.

M. Specht: Before we get to the discussion items, I think we need a motion to approve holding the fines in abeyance for Bronx River Bottling.

G. Hoehmann: We did that. We did that during the discussion.

M. Genito: What about the other one?

M. Specht: We took them off of the relevy. Do we need a resolution to have the payment plan for the fees?

M. Saber: No, because that will be in the minutes. We do need one for the waiver of fines if we didn't do a motion and second.

G. Hoehmann: I thought we did that already and voted on it. I'd be happy to do it again. I moved it. Pat seconded it.

J. Langan: We did it. Commissioners Hoehmann and Genito.

M. Specht: We did do it, my mistake. Thank you. Very good.

Item #7: Orangeburg Plant Performance

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 has been met the last few months. We are continuing to monitor our progress for November.

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

Item #8: Officers for the Board of Sewer Commissioners, Rockland County Sewer District No. 1 for 2024

M. Specht: We usually form a Committee.

M. Saber: Yes, sir. There's usually a Committee formed. The Committee cannot exceed five (5). Otherwise, you have a quorum.

M. Specht: Who would like to serve on this Committee?

G. Hoehmann: I'll serve.

M. Specht: We have Commissioner Hoehmann, Commissioner Connell, Commissioner Genito, and I'll volunteer myself. We have four (4). Anybody else? Good. Perfect. We don't need a resolution for that, do we?

M. Saber: No, sir.

J. Langan: This needs to be done before the next Board meeting.

M. Specht: So, we'll pick a time when we can all meet.

Item #9: New Business

M. Specht: We have a need to go into Executive Session.

Executive Session - for matter relating to employment and potential dismissal or removal of personnel.

Enter Executive Session at 6:34pm

Motion: G. Hoehmann and P. Carroll

Leave Executive Session at 6:40pm

Motion: J. Tursi and G. Hoehmann

M. Specht: We came out of Executive Session for a discussion for a matter relating to employment and potential dismissal or removal of personnel. So, at this time I don't believe we have any other new business. I think it would be appropriate to first wish everybody a very Happy Thanksgiving next week and then second, call for a motion to adjourn.

Motion to Adjourn.

**RESOLUTION NO. 65 OF 2023
ADJOURNMENT**

K. Connell offered the following resolution, which was seconded by P. Carroll and approved unanimously.

BE IT RESOLVED that the November 16, 2023, Meeting of the Board of Commissioners, Rockland County Sewer District No. 1, is hereby adjourned.

The Board of Sewer Commissioners Meeting adjourned at 6:40 pm.

M. Specht:

Respectfully submitted,

Jean Langan

Clerk to the Board of Commissioners

Rockland County Sewer District No. 1