

ROCKLAND COUNTY SEWER DISTRICT NO. 1
BOARD OF COMMISSIONERS MEETING
May 23, 2024

Members Present:

P. Carroll
K. Connell
M. Genito
G. Hoehmann
S. Lehman
M. Specht

Members Absent:

R. Diaz
T. Kenny
A. Simon
J. Tursi

Others Present:

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

Item #1: The meeting was called to order at 6:07 pm.

M. Specht: Good evening everybody. I'll call to order this meeting of the Rockland County Sewer District No. 1 for tonight, May 23, 2024. We'll start with the pledge of allegiance. I'm going to ask Commissioner Connell to lead us in the Pledge. Thank you.

Item #2: Roll Call

M. Specht: I'll ask you to call the attendance, Jean. Thank you.

Item #3: Public Participation

M. Specht: If there's anybody from the public who wishes to speak, we'll give you an opportunity to do so. Motion to close Public Participation. G. Hoehmann, seconded by P. Carroll.

Item #4:

M. Specht:

RESOLUTION NO. 19 OF 2024
ADOPT MINUTES OF MEETING OF MARCH 26, 2024

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

RESOLVED, that the transcribed amended Minutes of the Rockland County Sewer District No. 1 Meeting of March 26, 2024, as recorded by the Clerk, are hereby adopted.

Item #5:

M. Specht: I'll ask our Executive Director to discuss that.

M. Saber: While performing the work for the Main Pump Station Upgrade project for the wastewater treatment plant in Orangeburg, additional valves, gates, breakers, wiring, and materials of construction were identified as needing to be upgraded. These upgrades were not identified during the design phase and were not part of the original scope of the project. The costs for these improvements are \$505,387.43. I would recommend increasing the contract by \$600,000 in case any other unforeseen improvements are required. The current contract is in the amount of \$15,585,000. With the recommended improvements, the total contract amount would be \$16,185,000.

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

M. Saber: There's one more item. In addition, I would recommend a contract extension from March 13, 2024 to June 27, 2024. This 106 day no cost time extension is related to supply chain issues and delays with receiving equipment. It's a two (2) part change order.

M. Specht: Very good. Do we need a separate motion for the second part?

M. Saber: No, it was all in the same change order.

M. Specht: Thank you.

**Motion to Approve:
Carroll/Hoehmann**

Unan.

May 23, 2024

**RESOLUTION NO. 20 OF 2024
APPROVAL OF CHANGE ORDER NO. 1
MAIN PUMP STATION UPGRADE PROJECT,
CONTRACT RFB-RC-SWR-CIP-2020-02**

WHEREAS, Change Order No. 1, Contract RFB-RC-SWR-CIP-2020-02 with Tomar Construction NY LLC, Main Pump Station Upgrade Project, has been proposed, and,

WHEREAS, this contract is to replace and install six (6) new influent pumps, motors, pump station suction & discharge piping, valves, and appurtenances; replacement and extend pump discharge pipe header, surge relief valves and associated piping; replacement and installation of two (2) new screen channel slide gates and one (1) wetwell slide gate; replacement and installation of a new instrumentation and control system, motor control centers and complete other miscellaneous electrical work; replacement and installation of new ventilation system and provide a new air conditioning system, interior stair, plumbing and miscellaneous architectural and structural modifications, provide bypass pumping and temporary services, and,

WHEREAS, the Summary of Change to Contract involves an increase to the contract in the amount of \$600,000 due to additional upgrades, such as additional valves, gates, breakers, wiring, and materials of construction not identified during the design phase and not included in the original scope of project, and,

WHEREAS, the increase also includes any other unforeseen improvements needed and a 106 day no cost time extension extending the terms to June 27, 2024, and,

WHEREAS, this time extension is related to supply chain issues and delays with receiving equipment, and,

WHEREAS, Change Order No. 1 increases the total contract amount to \$16,185,000, and,

WHEREAS, the staff of the Sewer District has participated in discussions concerning Change Order No. 1 and has reviewed the details and found them acceptable, now, therefore, be it,

RESOLVED, that upon the recommendation of the Executive Director, the Board of Commissioners, Rockland County Sewer District No. 1, does hereby approve Change Order No. 1, Contract RFB-RC-SWR-CIP-2020-02 in the amount of \$600,000 for a total contract amount of \$16,185,000 and a 106 day no cost time extension extending the terms to June 27, 2024, and, be it,

FURTHER RESOLVED, that the Board of Sewer Commissioners hereby authorizes and directs the Executive Director to execute Change Order No. 1 and any other documents as may be required to carry out the intent of this resolution following review by the 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 Legislature for their approval.

Item #6:

M. Saber: The Sewer District has been providing services to the Village of Spring Valley since the early 2000s. The intent at that time was to enter into an intermunicipal agreement to memorialize the services. The IMA process was never completed. The Sewer District has been charging residents of the Village for these services through an additional user charge. At this point, it is advantageous to finalize an agreement.

I recommend that the IMA that's attached to the resolution be approved subject to final review by the Village and the County's Department of Law.

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

Motion to Approve:
Genito/Lehman

Unan.

May 23, 2024

**RESOLUTION NO. 21 OF 2024
AUTHORIZE INTERMUNICIPAL AGREEMENT BETWEEN ROCKLAND SEWER
DISTRICT NO. 1 AND THE VILLAGE OF SPRING VALLEY FOR
THE OPERATION AND MAINTENANCE OF SEWER LINES**

WHEREAS, the Village of Spring Valley (Village) is the owner of the portion of sewer lines located within the Towns of Ramapo and Clarkstown, and,

WHEREAS, it is the mutual desire of Rockland County Sewer District No. 1 (District) and the Village for the District to operate and maintain the sewer lines, and,

WHEREAS, the District and the Village intend to enter into this intermunicipal agreement for the operations and maintenance, and,

WHEREAS, staff of the District have participated in negotiating the details of the Intermunicipal Agreement and find it acceptable, now, therefore, be it,

RESOLVED, that upon the recommendation of the Executive Director, the Board of Sewer Commissioners hereby authorize the Executive Director to approve the Intermunicipal Agreement with the Village of Spring Valley to operate and maintain the sewer lines subject to all terms and conditions of the Agreement, 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 the 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 Legislature for their approval.

Item #7:

M. Saber: The NYSDEC changed the effluent limits for the SPDES permit that was originally analyzed. Therefore, additional engineering services are required and EDR was requested to submit an additional proposal which is included with the resolution. EDR will be utilizing the expertise of Hazen and Sawyer and HDR who are international renowned firms.

EDR's current contract is in the amount of \$405,500. EDR's proposal is in the amount of \$809,200. The work is directly related to the effluent limits of the wastewater treatment plant in Orangeburg. This work is to be completed over three (3) calendar years.

The District has reviewed the proposal and found the same to be within the scope of services needed.

Therefore, I recommend that the Board consider amending the contract with EDR in the amount of \$809,200 for a total contract amount of \$1,214,700.

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

Motion to Approve:
Hoehmann/Connell

Unan.

May 23, 2024

RESOLUTION NO. 22 OF 2024
AMENDMENT TO CONTRACT WITH ENVIRONMENTAL DESIGN & RESEARCH,
LANDSCAPE ARCHITECTURE, ENGINEERING & ENVIRONMENTAL SERVICES, D.P.C. (EDR)
FOR ENGINEERING SERVICES FOR ADMINISTRATIVE APPEAL AND CHALLENGE OF
EFFLUENT LIMITS

WHEREAS, the Sewer District entered into an agreement for \$99,800.00 dated May 14, 2021 with Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C., FOR Engineering Services for Administrative Appeal and Challenge of Effluent Limits, and,

WHEREAS, the agreement was subsequently amended by Board of Commissioners Resolution No. 56 of 2021 for \$305,700 for a total contract amount of \$405,500, and,

WHEREAS, the District was in negotiations with New York State Department of Environmental Conservation (NYSDEC) with regards to the proposed modifications of the District's SPDES permit, and,

WHEREAS, the NYSDEC and the District were not able to come to terms on the final SPDES permit, and,

WHEREAS, the NYSDEC issued a SPDES permit to the District that went into effect on March 1, 2021, and,

WHEREAS, the District objected to the SPDES permit which the NYSDEC then rescinded during the administrative appeal process, and,

WHEREAS, EDR is providing engineering services for the administrative appeal and challenge of effluent permit limits placed in the SPDES permit since they have been assisting the District with the negotiations with the NYSDEC, and,

WHEREAS, the NYSDEC issued a final SPDES permit with an effective date of July 1, 2023, and,

WHEREAS, additional engineering services are now needed for this matter, and,

WHEREAS, these additional services will include: a detailed evaluation of the existing unit processes and equipment at the Orangeburg plant and their future performance capability and reports that are needed for the new SPDES permit and SEQRA process, and,

WHEREAS, EDR will be utilizing the expertise of the engineering firms of Hazen and Sawyer and HDR to help with the additional engineering services required, and,

WHEREAS, in a letter dated May 14, 2024, EDR has submitted a cost proposal in the amount of \$809,200 for a total contract amount of \$1,214,700, and,

WHEREAS, the staff of the Sewer District have reviewed the proposal and found same to be within the scope of services needed, 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 accept the cost proposal from Environmental Design & Research, Landscape Architecture, Engineering & Environmental Services, D.P.C., for Engineering Services for Administrative Appeal and Challenge of Effluent Limits, in the amount of \$809,200 for a total contract amount not to exceed \$1,214,700, 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 the 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 Legislature for their approval.

Item #8:

M. Saber: I am requesting permission to attend the WEFTEC Annual Conference in New Orleans. For many years, the Executive Director has attended this national conference. It has presentations and equipment vendors from around the country relating to wastewater. I am requesting the Board to approve a not to exceed amount of \$4,250.

Motion to Approve:
Connell/Genito

Unan.

May 23, 2024

RESOLUTION NO. 23 OF 2024
AUTHORIZATION TO ATTEND THE WATER ENVIRONMENT FEDERATION'S
CONFERENCE – LEADING THE FUTURE OF WATER
October 5, 2024 to October 9, 2024

WHEREAS, the Water Environment Federation is conducting its annual conference, Leading the Future of Water, from October 5, 2024 to October 9, 2024 in New Orleans, Louisiana, and,

WHEREAS, the program of said conference includes papers, equipment and vendor exhibits, and topics of interest and needs to the operation of the treatment plant facility in Orangeburg as well as the facilities located in western Ramapo, and,

WHEREAS, the Executive Director will attend seminars offering continuing education credits necessary for maintaining his professional engineering license, and,

WHEREAS, it is in the best interest of the County of Rockland and the Rockland County Sewer District No. 1 for the Executive Director to attend this conference, now, therefore, be it,

RESOLVED that the Board of Commissioners, Rockland County Sewer District No. 1, does hereby authorize the attendance of the Executive Director of the Sewer District at the aforementioned Conference at the expense of the District at a cost not to exceed \$4,250.00.

Item #9:

M. Saber: A few line items are running over but currently can be offset by other line items. I am concerned with the amount of equipment failures that we have had over the past year and are continuing to have. These failures could negatively impact the budget later in the year and could potentially negatively impact future budgets. The overall budget will continue to be monitored.

M. Specht: Any questions about this from Mr. Saber? Thank you.

Item #10: Orangeburg Plant Performance

M. Saber: The CBOD limit of 85% removal has not been met over the last few months. We've actually missed it four (4) out of the last five (5) months. The influent concentration is very weak due to the amount of rain we have been having. We will continue to have this issue until the groundwater table recedes which it has finally started to recede and the flows are finally starting to come down.

Item #11: Budget Committee Selection

M. Specht: First of all, we are looking to see who would like to be on the Budget committee. We have a tentative meeting date of June 11th at 10:00 am if that's agreeable with all the people that wish to attend it. Any volunteers?

M. Specht: Commissioner Hoehmann.

S. Lehman: Normally, I love to volunteer. I do think I have a conflict at that one specific hour. If we're going to continue with that time, I'll have to pass.

M. Specht: Okay. Commissioner Genito and myself. How many do we need?

G. Hoehmann: That's three (3) of us.

M. Saber: You can't have a quorum.

M. Specht: We can't have a quorum. Exactly.

J. Langan: Commission Diaz can attend by conference call.

M. Specht: That's right. Commissioner Diaz indicated that he would be able to join by phone. Very good. We have a committee. We'll meet on June 11th at 10:00 am. Thank you.

Item #12A: New Business

M. Specht: We have some items of new business and they all involve pending litigation. I'm going to ask that we go into Executive Session to discuss those items. I'll ask that the Executive Director and counsel remain in the room.

Executive Session – to discuss items of pending litigation.

Enter Executive Session at 6:14 pm

Motion: G. Hoehmann and K. Connell

Leave Executive Session at 6:28 pm

Motion: P. Carroll and G. Hoehmann

M. Specht: We are now back on the record. We have three (3) resolutions regarding retaining counsel for three (3) matters, resolutions 12A, 12B, and 12C.

J. Langan: That vote is for all three (3) resolutions?

M. Specht: Yes, all three (3) to retain counsel on each the three (3) matters, resolutions 12A, 12B, and 12C.

Motion to Approve:
Hoehmann/Connell

Unan.

May 23, 2024

RESOLUTION NO. 24 OF 2024
AUTHORIZE ROCKLAND COUNTY SEWER DISTRICT NO. 1
TO JOIN MUNICIPAL COALITION FOR ORANGE AND ROCKLAND ELECTRIC AND GAS RATE CASE

WHEREAS, Rockland County Sewer District No. 1 (District) is desirous to enter into a Municipal Coalition (Coalition) in conjunction with other municipal entities within Rockland County, and,

WHEREAS, this Coalition is in connection with the Orange and Rockland Electric and Gas Rate Case that is seeking approval from the New York Public Services Commission for a substantial rate hike, and,

WHEREAS, the Coalition includes the Towns of Clarkstown, Haverstraw, Orangetown, Ramapo and Stony Point, and the Rockland Green/Rockland County Solid Waste Management Authority, and,

WHEREAS, the law firm of Dichter Law LLC has submitted a proposal on May 10, 2024 outlining services they will provide in representing the members of this Coalition at an initial cap of \$70,000.00, and,

WHEREAS, it has been proposed that the Sewer District’s share of the expenses will be \$15,000.00, and,

WHEREAS, Dichter Law, LLC proposes to undertake representation of the coalition which includes attendance at conferences and hearings in Albany, preparation of discovery, review of responses to discovery of other parties, analysis of testimony, preparation of cross-examination, briefs, settlement meetings etc., and,

WHEREAS, the staff of the District have reviewed the proposal and found same to be acceptable, now, therefore, be it,

RESOLVED, that the Board of Commissioners, upon recommendation of the Executive Director, does hereby accept the proposal from Joel Dichter, Esq., of Dichter Law LLC for legal services for the Municipal Coalition for Orange and Rockland Electric and Gas Rate Case in the amount of \$15,000.00, and, be it,

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

Item #12B:

**Motion to Approve:
Hochmann/Connell**

Unan.

May 23, 2024

**RESOLUTION NO. 25 OF 2024
AWARD RETAINER AGREEMENT WITH WEST
GROUP LAW PLLC FOR LEGAL SERVICES FOR MATTERS REGARDING
5 NESHER LLC, ET AL. V ROCKLAND COUNTY SEWER DISTRICT NO. 1
AND COUNTY OF ROCKLAND**

WHEREAS, the District is desirous to enter into a retainer agreement with West Group Law PLLC (WGL) for legal services for appeal concerning 5 Neshier LLC, et al. v. Rockland County Sewer District No. 1 and County of Rockland, and,

WHEREAS, 5 Neshier LLC, et al has sued the Rockland County Sewer District No. 1 and the County of Rockland with regards to the impact fees that the District has assessed on their project, and,

WHEREAS, impact fees are assessed when a project causes an increase in sewage discharge, and,

WHEREAS, the increase is calculated based on the change in use from when the sewers were originally designed, and,

WHEREAS, WGL will be providing appellate related legal services with respect to the Plaintiffs appeal, and,

WHEREAS, WGL submitted a cost proposal on May 21, 2024 in the amount of \$75,000, and,

WHEREAS, the staff of the District have reviewed WGL’s proposal and found same to be acceptable, now, therefore, be it,

RESOLVED, that the Board of Commissioners, upon recommendation of the Executive Director, does hereby accept the cost proposal from West Group Law, PLLC, 81 Main Street, Suite 510, White Plains, NY in the amount of \$75,000 for a retainer agreement for appellate related legal services concerning 5 Neshier LLC. et al. v. Rockland County Sewer District No. 1 and County of Rockland, and, be it,

FURTHER RESOLVED, that the Executive Director is authorized to execute such agreement after review by the staff of the Sewer District and the Office of the County Attorney.

Item #12C:

Unan.

**RESOLUTION NO. 26 OF 2024
AWARD RETAINER AGREEMENT WITH WEST GROUP
LAW PLLC FOR LEGAL SERVICES FOR MATTERS REGARDING
45 BYPASS CORP., ET AL. V ROCKLAND COUNTY SEWER
DISTRICT NO. 1 AND COUNTY OF ROCKLAND**

WHEREAS, the District is desirous to enter into a retainer agreement with West Group Law PLLC (WGL) for legal services concerning 45 Bypass Corp. et al. v. Rockland County Sewer District No. 1 and County of Rockland, and,

WHEREAS, 45 Bypass Corp. et al has sued the Rockland County Sewer District No. 1 and the County of Rockland with regards to the impact fees that the District has assessed on their project, and,

WHEREAS, impact fees are assessed when a project causes an increase in sewage discharge, and,

WHEREAS, the increase is calculated based on the change in use from when the sewers were originally designed, and,

WHEREAS, WGL will be providing services which will include:

- Case Investigation and Document Development
- Responsive Pleadings and Briefs
- Hearing Preparation and Appearance

and,

WHEREAS, WGL submitted a cost proposal on May 21, 2024 in the amount of \$135,000, and,

WHEREAS, the staff of the District have reviewed WGL's proposal and found same to be acceptable, now, therefore, be it,

RESOLVED, that the Board of Commissioners, upon recommendation of the Executive Director, does hereby accept the cost proposal from West Group Law, PLLC, 81 Main Street, Suite 510, White Plains, NY in the amount of \$135,000 for a retainer agreement for legal services concerning 45 Bypass Corp. et al. v. Rockland County Sewer District No. 1 and County of Rockland, and, be it,

FURTHER RESOLVED, that the Executive Director is authorized to execute such agreement after review by the staff of the Sewer District and the Office of the County Attorney.

G. Hoehmann: Mr Chairman, I know that both Councilmen Carroll and I have a direct conflict with our next meeting which I think is June 27th. That's going to conflict with our Town of Clarkstown fireworks.

M. Specht: We have Ramapo Day at the stadium that night too.

G. Hoehmann: So, I suggest that we might want to look for an alternate date.

M. Specht: How is Monday the 24th of June for everybody?

S. Lehman: It looks good for me.

M. Specht: Everybody okay? So, why don't we do June 24th.

G. Hoehmann: Could we do it at 5:00 pm?

M. Specht: I can. Can everyone else?

M. Specht: Great

S. Lehman: Jean, can you send a reminder?

J. Langan: Yes.

M. Specht: So, we'll schedule it for Monday, June 24th at 5:00 pm.

Motion to Adjourn.

**RESOLUTION NO. 27 OF 2024
ADJOURNMENT**

G. Hoehmann offered the following resolution, which was seconded by P. Carroll and approved unanimously.

BE IT RESOLVED that the May 23, 2024, Meeting of the Board of Commissioners, Rockland County Sewer District No. 1, is hereby adjourned.

The Board of Sewer Commissioners Meeting adjourned at 6:30 pm.

M. Specht: Thank you everybody.

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