

MINUTES of the **MEETING** of the **ERIE COUNTY WATER AUTHORITY** held in the office, 295 Main Street, Room 350, Buffalo, New York, on the 3rd day of August 2023.

PRESENT: Jerome D. Schad, Chair
Peggy A. LaGree, Vice Chair
Michele M. Iannello, Treasurer
Terrence D. McCracken, Secretary to the Authority
Joyce A. Tomaka, Chief Financial Officer
Leonard F. Kowalski, Executive Engineer
Sabrina A. Figler, Director of Water Quality
Jessica R. Brown, Comptroller
Lavonya C. Lester, Director of Administration
Katherine A. Gillette, Associate Attorney
Michael W. Wymer, Senior Production Engineer
Michael J. Quinn, Senior Distribution Engineer
David W. Aubertine, Director of Cybersecurity and Information Technology
Matthew W. Barrett, Security Officer

ATTENDEES: Rebecca Slabaugh, Arcadis, via teleconference
Hannah Rockwell, Arcadis, via teleconference
Victoria Nystrom, Arcadis, via teleconference

PLEDGE TO THE FLAG

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:30 a.m. A quorum was present with three Commissioners.

II. READING OF MINUTES

Motion by Ms. LaGree seconded by Ms. Iannello and carried to waive the reading of the Minutes of the Meeting held on Thursday, July 20, 2023.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

III. APPROVAL OF MINUTES

Motion by Ms. LaGree seconded by Ms. Iannello and carried to approve the Minutes of the Meeting held on Thursday, July 20, 2023.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None

IV. REPORTS**A. SECRETARY****B. LEGAL****C. FISCAL****D. OPERATIONS****1. ECWA Project Update – EPA Lead and Copper Rule Revisions**

Leonard Kowalski reported on the status of the Authority's response to the EPA Lead and Copper Rule Revision (LCRR). Mr. Kowalski gave a brief overview of the tasks the Engineering and Water Quality Departments, in coordination with Arcadis, have been working on for the LCRR.

Rebecca Slabaugh, PE, from Arcadis, presented an overview of the Authority's response to the LCRR and Lead Service Line Replacement (LSLR) which included a program overview, current status and regulations, future LSLR program considerations, and key decisions and next steps.

Commissioner LaGree stated that, based on the information given, the majority of lead service lines in need of replacement are on the customers' side. Ms. Slabaugh agreed. Chairman Schad asked for clarification regarding the status of Authority-owned service lines. Ms. Slabaugh noted that over 100,000 individual Authority-owned lines have already been identified as copper. Mr. Kowalski discussed the use of predictive modeling which has aided the process of obtaining the needed information.

Discussion was held regarding the strategies associated with voluntary programs and mandated programs. Ms. Slabaugh described examples of the strategies others have executed in similar situations. Commissioner Iannello asked if the Authority would be able to coordinate with the different municipalities for assistance. Chairman Schad inquired if there was cooperation with the state to help facilitate these programs. Ms. Slabaugh stated that in Wisconsin and New Jersey there had been modifications within the state level.

Kate Gillette spoke to the Authority's Tariff and Enabling Statue and the ability of the Authority to make changes. Both Chairman Schad and Commissioner

LaGree expressed an interest to research the language contained within the Authority's Tariff and if there is a need to make an adjustment to the Tariff. Ms. Gillette believes that the Authority will need assistance from the NYS Legislature to make any adjustments to the Authority's Enabling Statue. Commissioner Iannello inquired about financial assistance for customers. Secretary McCracken stated that financial assistance is not currently available for customers.

A summary of funding options and efforts ensued. Ms. Slabaugh discussed WIIA and BIL grant funding, Congressional Earmarks, and other funding options, such as rate increases, private foundations, and non-rate revenues. Ms. Slabaugh mentioned third-party service line insurance programs. Ms. Gillette noted that the Legal Department has begun researching this option. Chairman Schad suggested researching a customized policy to facilitate the LCRR program. Secretary McCracken suggested involving Patrick Quinn from Lawley Insurance to utilize his expertise.

Ms. Slabaugh concluded the presentation with a discussion regarding upcoming key LSLR decisions. Chairman Schad thanked Ms. Slabaugh for the presentation.

Commissioner Iannello asked if customers could be placed on a payment plan to fund their portion of the lead service line replacement. Ms. Gillette responded that the Authority's tariff does not currently include that option. Chairman Schad suggested researching a mandatory program for the sake of keeping the costs down. Chairman Schad also inquired if there was a benefit to investigate lien law.

The discussion continued regarding changes to the Authority's tariff and the associated timeline. Secretary McCracken noted that this presentation had previously been given to select Authority employees along with Vic Martucci, from the Authority's lobbying firm, Masiello, Martucci, & Associates. Secretary McCracken acknowledged that Masiello, Martucci & Associates are aware of the challenges connected with the LCRR program.

- E. HUMAN RESOURCES**
 - F. AUDIT COMMITTEE**
 - G. GOVERNANCE COMMITTEE**
 - H. FINANCE COMMITTEE**
 - I. ETHICS COMMITTEE**
- V. COMMUNICATIONS AND BILLS**
(Communications may be limited to items that are provided electronically. Every effort will be made to provide all communications at future meetings.)

VI. PERSONS ADDRESSING THE AUTHORITY

Pursuant to the Erie County Water Authority's Open Meetings Law Policy Section 10 Public Expression, as posted on its website, the Commissioners will hear the concerns of persons desiring to address the Commissioners on any Water Authority subject. No one appeared to speak.

VII. UNFINISHED BUSINESS**VIII. NEW BUSINESS****IX. ADJOURNMENT**

Motion by Ms. LaGree seconded by Ms. Iannello carried that the meeting adjourned at 11:15 a.m.

DISCUSSION

None

VOTE

Ayes: Three; Commrs. Schad, LaGree and Iannello

Noes: None



Terrence D. McCracken
Secretary to the Authority

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