



## **MEETING MINUTES**

### **GENESEE COUNTY WATER RESOURCES AGENCY – SPECIAL MEETING**

**MAY 7, 2024**

A meeting of the Genesee County Water Resources Agency was held in the Legislature Conference Room of the Old Courthouse, 7 Main Street, Batavia, NY 14020 on Tuesday, May 7, 2024 at 8:30 AM.

**Members Present:** Bruno DeFazio (chair), Shelley Stein, Gary Maha, Steve Ferry (GAM rep.), Danielle Cummins, Diane Fowler, Christian Yunker, and Hiedi Librock.

**Members Absent:** Steve Mountain.

**Others Present:** In- Person: Tim Hens, Genesee County Highway; Matt Landers, Genesee County Manager; Tammi Ferringer, Genesee County Deputy County Manager; Paul Pettit, Genesee County Health Dept.; Felipe Oltramari, Genesee County Planning; Justin Gerace, Genesee County Highway; Mark Boylan, Genesee County Attorney. Via Zoom: Brett Frank, City of Batavia Public Works; Mark Masse, Genesee County Economic Development Center (GCEDC); Tod Ferguson, Monroe County Water Authority (MCWA); Jessica Zaremski, Genesee County Health Dept.; Darren Brodie, Genesee County Health Dept.; Nelson Weibel, Chief Water Plant Operator City of Batavia; Rachael Tabelski, Batavia City Manager.

Mr. DeFazio called the meeting to order at 8:30 AM.

- 1) **Approval of Minutes** – A motion was made by Mr. Ferry to approve the meeting minutes of March 26, 2024, seconded by Ms. Librock and carried 8-0.
  
- 2) **Genesee County Administrative Water Review Board – Charter review and discussion** – Mr. Landers explained the origin of the idea. Currently, the question as to whether the County water system can handle the water demand from a particular project is handled by Mr. Hens. The responsibility would be more efficiently handled by a committee that includes various skill sets and points of view. The proposed process will increase communications. The proposed board would not have the authority to disapprove any particular project based on its purported water demand. It would merely issue a recommendation including any mitigating actions that could be taken by the applicant to facilitate the progress of the project. Yesterday, there was a meeting with MCWA to discuss this proposed board/process. We want to ensure that this proposal does not complicate the process that MCWA has in place, therefore additional changes to the charter are likely. But as the current draft stands, the process would allow our main stakeholders (municipal boards, GCEDC) would have a mechanism to notify the County (public health, highway, planning, County manager, County attorney, Legislature) of a project that would use 10,000 or more gallons of water per day. The Board would then have an opportunity to weigh in and hopefully influence the ultimate decision makers to alter or delay the project in order to prevent negative impacts on the water system. What is proposed here formalizes what the County has started to do recently via email and phone calls. The Board would meet as needed, as projects move forward. The 10,000 gal/day threshold was chosen in order not to bottleneck smaller projects like small water districts/extensions. Mr. Landers

emphasized that the proposed process is not intended to obstruct or supplant/add to work that is already taking place, merely to intelligently gather the County to understand future projects and to create a formal mechanism to provide input into the decision making process of stakeholders. One example is the spray park in LeRoy. The County could have invested in a water recycling system to limit the impacts of that project on the water system. The proposed charter has been vetted internally, but he would like the input and endorsement of the Agency.

Mr. DeFazio asked where the 10,000 gallon threshold came from. Mr. Hens said it is a round number, easy to remember and, based on experience, is large enough to have an impact on the system, but not too small to create unnecessary work. Mr. Landers said that number can be adjusted as we see fit after the Board is created. Ms. Stein asked who the applicant would be. There was a discussion. The applicant would likely be a company with the sponsorship of an entity like the GCEDC, but could also be a municipality in the example of a new water district or a municipal facility like the spray park. Some projects will likely still slip through, especially if there are no local permits or economic development incentives associated with the project. Ms. Stein asked that the minutes posted on the County website specify which department. Mr. Oltramari said they could be placed under Planning, given that is where the Agency webpage is housed. Ms. Libroock suggested references to the "Highway Superintendent" specify the County Highway Superintendent. Mr. Ferry asked how one decides between multiple projects that come in at the same time. Mr. Hens said it is going to depend on the project location and ability of the water system to handle that load. There was a discussion as to the authority of the Board. The Board would only be able to advise and could not deny a project. Mr. Ferry did not agree that this new process added any benefit given that Mr. Hens has all the expertise. It only seems to only add bureaucracy to the process. Mr. Masse said that he can speak to the process during the HP Hood expansion proposal. Bringing people together helped to raise a possible solution that would allow the project to move forward. **A motion was made by Ms. Stein to recommend that the Legislature adopt the charter with revisions proposed, seconded by Mr. Maha and approved 7-1, Mr. Ferry against.**

- 3) **Agency Membership Size/Vacant Position** – Ms. Stein discussed the fact that the total number of members on the Agency is ten, making six the quorum threshold for a meeting. As Mr. Oltramari noted, years ago, the number had been increased from nine with the addition of the GAM representative. A vacancy has existed on the Agency for quite some time and she asked that the Agency support reducing the number back to nine to enable a quorum with just five members. **A motion was made by Ms. Stein to recommend that the Legislature amend the number of members on the Agency back to nine, seconded by Ms. Libroock and approved 8-0.**
  
- 4) **Proposed Project Manager Position** – Mr. Landers said that he would like the endorsement of the Agency to create a project manager position to deal with the water project phases moving forward. This would enable Mr. Hens to allocate more of his time on the other duties of his position. This would help in succession planning as well. There was a discussion as to whether more than one position was needed. Consensus was reached that this position is a good start and the need for additional positions could be evaluated in the future. **A motion was made by Ms. Stein to endorse the creation of this position, seconded by Mr. Yunker and approved 8-0.**

- 5) **Next meeting** – July 9, 2024 - 8:00 AM at County Building 2 Large Conference Room. Mr. Oltramari and Ms. Cummins said they would not be able to attend.
  
- 6) **Adjournment** - **A motion to adjourn was made by Ms. Stein, seconded by Mr. Maha and carried.** The meeting was adjourned at 9:07 AM.

The Genesee County Administrative Water Review Board was established by the County Legislature April XX, 2024 (resolution No.XXX Year XXX). The Genesee County Legislature has taken steps to plan for future water improvements beginning with the creation of the Water Supply Task Force, Water Resources Agency, and Water Resources Agency Water Supply Emergency Subcommittee.

The Administrative Water Review Board is created to establish a formal process for the management of Genesee County water resources and to act as a recommending body to the Genesee County Legislature and the Genesee County Water Resources Agency.

Any entity seeking a new connection or increased capacity in the amount of 10,000 gallons or more per day shall submit a Water Supply Request.

All requests shall be made on the *Water Supply Request* form and submitted to the Highway Superintendent.

The Administrative Water Review Board is comprised of the following senior level officials:

- Public Health Director or designee
- Highway Superintendent or designee
- Planning Director
- County Attorney
- County Manager or Deputy County Manager
- Legislator-appointed by Legislature Chair

And,

- One (1) Community Member appointed by the Genesee County Legislature

The Administrative Water Review Board has sole authority to designate one of its Board members to serve as Chairperson. If at any time the designated Chairperson is unable to serve, notice shall be given to all Board members and a replacement shall be designated for that meeting or meetings by a majority vote of the members present.

The Board shall define the proper manner for calling meetings and the setting of agendas. Notification of set meetings shall be made to members of the Administrative Water Review Board, local media, applicant, Water Resources Agency and Genesee County Legislature.

The Board may appoint a clerk or secretary who shall provide required clerical support.

Minutes shall be taken at all Board meetings and include date, location, members present, agenda items, summary of reports and/or data and final vote to recommend approval or non-approval. Any application recommended for non-approval shall indicate the basis for non-approval.

Applicants shall be notified in writing within thirty (30) days of the Administrative Water Review Board meeting of which the application was reviewed.

Meeting minutes shall be posted on the Genesee County Website after approval by the Administrative Water Review Board.

The Administrative Water Review Board shall obtain necessary data including, but not limited to; County water resources, water supply, water usage, and related plans such as Phase 2 Master Plan, Phase 3 Master Plan, Water Emergency Plan, Smart Growth Plan, and Monroe County Water Authority rules and regulations.

The Board shall meet on an as needed basis at the call of the Board Chair. Meetings shall be scheduled for a time and location that allows for optimal participation and attendance by Board members.

The Administrative Water Review Board shall maintain open and on-going communication with Water Resources Agency, the Genesee County Legislature and all stakeholders including but not limited to Genesee County Municipalities, Genesee County Economic Development Center and Monroe County Water Authority.

**RESOLUTION NO.**

**GENESEE COUNTY ADMINISTRATIVE WATER  
REVIEW BOARD-CREATION OF**

Legislator offered the following resolution:

**WHEREAS**, the Genesee County Legislature has taken formal steps to plan for future water improvements. Such steps include creation of the Water Supply Task Force (resolution No. 181 Year 1997), creation of the Water Resources Agency (resolution No. 495 Year 1998), WRA Water Supply Emergency Subcommittee to review County policies and create a water emergency or water shortage response plan (resolution No. 191 Year 2019 Water Emergency Plan adoption), and

**WHEREAS**, the Genesee County Smart Growth Plan, first adopted in 2001, is reviewed every three years, and requires the County to restrict hook-ups to the water system and is intended to encourage the revitalization of villages and hamlet areas and protect valuable agricultural resources, and

**WHEREAS**, water supply and demand charts are updated regularly and based on a review of planned water districts and additional supply amounts when Phase 2 is completed, and

**WHEREAS**, requests for new water connections or increased capacity are received however there is no formal process or criteria for review and approval. Now, therefore, Be it

**RESOLVED**, the Genesee County Legislature concurs and does create the Genesee County Administrative Water Review Board with the powers and duties as hereinafter set forth, and Be it further

**RESOLVED**, the Genesee County Administrative Water Review Board shall consist of the following members;

- Public Health Director or designee
- Highway Superintendent or designee
- Planning Director
- County Attorney
- County Manager or Deputy County Manager
- Legislator (who shall be appointed by the Legislature Chairperson)

And,

- At their sole discretion, the Genesee County Legislature may appoint one (1) Community Member

And, Be it further

**RESOLVED**, the Genesee County Administrative Water Review Board shall have the following power and duties effective May 23, 2024:

1. Establishment of criteria for required review of new water supply requests or expanded water supply requests.
2. Establishment of a water supply request form.
3. Setting a framework or matrix for approval or denial of requests.
4. Compile required data on water resources, supply, usage and existing plans.
5. Establish meeting times and frequency.
6. Establish a system for notifying applicants of Review Board decision.
7. Appoint a clerk or secretary as may be needed.
8. Maintain an open line of communication with stakeholders including but not limited to municipalities, Genesee County Economic Development Agency, the Legislature, Water Resources Agency and Monroe County Water Authority.

and Be it further

**RESOLVED**, that the Administrative Water Review Board shall prepare an annual report consisting minimally, of a list of all requests, meeting dates and disposition of each request.

Legislator      seconded the resolution which was adopted by      votes.

Genesee County  
Water Supply Request Form

Date:

Applicant Name:

Phone Number:

Address:

Email Address:

Contact Person:

Request for New Connection: Yes/No

Request for Increased Capacity: Yes/No

Project description:

All requests for new connection or increased capacity in the amount of 10,000 gallons or more per day shall submit this completed form to:

Genesee County Highway Superintendent  
143 Cedar Street, Batavia, NY 14020  
Email: [highway@co.genesee.ny.us](mailto:highway@co.genesee.ny.us)