

MEETING MINUTES
GENESEE COUNTY WATER RESOURCES AGENCY
JANUARY 10, 2023



A meeting of the Genesee County Water Resources Agency was held in the Legislature Chamber of the Old Courthouse, 7 Main Street, Batavia, NY 14020 on Tuesday, January 10, 2023 at 8:00 AM.

Members Present: Bruno DeFazio (chair), Diane Fowler (vice-chair), Shelley Stein, Christian Yunker, Danielle Cummins, Steve Mountain, and Steve Ferry (GAM rep.)

Members Absent: Gary Maha and Hiedi Librock

Others Present: Tim Hens, Genesee County Highway; Matt Landers, Genesee County Manager; Tammi Ferringer, Assistant Genesee County Manager; Felipe Oltramari, Genesee County Planning; Tom Carpenter, Clark Patterson Lee (CPL); Brett Frank, City of Batavia Public Works; Justin Gerace, Genesee County Highway; Jim Wujcik, Genesee County Attorney; Bailey Groth, Genesee County Health.

Mr. DeFazio called the meeting to order at 8:02 AM.

- 1) **Membership/Chair Vacancy** – Ms. Stein gave an update on the membership. Chairman Earl LaGrou resigned from the agency before the last meeting, and since then, the Legislature appointed Ms. Hiedi Librock to fill the vacancy. Ms. Librock is out of town and therefore unavailable for this meeting. **A motion was made by Ms. Stein to nominate Mr. DeFazio as chair and Ms. Fowler as vice-chair, seconded by Mr. Yunker and carried.**
- 2) **Approval of Minutes** – **A motion was made by Mr. Ferry to approve the meeting minutes of October 11, 2022, seconded by Ms. Fowler and carried.**
- 3) **Phase 2 Construction Update** – Mr. Hens said that the Golden Road Pump Station is very close to being done. The main hold-up is gas and electricity connections from RG&E. Only minor electrical, plumbing and HVAC items remaining inside. However, having it completed will not improve water supply issues without the other 4 pump stations completed (North, Riga, Scottsville, Morgan). The contracts have been awarded for work on these and contractors have ordered long-lead items. We also advanced a water storage tank in Alexander as part of District No. 6 expansion. The transmission mains are going in and Mountain Engineering is working on the land acquisition for where the tower will be built. There were discussions on the RG&E delays and MCWA review of as-builts.
- 4) **Phase 2 Funding Update** – Mr. Hens explained that cost overruns on Phase 2 due to the impacts of the pandemic amounted to \$3.3 Million. The County used sales tax funds to fill that gap. The main culprits being the bids for the remaining four pump station projects which came in at 2-3 times what was budgeted. Mr. Landers said that there were also an additional \$2 Million extra in costs associated with the improvements to the City Water plant. ARPA funds were used to close that gap. Mr. Hens said the costs of the precipitator replacement at the City Plant was essentially doubled what was projected to cost in November of 2021. The original estimate for Phase 2 was approximately \$23 Million and due to the pandemic the costs have increased to around \$28 Million. Mr. Hens mentioned that the funds for construction administration services from CPL has been exhausted and at least another year is needed. A supplemental agreement has been presented and will be put forward to the Legislature. It is a \$250,000 add-on, but it will be covered by the funding that was put in place last

year. **A motion was made by Ms. Stein to recommend the supplemental agreement to the Legislature, seconded by Mr. Ferry and carried.**

- 5) **Phase 3 Basis of Design Report** – Mr. Carpenter explained the differences between the Master plan and the Basis of Design Report. The Master Plan is more conceptual and gives the background of the project. Whereas, the Basis of Design is a detailed engineering document that references the Master Plan. CPL has provided all the figures, tables and maps for MCWA to review. The update of the Master Plan and SEQR for Phase 3 are being done in conjunction. The draft SEQR documents were sent to MCWA and to County Planning for review prior to send out to involved/interested agencies to start the SEQR Coordinated Review process. The engineering report, SEQR, and bond resolutions need to be completed prior to applying for water infrastructure grants. The Basis of Design Report will not be public but will be shared with the water operators. More details are available in the attached “WRA Meeting Agenda.” Mr. Ferry asked if Phase 3 completion is still scheduled for 2027 and if there is a plan b to continue to operate the City Plant beyond 2027. Mr. Hens said 2027 is still the target, but it is a very optimistic goal. Phase 2 was delayed by 18 months due to the pandemic and related supply-chain issues. The improvements being made to the City Plant will add 10 years of life to the plant and can provide some buffer in case the 2027 goal is not met. There is also a lot of work that the City needs to do before the plant can be turned off, including meter change outs and lead service replacements. There is no hard stop in 2027 for the City Plant, but the further you get away from that goal, the more likely we are of having water shortage issues.

- 6) **Phase 3 Source Supply Study** – Mr. Gerace said all the water operators have completed a second survey with CPL and Arcadis. A follow up meeting is still needed with the Town of Batavia. Arcadis needs to gather some more information on where the operators are sampling, how the samples are recorded, and what the status is of their lead service line inventory. Arcadis will need to know how the lead service line is reported and will provide methods to improve the response rate. The City of Batavia did not have a good response rate when they asked residents to report their service line material. Mr. Hens said that our undertaking is challenging because the rule making on the lead and copper revisions are still being finalized. The good news is that Arcadis is a leading company in the field and is helping to write the rules at the Federal level. Mr. Ferry asked if the studies included Erie County, Niagara County and Monroe County water. Mr. Hens said that the focus is in the areas with older homes such as the City of Batavia and the villages of Oakfield and Elba. The City has not had any other source of water, only City water, so this is the most important change. The rest of the County with the exception of Darien and Pembroke, has had a blend of City and MCWA. The easiest way to deal with a water source change is to use organophosphates, but this is a huge operational cost for the water authority, so we are trying to figure out a ways to avoid treating water for the foreseeable future. Mr. Carpenter said you have to compare the chemistry of the different water sources and their impact on the existing pipes. Mr. Hens said the chemistry of Lake Erie and Lake Ontario water is close, essentially the same water. Niagara County water is also treated as a different source, but it is also the same chemistry from Erie or Ontario. Mr. DeFazio asked where the sampling is taken. Mr. Hens said that the sampling is taken mainly from the public side of the system, various places from the County, or the villages. As the Lead and Copper Rule Revisions (LCRR) go into effect, there will be a new home sampling requirement. All the lead has been removed from the public side of the system, but we are trying to uncover how many homes and businesses have lead fixtures and may be affected by the new water chemistry.

- 7) **Grants/Funding** – Mr. Hens said we succeeded in obtaining a \$2 Million congressional earmark which is anticipated to be used for a Phase 3 North Road tank. This will provide assistance on peak days as well as a backup in case anything happens to our water supply going back into Monroe

County. We were not successful in obtaining the Northern Borders Regional Commission funding, and the grant writers will debrief with Commission staff to learn what can be done better in future funding rounds. A large \$80 Million project was put through the Water Resources Development Act (WRDA) which funds the U.S. Army Corps of Engineers (USACE). Meetings need to be had with USACE to find out how to access the funding. The monies are there for Genesee County but the question is how to access and how long it will take because USACE is a large organization that does not move quickly. Ms. Stein asked if the USACE funding is reimbursement. Mr. Hens said in his experience, USACE funds the projects directly. The County also put in a Water Infrastructure Improvement Act (WIIA) grant in the Fall to fund the shortages on the four remaining pump stations and were not successful but had a very good after-action meeting with the State Environmental Facilities Corporation (EFC) to discuss why they did not fund it. It is a very competitive grant. Pandemic inflation of two to four times as normal has impacted the funding availability even though the maximum grant award was double what they would normally fund. Mr. Carpenter said CPL only had 20% of their projects funded. Fewer projects were funded because the total funding was half from the previous round. Mr. Hens said that the after action meeting was surprising. It seems that our State consultant Katie Hohman had gotten the attention of a number of key State officials which was evident by the number of EFC and State Department of Health (DOH) personnel at the meeting. The takeaway from the meeting was that they were very positive to future grant submissions. They did not think our project was too big and asked to put it in the Intended Use Plan (IUP) for funding as a single \$150 Million project. We were also told that they did not want to hear about economic development, but to focus on health issues, water supply shortages, etc. and to focus on making an Intermunicipal Grant (IMG) application. As a result, we have created a second one-page summary for funding solicitation. One includes economic development and another for EFC and DOH that focuses on water shortages and threats to the supply. Mr. Carpenter said the applications are due this summer, but we have to have SEQR and bond resolutions done. The bonding is tricky because it involves MCWA and the Monroe County Legislature bonding. Mr. Hens said that is an 18-month process, so the funding application will likely be in 2024. Mr. Landers asked how we know what to ask Monroe County to bond since it would be the difference not the full \$150 Million. Mr. Hens said a meeting is needed with the County Treasurer, the MCWA Director of Finance and Business Services, and MCWA Executive Director to strategize how to proceed. Mr. Ferry said that Towns bond for the whole project all the time, even though they may have part of it paid through funding. Mr. Carpenter agreed but the size of this project makes that very unlikely. Mr. Landers said it is difficult because we are asking another entity to bond for us, and that affects their debt load.

- 8) **City of Batavia WTP and Well Improvements** – Mr. Hens said the improvements are underway. Both the City and a contractor, MCJ, are currently working on filter media replacement. Five of the 12 filter have been replaced. The precipitator, lime slaker and other electrical and pump improvements are being designed and should be put out shortly for bid. The Well C and Well A improvements have made a huge difference. We completed Well C with a few telemetry control and circuitry panel issues that are being resolved. Well C has added approximately 600,000 gal/day in capacity. Under the same contract, we had Moody come in and look at Well A. That well has had issues with low groundwater. They took the screen out and cleaned it, made some improvements to the pump with a new pump motor. This resulted in regaining 150,000 gal/day even at a lower groundwater level. This will be additional capacity that we did not have last year during the dry summer months.
- 9) **Water Supply Projections/Emergency Water Needs** – Mr. Hens said he is hoping that this is the last summer that we will be tight on water supply. Our position is similar to last year's and we do expect to be putting out a water conservation messages again around Memorial Day. There was a discussion on how to tailor the message this year to make people aware that improvements should

mitigate these issues by next summer.

- 10) **Other Business** – Ms. Stein extended City Water Plant tour to anyone on the Agency that would like one. Ms. Stein also mentioned that Mark Boylan sent a letter of resignation as the Agency Attorney. Mr. Boylan and his father Paul before him had served as Agency Attorney since the inception of the Agency and for many years did done so pro-bono. Their 22 years of service was much appreciated. Mark did volunteer his knowledge/opinion in the future if the Agency is in need of it.
- 11) **Adjournment** - **A motion to adjourn was made by Ms. Fowler, seconded by Mr. Mountain and carried.** The meeting was adjourned at 9:05 AM.