

## **PROCEEDINGS OF THE CENTRAL BROWN COUNTY WATER AUTHORITY**

Pursuant to §19.84 Wis. Stats, a regular meeting of the Central Brown County Water Authority **Board of Directors** was held on Wednesday, November 15, 2023 at the Town of Ledgeview Community Center, 3700 Dickenson Road, De Pere, WI, and via video conference.

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**Members Present:** Bellevue – Teal Spellman  
De Pere – Larry Delo  
Denmark – Susan Selner  
Howard – Geoff Farr  
Lawrence – Patrick Wetzel (video)  
Ledgeview – Greg Potts

**Members Excused:** Allouez

**Also Present:** Tony Kappell, McMahon (video)  
Cole Buerger, Leonard & Finco (video)  
Brad Lange, Village of Allouez (video)  
Sean Gehin, Village of Allouez (video)  
Nic Sparacio, CBCWA General Manager

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The meeting was called to order at 3:05 p.m. by Vice President Geoff Farr of Howard.

### **Roll Call:**

Roll Call was taken as recorded above. (Attendees present via video conference are noted above with “video.”)

### **Approval of Agenda:**

1. Approve agenda  
**Motion made by De Pere, seconded by Ledgeview to approve the agenda.**  
**MOTION UNANIMOUSLY APPROVED**

### **Approval of Minutes:**

2. October 25, 2023 regular meeting  
There were no revisions to the draft minutes.  
**Motion made by Howard, seconded by Denmark to approve the minutes of the regular Board meeting of October 25, 2023.**  
**MOTION UNANIMOUSLY APPROVED**

### **Public Comment and Appearances:**

3. None.

### **Administrative Actions & Reports:**

4. Communication planning – proposal for 2024 services

Cole Buergi presented an overview of the 2024 services proposal. In addition to continuing the foundational efforts of the ongoing public communication campaign, the 2024 proposal includes redesign of the Water Authority's website and anticipates a media event around the initiation of water service for Denmark. All efforts are intended to continue building the Water Authority's brand as a provider of high-quality water and trustworthy information on our drinking water supply.

Larry Delo asked what is planned for growing the base of social media followers and suggested that all the local elected officials be invited to follow the page. Buergi responded that the number of followers at this point is low, but it continues to grow. This is not unexpected for such a new site. Discussion continued on various public communication efforts anticipated for next year.

Nic Sparacio reported that the services in the *2024 Stakeholder Outreach and Education Plan* are covered in the approved 2024 budget, including the website redesign. He also recommends that the Board grant a waiver to the Purchasing Policy requiring professional services costing more than \$20,000 to be preceded by a solicitation and selection process. The Policy allows for such waivers by the Board when it is in the best interest of the Water Authority to select a preferred provider.

**Motion made by De Pere, seconded by Denmark to approve the 2024 Stakeholder Outreach and Education Plan proposal from Leonard & Finco and to waive the requirement to solicit multiple proposals due to the nature of the project and the relationship with our Designated Professional for public relations.**

**MOTION UNANIMOUSLY APPROVED**

**5. Financial report**

Sparacio presented the October financial statements. He reported on initial year-end projections for net income and capital project carry-forward funds. These will be finalized in the months ahead. Sparacio also noted that the additional unrestricted funds approved for changes in the 2023 capital improvement program will not be needed this year due to project delays.

**Motion made by Ledgeview, seconded by Bellevue to approve the financial report.**

**MOTION UNANIMOUSLY APPROVED**

**6. Bill payment list**

Sparacio confirmed that all Members received the November bill payment list. He presented the bills noting that charges from Manitowoc Public Utilities (MPU) include materials for the new hydrant installation at the DP-5 connection station. All other charges are typical for this time of year.

**Motion made by Howard, seconded by Denmark to approve the bill payment list.**

**MOTION UNANIMOUSLY APPROVED**

**Technical Committee Recommendations:**

**7. None.**

**Project Update and Status Reports:**

**8. Engineer's report**

Sparacio provided the engineering report. We continue to await a response on the proposed contract for the ductile iron pipe protection project. Significant progress was made on the emergency back-up supply study. In-depth discussion at the last Technical Committee meeting helped to set up the next steps in the process where the Members can narrow down the preferred alternatives. In terms of timing, the Technical Committee members expect that they can have meaningful recommendations prepared for the Board by June or July of 2024.

Delo asked whether the primary purpose of the study is to plan for the emergency back-up supply of each Member or of the Water Authority as a whole. Sparacio responded that we are primarily planning for each Member, thereby covering all the needs for the Water Authority as a whole. If coordinated alternatives arise that make sense for the benefit of multiple Members, then those may lead to some future involvement by the Water Authority. It is unlikely that there will be any single solution sufficient for providing a back-up supply for all the Members given the unique needs and geography of each community.

**9. Manager's report**

Sparacio reported on items he has worked on over the last month and areas he plans to work on in the month ahead. There are no new issues or concerns to report. He provided updates on various topics including his recent meeting with MPU and outreach to potential new members. He is also planning to meet again with Green Bay Water Utility leaders to discuss the status of collaborative efforts.

**Old Business**

**10. None**

**New Business**

**11. Authorization to respond to DuPont and 3M class action settlements**

Sparacio reported on the Water Authority perspective on the PFAS class action settlements from 3M and DuPont. While the Water Authority did not receive notice of these class actions, Attorney Kobza is now considering whether it should have based on some new guidance that pertains to consecutive systems like ours. She is suggesting that it may be best for the Authority to file the exclusion documents, but this is very new information and is still under legal review.

The Board discussed whether MPU or the City of Manitowoc might elect to remain in these class actions and potentially receive settlement funds. There was a consensus that any actions by MPU or the City of Manitowoc should not change the plans of the Water Authority Members. Sparacio added that it is unknown whether the Water Authority would experience any costs related to PFAS since the levels detected are well below the proposed regulatory standards. MPU would experience the direct costs if treatment plant modifications are ever required, but those costs would be shared by the Water Authority through its water purchase rate and pass-through charges. The Board Members affirmed

that their communities are planning to opt out of these class actions based on the lack of anticipated PFAS impacts and the expansive legal releases involved in the settlements.

Sparacio requested authorization to proceed with filing the settlement exclusion documents if that becomes the advice of legal counsel. This is still under review, but the Board does not meet again until after the filing deadlines pass, so some flexibility is needed.

**Motion made by De Pere, seconded by Howard to authorize the General Manager to submit the Request for Exclusion and related affidavit opting out of the 3M and DuPont class action settlements, contingent upon final legal recommendation and approval of the forms.**

Discussion continued on the reasons that the Member communities are planning to opt out. Farr then returned to the motion on the floor and called for a vote.

**MOTION UNANIMOUSLY APPROVED**

**Next Meeting:**

The next meeting is scheduled for December 13, 2023. Anticipated agenda items include:

- Capital project carry-forward requests
- Election of 2024 officers
- 2024 meeting schedule

**Adjourn:**

**The meeting was adjourned at 3:50 p.m.**

Respectfully submitted,  
Nicolas Sparacio