

The presenters reserve the right and academic privilege to revisit/revise/correct any unintentional mis-statements of material fact at any time

The presenters have done their best to research and present information based on material fact and the latest scientific evidence. The audience is encouraged to do independent research and come to their own conclusions. **No information presented should be taken as medical or legal advice.** Questions will be answered to the best of our ability but we encourage the audience to consult their health care provider or attorney on any issue that directly or indirectly affects them.

No presenter has any financial conflicts of interest

The information represents their own personal views/opinions and analysis and does not represent any view of any prior affiliated organization

This session is being recorded for educational purposes and to accommodate those who could not attend but have expressed an interest in the subject matter.

We respectfully ask that during questions, no personal or confidential information in violation of any privacy laws including HIPPA be included.

Corina Earl-Graef, MBA HSA

Major, USAF

Office of the Surgeon General United States Air Force

Medical Modernization Division

Pentagon, Washington DC

Member American College of Healthcare Executives
(retired)

Financial Disclosure: I have no financial conflicts of interests to declare





Why this matters to me

I swore an oath to

“Support and defend the Constitution of the United States”

Expiration of my oath as a commissioned officer:

My death

Smart Meters?

- Buffalo City decided to upgrade the water meters, deployment began in April
- Some home owners “figured out” it was “Smart” Meters being put into homes/businesses
- Residents wrote letters to the city expressing legitimate concerns
 - Sent the City unbiased information supporting their real concerns with their letters
 - These privacy and health concerns are real not “baloney.”
 - What about their constitutional rights that they also redressed to the City?
- What was the City’s Response?

The Letter

- “What was indicated by the Mayor is a procedure by which you will be approached by an employee of the City to change your current water meter. That employee will be accompanied by a City Policeman, who will videotape the request to replace your current meter with a Metron Farnier “Smart” Meter.
- “If you refuse to have the exchange take place, the City will file a report with me, as City Attorney”.
- “I will prepare a complaint in City Court under **Section 27-28b** of the Code of the City of Buffalo. This Section provides for a penalty of up to \$250 and further provides that the City Council may, in fact, order that your water be turned off”.
- “You should be aware that that is the process the City is embarking on”.

What does Buffalo City Ordinance 27-28B Say?

- Sec 27-28B. Tampering with Water Meters

a) It shall be unlawful for any person to deface, injure, tamper with open, manipulate, interrupt, break destroy, impair the accuracy or usefulness of any water meter installed in the City's water system unless such person is an authorized representative of the City of Buffalo.

b) It shall be unlawful for any person to obstruct or refuse to allow authorized representatives of the City of Buffalo during reasonable business hours to **inspect, read, or repair such water meter.**

c) Any person who shall violate any of the provisions of this Section 27-28B shall, upon conviction, be fined a sum **not less than \$25** and not more than \$250, to which costs shall be added. In addition to the criminal penalties, set forth herein, for any violation of 27-28B. The Mayor and City Council may order the water of the user to be turned off until satisfactory action has been instituted to prevent the recurrence of such violations.

Quote by Mr Kirven written in the “letter”

“The city of Buffalo has determined that these safe water meters do not present a significant risk of harm to the residents at each location.”

Is this a statement of material “fact”?

Litigation Risk and Mitigation Assessment for the City to Consider

Our Letter to the City, July 21, 2024 on Risk Mitigation

“My husband and I have agreed that we will avail ourselves “Pro Bono” in the best interest of our community to answer any questions you may have before you come to a final decision on this important issue.”

This was a six page letter outlining the risks to the city and the interests of the community Including their very “real” concerns.

Like the appearance of crossing the line regarding Our Constitutional Rights (4th Amendment)

Title 8, Section 242: “Deprivation of A Constitutional Right under the color of law”

Where is the mandate? How is it justified?



Buffalo City Opt-Out

- On 16 July 2024, Mr. Kirven offered this resolution and an Opt Out form during the City Council meeting.
- He mentioned there would be a \$15 monthly fee to those who opt out so that to cover the cost for the city to send an employee out to the residence to read the meters (we had) each month.
- No mention of a deadline or other conditions labeled “additionally” on the form requiring you to eventually pay for a meter that then the city will own. (Ref: City Ordinance 27-28B, you can’t touch it.

Buffalo City Opt-Out Continued

- When the form was finally made available it was not really an Opt Out at all
- City used a poor sample provided to them by one of the concerned residents and paid little attention to details when putting this forward
- A benefit you would miss is the monitoring your “energy use” and getting tips on doing better to conserve “energy”
- Any other Opt Out that even charges a monthly fee is for an Analog Meter (read manually). Most Opt Out programs don’t charge for that or having an Analog meter
- If your old electronic meter (you had before the Smart meter) is not readable, 4 times, you will get the Smart meter anyway if an old meter is not available
- If you need a new (old) meter you have to BUY it, but you can’t touch it

More about the “Benefits?” not mentioned

- This new smart meter allows the city to detect “leaks” in the water lines.
- Our Understanding: owners are financially responsible from the home connection to the main, including the curb to the main.
- This “new” benefit now allows the City to make you financially responsible to repair water lines off of the main as they detect leaks in the water lines.
- Some residents have already experienced this financial burden (\$5,000 - \$10,000 average)
- Whose benefit is this to any way?
- Overall nationwide push to Smart Meters may increase City Revenue by 35% (more costs to you the home/business owners)
 - Called Non-Revenue Water

More Problems

I can not confirm but have been told by residents:

- During installation owners experienced leaks or damage to their property
- Plumbers could not respond? Liability?
- Little to no plans by the City to address installation problems
- Was the City relying on home owners insurance or paying out of pocket to fix these issues?

I believe the City has **no right to claim any benefit** from any homeowners' policy

From the very beginning we have advocated for the city and the residents.

Opt In and Opt Out Policies Across the USA

29 States have some sort of Opt In/Opt Out Policies for “Smart Meters” (05/19)

Legislation and Public Service Commission (or Public Utilities Commissions)

Ideal: A State Statute that establishes an opt-in policy, requiring utility companies to obtain written consent from home- or business-owners PRIOR to installation. There is **NO FEE** assessed on customers who choose to keep “analog” meters

AND

Take Smart meters out of homes and businesses of people who wish them removed from their private property and business at their request. Provide an **analog** meter at no extra cost to the owners (including NO additional installation or service fee.

(We are paying for that already in our monthly bills)

Did you know?

Smart Meter Opt Out Program

Had a deadline

AS OF **DECEMBER 1, 2024**

So we again, no longer have a choice.

It seems that was the plan all along as in the article about the Opt Out Resolution, it was stated by a city official “it is going to phase out (opt out?) at some point” (Kevin Silbernagle, Buffalo Bulletin, August 15,2024

It appears, based on their own actions, that the City's end goal is 100% compliance with EMR emitting Smart meters on our water supply.

Our end goal is to restore the proper transparent relationship between our local city government and the residents. To preserve YOUR **Constitutional Rights** and that **you** and NOT the City makes **informed decisions** regarding those actions **YOU feel impact** on your families' health, safety, privacy and property rights.

My colleagues will present to you the most recent information that you probably have never heard, so that **YOU** can make an **informed** decision.

Again, the most important question: Which of us has the financial conflict of interest?

