

June 5, 2018

Mayor Johnson opened the Emergency Genesee County Water meeting at 6:31 pm followed by the Pledge of Allegiance.

Members present: Mayor Johnson, Trustees McMartin-Eck and Al Graham. Also present were Attorney Dave Saleh, Town of Pembroke Supervisor John Worth and Town of Darien Supervisor Dave Hagelberger. Trustee Ken Lauer arrived at the meeting at 7:20 pm.

The purpose of the Emergency Genesee County Water meeting was to get information regarding the proposed Agreement before the signing deadline. Clerk Thomas informed the attendees that an ad had been run on June 2<sup>nd</sup> in the Batavia Daily for the meeting.

Dave Saleh filled in John Worth and Dave Hagelberger regarding meeting with the Village Board on May 30<sup>th</sup> regarding the concerns the Village has about the County Water Agreement. The Village currently has an agreement with Monroe County Water (MCWA) in which it was promised to upgrade the water lines when signed (which has not been done). It was mentioned that the Village has its own water available and the feeling was why the Village should be pressured into getting more water to other areas. The impression is that if the Village does not sign the agreement the County may use the Sales Tax revenue to supplement the County expansion.

Dave Hagelberger currently serves on the Water Resource Board and said they have a lot of the same disagreements regarding the County Plan. Some of the points Mr. Hagelberger touched on were:

- Genesee County has not generated enough funds through Debt Service to cover expenses.
- Once they got the system in municipalities started to establish water districts.
- The City of Batavia is not keeping up with demand.
- There is an agricultural movement to hook up to the system. Genesee County can't restrict water to farms.
- There are a lot more users coming on using large quantities of water.

Mr. Hagelberger said the original plan was to bring in all water from MCWA. That did not happen and the County started going forward in phases. Phase 2 is now focused on getting more water. The concern is that there is not enough water to service the whole county. It was mentioned that the \$.60/1000 surcharge will need to be increased to distribute the water and there is pressure to do something quickly so they can move on to Phase 3.

Dave Saleh pointed out that it is unfair that all users have to pay the same, such as homeowners (who use much less water) versus farms that use a large quantity. He said he feels a lot of decisions were made on the fly. Genesee County made the determination to service the entire County. They created the problem by not pacing the rate of growth and having proper foresight in the beginning.

It was also pointed out that they didn't consider maintenance on the old lines. Dave Hagelberger said from a contractual standpoint the County would have an obligation to provide maintenance. It was mentioned that in the retail agreement that the Village has with MCWA they indicated they would be providing maintenance on the old lines as needed, but that has not happened. It was mentioned that they need a better formula for cost assessments to cover different levels of benefit, and that once the County agreement is signed we are stuck with unfair charges.

Dave Hagelberger said he would play the devil's advocate and take the other side for the sake of debate. He said Corfu owned lines and had a Village water system. We now "lease" our water plant and lines to MCWA on a 40 year agreement. He said basically the County will use the same method. They will be setting up a transmission and distribution system to bring water to the municipalities. The municipality will then be responsible to bring water from the main line to the resident. The County will be forcing all to pay even if only one municipality is receiving the benefit. He gave a couple of examples such as the stamp project and some of the large farms at the Eastern end of the County. Once the Agreement is signed the County would have full control.

Mr. Hagelberger said the Town of Darien has different problems but need distribution level. They are not comfortable with the County Agreement as there is no way to get guarantees. If the municipality doesn't distribute water they hurt themselves. Under Smart Growth plan it prohibits any hook ups without County approval. For Darien they get water running from Brick House and through Village lines leading to low pressure at their end of the line. If Darien is to sign the Agreement they want to stipulate that the County needs to solve the problem with pressure.

The conversation went on to discuss when Genesee County cut the deal with MCWA, the only seller of water to be allowed would be MCWA. Even if the Village has the resources, Corfu could not sell water outside the Village.

Dave Hagelberger went on to say that the County would have one water fund with no separation. They receive water revenue to help cover some of the debt service. Again it was mentioned that any area not covered may use sales tax revenue to supplement the debt service. It was also mentioned that there will not be a different rate for residential versus commercial. Consensus among the attendees was that the County should get out of the Water business.

The City of Batavia, which has its own plant, is interested in going to MCWA and setting up a retail agreement. The Towns of Pembroke and Darien, and the Village of Corfu all currently have retail agreements with MCWA.

MCWA will not allow any water to mix with theirs. It is thought that the water for the west side of the County is coming from Erie County. There is no mixing or cross connection. Dave Hagelberger said he doesn't think it is a long term plan for the County to run water.

Dave Saleh suggested that the Village of Corfu and Towns of Pembroke and Darien should deal with Erie County to provide water through MCWA separate from the County Agreement. When confronted with the complaint that municipalities should not be charged the same amount if not benefit based, an argument that has been used is if farms and large users receive more benefit, it leads to higher assessed value, which would trickle down to the surrounding properties receiving a higher assessed value.

Discussion took place regarding what our municipalities may be able to do. Dave Hagelberger said the Town of Darien Board has talked about making a Resolution to sign only under certain conditions such as a guarantee that the water pressure problem will be taken care of. Dave Saleh suggested that each municipality make up a list of concerns that would need to be addressed. Trustee Graham also mentioned that the threat to withhold sales tax be made public.

Since the Village pipes are used as transmission lines for the Town of Darien, Mr. Hagelberger mentioned the inclusion of the County fixing the transmission lines. Trustee Graham said in the Village’s current retail agreement with MCWA it was agreed for them to maintain/redo lines, but they never have. He questioned why we should trust Genesee County to do the same.

Another item that was briefly discussed was getting the surcharge reduced for the western end of the County, which has been higher due to the use of Erie County water. It was suggested that MCWA is paying more for Erie County water (some of which is from the Corfu Plant.) Dave Hagelberger added that MCWA can’t generate enough water for the Stamp project, so they are said to be setting up a plan to utilize Erie County water. He said that the big water usage from the stamp won’t affect our surcharge.

Discussion concluded with the municipalities determining how they can present the County Water agreement as a fair deal to residents.

Motion was made by Trustee McMartin-Eck and seconded by Trustee Graham to adjourn at 8:29 pm.

The motion was passed on the following vote:

VOTE	YES	NO	ABSTAIN	ABSENT
Mayor Johnson	X			
Trustee Ken Lauer	X			
Trustee Al Graham	X			
Trustee McMartin-Eck	X			
Trustee Sargent	X			
<b>VOTE TOTAL</b>	<b>5</b>			
<b>RESULTS</b>	<b>PASS</b>			

Sandra Thomas  
Clerk-Treasurer