

September 18, 2018

Mayor Johnson opened the Special public meeting at 6:37 pm followed by the Pledge of Allegiance.

Members present: Mayor Johnson, Trustees Graham, Lauer, McMartin-Eck and Sargent. Also present were County representative Gordie Dibble, Village Attorney Dave Saleh, Deputy Clerk Denise Beal and residents per sign in sheets.

Mayor Johnson turned the discussion over to Trustee Graham to update the residents on the Water Agreement. He again stressed that the western end of the County getting Erie County water already costs about \$1.00 more than those receiving Monroe Water. With the County proposing no cap on the water surcharge it is already estimated that by Phase 3 of the County Water plan the surcharge will be up to \$1.80/1000 gals.

The floor was turned over to Attorney Dave Saleh. He recapped the history of when and why the Village turned the Water plant and water distribution over to Monroe County Water and the County. He also stressed the threat by Genesee County to withhold Sales Tax if a municipality does not sign the agreement.

Village resident Chris Thornley spoke up and gave a history of her employment with the Village and then MCWA when the Village turned the Water system over to MCWA. She listed many benefits the Village received after MCWA took over. She was informed by the Board that the problem was not with MCWA but with Genesee County.

Attorney Saleh informed the attendees that though the County had suggested submitting a letter with any counter proposals, the letter the Village Attorneys sent on behalf of the Village was ignored. Instead the County just threatened to withhold sales tax. It was mentioned that Bergen and the City of Batavia have special contracts that differ from the rest of the municipalities.

Trustee Sargent said the problem is that the proposed Agreement has no safeguards. The Village already has a legal document to go through the next 22 years. If the County withholds a % of sales tax, the Village would end up having to raise Village Property taxes or cut services.

Another resident questioned that since the Village still owns the water plant could the Village take on the water distribution as it had in the past. Mayor Johnson said the Village is too small to support the infrastructure. The residents were informed that in the meeting Board members had with MCWA representatives MCWA does have plans to do upgrades on the lines but are held in limbo waiting for DOT to work on the roads.

Attorney Saleh proceeded to give a brief rundown on the new Sales Tax Agreement. He explained how the County currently had been allotting Sales Tax revenues to the municipalities and what is now being proposed. He indicated that the County is currently making a separate agreement with the City of Batavia. Mr. Saleh explained the cap the County intends to put on the % beginning with 2018.

Gordie Dibble informed the public that the County needs more money to cover the cost of the new jail and repairs or replacements of bridges and roads. He said the jail is over 100 years old and does not meet requirements by law. He said on the jail they have been getting variances for some time but the State has been starting to turn the screws. He gave some details regarding the problems the County faces such as not being allowed to make a law to override the 2% tax cap. If they do break the tax cap the State won't reimburse.

Mr. Dibble said that at the end of this year the County has to set the new agreement in place. He went into some pending legislation that also affects the County's bottom line such as "Raise the Age" program. He stressed that in order to take out any bonds towards expenses they need the completed Sales Tax Agreement.

Residents posed a few questions to Mr. Dibble resulting in all scenarios leading to taxes going up. Trustee Graham questioned if the County had set any money aside for a new jail. He indicated that planning and budgeting at the County level is what is creating the money shortage problem.

One resident asked Attorney Saleh what the cost of litigation would be. Mr. Saleh said he will work with his firm to get an idea of cost. It was mentioned that the municipality's piece of the pie will keep getting smaller while the County's will keep getting larger. Mr. Dibble said the legislation will have to come to a vote.

As a side note it was mentioned that Bethany has opted out of putting in the water system as the cost of their tying into the system is so high.

Special meeting was closed at 7:53 pm.

Sandra Thomas
Clerk Treasurer