

August 21, 2018

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

Members present: Mayor Johnson, Trustees Graham, McMartin-Eck, Lauer and Sargent. Also present were Attorney Dave Saleh, Darien Superintendent Dave Hagelberger, Town of Pembroke Supervisor John Worth, Town Board member Ed Arnold Jr, Genesee County Representative Gordon Dibble and Village residents Matt and Anne Steinberg.

Dave Saleh updated attendees on recent occurrences with regard to the Water Agreement. He said when the original agreement was put in place the County was to pay off the Debt Service for the Water Plant at \$10,000/year for 10 years. It was estimated at that time that usage of Village water would be 50,000 to 75,000 gallons per day. Mr. Saleh said that when agreement was put in place Village water system was not a viable source. The preferable solution was Lake Erie (Erie County) to service the Village, Town of Pembroke and Town of Darien.

Mr. Saleh went on to say that they had misunderstood the value of Village water when Agreement was originally drafted. It was found that it was necessary to use Village water to supplement the Erie County source. If original agreement remains in place the \$.60/1000 is not beneficial to the County. The County is currently asking to modify the system in a way that will not be beneficial to the Village in any way.

It was mentioned that with regard to the MCWA agreement a lot of improvements were made on the Village water plant. During prior meeting with MCWA some concerns had been addressed. Mr. Saleh continued that with the lack of benefit to the Village, the County has not responded to counter-proposal. The County responded by saying that they would withhold a % of the Sales tax proceeds.

Trustee Graham said he felt they were having this conversation about 20 years too soon, when there is currently a valid contract in place between the County and Village, as well as MCWA and the Village. He said it appears that the County wants to take a good binding contract and rewrite it for their benefit, with no benefit to the Village.

Trustee Sargent asked Attorney Saleh what the Village can do. Mr. Saleh said that if the Village doesn't sign a portion of the Village portion of sales tax will be withheld. He added that if the Village wishes to challenge the County's position the Village may have to litigate. Trustee Sargent went on to say that with the new Agreement there is no cap. The surcharge has already been raised to \$1.20/1000 and can be raised further by the County with no limit.

It was mentioned that the County has already made exceptions to the contract. Representative Dibble interjected that the County contract needs to be signed in order to get the bonding. He said he felt there were too many people involved and that there should be a spokesperson from each municipality. Superintendent Hagelberger said the funds collected on the Water agreement need to be used specifically for water.

Attorney Saleh said that any increase has to be justified. He added that there are different ways to assess the cost regarding the benefit to the municipality. Resident Matt Steinberg spoke up and said he encourages the Village to litigate if the County is unwilling to make any changes.

Trustee McMartin-Eck suggested there should be another public meeting. She said the Village should map out a plan of what we are moving to do. She also questioned if there would be more leverage if other municipalities were to get together on this.

Motion was made by Trustee Graham and seconded by Trustee McMartin-Eck to go into executive session at 7:18 pm to discuss specifics with regard to the Water Agreement. All municipal representatives were asked to stay for the Executive session. Clerk Thomas left the meeting.

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>			

Motion was made by Trustee Graham and seconded by Trustee McMartin-Eck to go out of executive session at 8:30 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>			

No decisions were made in executive session.

Motion was made by Trustee Graham and seconded by Trustee Sargent to adjourn meeting at 8:31 pm.

The motion was passed on the following vote:

<b>VOTE</b>	<b>YES</b>	<b>NO</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
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