

PRESENT: All Legislators, Legislature Clerk Pratt, Highway Superintendent Hnes, County Treasurer German, County Manager Gsell.

Chair Hancock called the Committee of the Whole to order at 6PM. All Legislators were present. At the March 6, 2013 Ways & Means Committee a water maintenance and operations agreement between the Towns of Batavia and Alexander was presented for approval by the county as required by the County-wide Water Project agreements. There were concerns expressed about the integrity of the agreement and the time constraint the Legislature was placed under to consider the impact on the County Water Project as a whole. Highway Superintendent Hens was asked to confirm that the Operation & Maintenance Agreement with Alexander and the Town of Batavia must be included with the Grant application due at the end of the month. This has been confirmed. It must first be approved by the County Legislature. There is a Water Agency Meeting to be held on March 27, 2013 and it was the desire of the Legislature to have this Board look at the Agreement prior to the Legislature's approval. Under the time frame given, this will not be possible. The matter has been placed on the Agenda of the Water Agency meeting asking that a draft of a generic agreement be reviewed for the future, and that supply capacity for the Project be confirmed.

County Attorney Zambito reported that he has requested a change to paragraph 2.1 in order for the county to approve the agreement.

Legislator Stein asked if there is sufficient water supply for the District which will receive a blend of City and Monroe County water. There is at this time. Looking towards the future, however, further discussion is needed with Monroe County Water Authority to clarify what will be needed as we approach build out of Phase 2.

Legislator Cianfrini commented that he felt the agreement was superficial at best. There was not enough vetting time and he does not understand why the County was not included in discussions at an earlier stage. County Attorney Zambito stated he believed the Water Agency must review the agreement for future projects and adopt a policy and draft agreement for use in the future.

Legislator Ferrando inquired why the Town of Alexander has chosen to go with the Town of Batavia for the operation and maintenance of its District versus Monroe County Water Authority. Mr. Hens noted that this has been in discussion since 2007. Alexander has never talked to the Water Authority about the Project. One driving reason may be the Water Authority's adoption of a standard of materials (ductile iron pipe) which doubles the cost over pvc installation as proposed by the Town of Batavia for the Project. The Town of Alexander is at the upper threshold of installation costs using the alternative. He believes that Elba and Oakfield are also looking at this alternative offered by the Town of Batavia.

Legislator Clattenburg noted that she struggles with this agreement and feels it is hard to justify to her City of Batavia constituents. The Town is setting itself up to be a distributor

of water and profit from other's use. They could end up subsidizing their rates as a result. It was not the intent for one municipality to profit from another.

Legislator Ferrando stated that he does not like this coming to him at the last minute. He wants to hear from the Water Agency.

The meeting was adjourned at 6:50PM.