

**Condemnation lawsuit is a waste of Town taxpayers' money.**

The Village of Macedon agreed to treat sewage as long as the Town continued to pay for it and withdrew the Town's litigation Notice of Claim. We offered an interim agreement at the time but it was refused and the Notice of Claim filed.

The Town has served multiple additional Notices of Claim and then filed not one; not two; but three separate lawsuits against the Village causing great expense to taxpayers and sewer users.

The Village worked towards settlement making major concessions in a long term inter municipal agreement that would provide for satisfactory sewage treatment for town and village sewer users. We the Village made those concessions only to have the Town impose so many more unacceptable terms that the agreement could not be finalized.

The Town has not convinced a judge that the Town is right. The only decision the judge has made is that the Village should treat the sewage and the Town should pay the Village for that treatment for the time being = maintaining the status quo.

The Village is treating the Town's sewer user's sewage and the Town is paying their fees to the village.

But now the Town wants to waste more taxpayer and sewer users money on a useless condemnation proceeding. What a waste!

To justify this waste the Town's attorneys put out some misinformation at the January 22, 2015 Town Board meeting.

To correct the record:

Condemnation litigation expense for the claimed purpose of preventing the Village from terminating sewer service is not necessary. The Village has agreed to continue service if the Town will enter a reasonable long term agreement but the Town has refused. Instead it wants to spend Taxpayer money on a yet another legal proceeding.

The expense of Condemnation litigation is not necessary to insure sewer service for the Town and Village because a reasonable agreement will do the same thing.

The claimed benefit of ending the litigation is deceptive. The Condemnation will not end the three separate lawsuits filed by the Town against the Village and the only reason they have been costing so much is because the Town has repeatedly added more claims in the lawsuits.

Three lawsuits in total.

The Town wants to protect its claimed investment in the sewer plant but ignores the Village investment in the plant. The Village has built and maintained the plant and paid the plant's employees. But now the Town wants to take the Village's investment away from the Village when all the Town has to do is enter a reasonable agreement. The Town has received what it paid for with its bonding – 22 years of sewer capacity and treatment. And the Village will continue to provide that service.

The claim that the Town has had no say in plant upgrades is false. The Town has always had a place on the sewer committee that evaluates upgrades and rates just the same as does the Village. The Town simply fails to attend and then complains later when decisions are made for the benefit of all sewer users.

The claim that the Town needs to preserve capacity for future development is also false. The agreement that was almost reached gave the Town continued capacity for development.

The Clearcove proposal to help keep the costs of the plant in check with the offset of processing other waste would not go forward if it resulted in loss of capacity for the Town and if the Town had cooperated in reaching a sewer agreement it would have had even more control over decisions related to projects such as Clearcove.

Sewer rents have been used appropriately, including payment of legal fees related to defending the three lawsuits brought by the Town against the Village. Those lawsuits relate exclusively to the operation of the plant. If the Town had signed a reasonable contract with the Village instead of suing over and over again, there would not have been any legal fees connected with the operation of the plant. The Town's war like attitude, bullying the Village, caused these legal fees.

The Village must communicate with sewer users to determine what is in the waste water it treats, even sewer users in the Town outside the Village. The Town was not doing that and overlooked a Significant Industrial Sewer User causing extra expense for the plant. With no help from the Town, the Village identified the Significant Industrial User and negotiated a satisfactory agreement with that user to pay the extra sewer costs it was causing. But instead of cooperating with the Village, the Town refused to participate in that process and now wants to spend even more money on condemnation litigation to prevent the Village from communicating with sewer users in the Town outside the Village. How petty. What a waste! Condemn, sue, sue, sue but don't cooperate in the solution.

The extra fees charged to the Significant Industrial User, Bakewise, were never claimed to be a way to reduce sewer rents. They were necessary to prevent sewer rents from increasing as much as they might if all the sewer users had been required to pay a share of the extra expenses incurred by the Village to treat the effluent from that Significant Industrial User. The contrary statements at The Town Board meeting are simply false and misleading.

The "sewer sludge press" was a necessary capital improvement to the plant and the Town could have participated in that decision by participating on the Joint Village and Town sewer committee. The claim that there is something wrong in using sewer rents to pay off those bonds is false and misleading.

We agree that the continuation of the three lawsuits brought by the Town against the Village is a waste because no matter who wins the Town and Village would still need a long term agreement. That's why the Village attempted to settle these three lawsuits with an agreement but the Town made that impossible.

And to add insult to injury the Town attorney says that the Town will condemn the plant, take it over, but not pay anything for it to the Village. He wants to protect the Town's claimed investment but ignores the Village's investment in that plant. The Town got what it invested in – 22 years of sewer treatment and sewer capacity – the Village is still willing to continue to provide that treatment and

protect the Town's capacity in that plant. But now the Town wants to deprive the Village taxpayers and sewer users of their investment in that plant. "Do as I say but not as I do."

The Taxpayers of the Town should make their board come to the table instead of yet another court, another lawsuit, another legal proceeding at taxpayer expense.