

Town of Waterloo
Minutes
Regular Town Board Meeting
August 22, 2022

Present:

Town Supervisor Don Trout, Councilman Pfeiffer, Councilman Lotz, Councilman Strader and Councilman Thomas.

Absent:

Also Present:

Highway Superintendent Joe Mull, Assessor James Cleere, Town Attorney D. Benjamin, MRB Representative Pat Nicoletta, Parthenia Excell, William Excell, John Zukowski, Joseph Wukitsch and Jeannette Lichter.

Pledge of Allegiance:

Supervisor Trout led everyone in the Pledge of Allegiance

Fire Exits:

Supervisor Trout indicated where the fire exits were located.

Presentation: Mr. John Zukowski from ENPM spoke to the Town Board about Reassessment. He spoke at length about the fact that reassessment does not raise tax levies. He stated in his presentation that reassessment provides an equitable redistribution of the property tax. He said that the goal of a reassessment project for the Town would be to establish uniform, fair and equitable assessments. There were many questions from the Board and Assessor James Cleere. It was decided that Mr. Zukowski would need to meet with Mr. Cleere. Mr. Cleere will give him a better idea of what is needed to provide the Town with a formal proposal and to give a better overall picture of such a process. Further discussions will be needed.

PETITIONERS TO THE FLOOR:

Jeannette Lichter addressed the Board about her water problem. She has spent \$1000.00's of dollars on two wells. She said her neighbors have issues too. Supervisor Trout suggested she get a petition to show neighbor support. He also stated that the Town is on a 20-year plan to fix the water and bring it to the different areas. She would have to wait until her area is deemed next.

Parthenia Excell spoke to the board about work she had done on her house from her Thoma grant funds. Her windows need replacing and one of the two contractors that did work at her home did not do a very good job. Supervisor Trout stated that the Board will find out where this contractor is and give Thoma a call to find out more details on this matter. Highway Superintendent Joe Mull offered to go and look at these windows. Supervisor Trout stated that normally when you sign off on the grant, which Mrs. Excell had done, it means that the homeowner was satisfied with the work. The Town will get back to Mrs. Excell on this matter with some answers.

2022-068

Councilman Thomas made the motion to approve the Consent Agenda as follows:
Councilman Lotz seconded the motion.

Approval of Minutes – July 25, 2022
Approval of the Town Clerk's Monthly Report
Approval of Bills:

GENERAL FUND – TOWNWIDE	\$ 6,703.00
GENERAL – PART TOWN	\$ 352.94
HIGHWAY - TOWNWIDE	\$ 7,499.43
HIGHWAY - PART TOWN	\$ 2,601.30
BORDER CITY LIGHT DISTRICT	\$ 2,080.07
WATERLOO SEWER DISTRICT #1	\$ 1,937.88
5 & 20 SEWER DISTRICT	\$ 31,483.57
BURGESS ROAD WATER DISTRICT	\$ 21,568.37
BORDER CITY WATER DISTRICT	\$ 12,479.86
POWDERLY ROAD WATER DISTRICT	\$ 153.41
BREWER ROAD SOUTH	\$ 3,062.80
RTE 96, REED, HECKER, MILLS, KINGS WD 5	\$ 1,522.75
TOTAL:	\$ 91,445.38

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

NAE

The motion carried.

2022-069

Councilman Lotz made the motion to approve the scheduling of the first Budget Work Session Meeting for August 29, 2022, at 1 PM and the second Budget Work Session Meeting for September 12, 2022, at 1 PM. Councilman Strader seconded the motion.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

NAE

The motion carried.

2022-070

Councilman Pfeiffer made a motion to approve moving \$440.00-OSC Vendor ACH Payment for LIHWAP Program funding for sewer Account G0740 from Public Funds X1260 to Water and Sewer Account X1270. Councilman Lotz seconded the motion.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

NAE

The motion carried.

2022-071

Councilman Thomas made the motion to approve moving \$120.88-OSC Vendor ACH Payment for LIHWAP Program funding for Sewer Account G0559 from Public Funds X1260 to Water and Sewer Account X1270. Councilman Pfeiffer seconded the motion.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

NAE

The motion carried.

2022-072

Councilman Strader made the resolution that the Town of Waterloo authorizes the Waterloo Town Court to apply for a JCAP grant in the 2021-2022 grant cycle for up to \$5,500.00 to purchase a filing cabinet and an office chair. Councilman Pfeiffer seconded the motion.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

NAE

The motion carried.

2022-073

Councilman Thomas made the motion to approve the Account Agreement for Five Star Bank CDBG Account X 7647 to place – Supervisor Don Trout, Councilman Michael Pfeiffer, Town Clerk Rosemarie A. Marsh, and Account Clerk Kim Hendricks on the account from the previous Town Supervisor Gary Westfall, et.al. Councilman Lotz seconded the motion.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

NAE

The motion carried.

2022-074

Councilman Lotz made the motion to approve the **USDA Rural Development Grant Application Resolution of Support for Pre-Emption Street South Water District Project** as follows: Councilman Pfeiffer seconded the motion.

Town of Waterloo
USDA Rural Development Grant Application
Resolution of Support for Pre-Emption Street South Water District Project

WHEREAS, residents along Pre-Emption Street between the Norfolk Southern Railroad and Packwood Road are all currently served by private wells and do not have access to public water;

WHEREAS, the Town submitted a Water and Environmental application to the USDA Rural Development in February 12, 2021; and

WHEREAS, since the submission of that application, project costs have increased significantly and the Town has worked with the USDA RD to update the project costs; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board accepts the new project costs in the approximate amount of \$589,000 and wishes to move forward with the project; and

BE IT FURTHER RESOLVED that the Town of Waterloo Town Board fully supports the Project and wishes to continue with the Application to the USDA for a determination on grant and/or loan funding for the project.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

NAE

The motion carried.

SUPERVISOR COMMENTS:

2022-075

Councilman Lotz made a motion to approve the:

INTERMUNICIPAL AGREEMENT AMONG THE CITY OF GENEVA, NEW YORK, AND THE TOWN OF GENEVA, NEW YORK AND THE TOWN OF WATERLOO, NEW YORK RELATIVE TO SHARED SERVICES AND EXPENSES OF THE CITY'S WASTEWATER TREATMENT PLANT EXPANSION PROJECT as follows: Councilman Pfeiffer seconded the motion.

1. The **CITY OF GENEVA**, a Municipal Corporation, chartered under the laws of the State of New York, located in the County of Ontario and State of New York, with the principal place of business at 47 Castle Street, Geneva, NY, 14456, hereinafter sometimes referred to as the "City".
2. The **TOWN OF GENEVA**, a Municipal Corporation, established under the laws of the State of New York, located in the County of Ontario and State of New York, with the principal place of business at 3750 County Road 6, Geneva, NY 14456, on behalf of its Town Sewer District #1, a special district created pursuant to New York Town Law.
3. The **TOWN OF WATERLOO**, a Municipal Corporation established under the laws of the State of New York, located in the County of Seneca and State of New York, with offices located at 66 Virginia Street, Waterloo, New York 13165, on behalf of its Town Sewer District #1, a special district created pursuant to New York Town Law,

WITNESSETH

WHEREAS, this agreement is made in accordance with Article 5-G of the New York State General Municipal Law; and

WHEREAS, the City of Geneva owns and operates a wastewater treatment plant hereinafter referred to as the "WWTP," located at 45 Doran Avenue in the City of Geneva; and

WHEREAS, the parties have existing agreements authorized by General Municipal Law by which the City of Geneva provides wastewater treatment services to the Town and Waterloo for agreed upon consideration;

WHEREAS the City of Geneva's WWTP handles sludge with its Autothermal Thermophilic Aerobic Digester (ATAD) system, a state of the art treatment system that results in Class A Biosolids suitable for farmland use, and it is currently in such use; and

WHEREAS the City of Geneva and the Towns of Geneva and Waterloo have development proposals and existing projects for new housing and commercial enterprises, that are critical to the growth and economic success of the region, that require municipal sewer service to be viable; and

WHEREAS the City of Geneva's waste water treatment system and WWTP were analyzed to gauge the capacity of the system by MRB Group, which resulted in a report issued in January 2020 titled "Sanitary Sewer and Wastewater Treatment Plant Capacity Analysis." The report found the lines for waste water were adequate for current and additional loads, but the Marsh Creek Pump Station and ATAD were close to capacity and would have to be expanded in order for the City to safely accept the loads required for the scheduled and anticipated new development in the City of Geneva and Towns of Geneva and Waterloo; and

WHEREAS the parties understand and acknowledge that the most cost-effective option for additional area municipal sewer capacity is to expand the City of Geneva's WWTP rather than the Towns of Geneva or Waterloo constructing their own waste water treatment plant elsewhere and re-directing flows to a new plant; and

WHEREAS the Marsh Creek Pump Station at this time primarily serves a section of the Town of Geneva that has development proposals and potential in need of municipal sewer service, and the Town and City have moved ahead to overhaul this pump station, sharing the cost on a 50-50 basis using American Rescue Plan Act and other funds, to solve this part of the capacity problem, leaving the ATAD as the remaining limiting factor for the immediate and long-term economic health of the region; and

WHEREAS a second ATAD can be constructed at the City of Geneva's WWTP to essentially double the capacity to handle sludge and open the region to the opportunities for additional housing and commercial enterprises that are needed and seeking to locate in the Finger Lakes Geneva region; and

WHEREAS without this expansion these enterprises will go elsewhere, and the long-term viability of this area will be stymied; and

WHEREAS so that existing and future projects can be developed in the City of Geneva and in the Towns of Geneva and Waterloo with access to hook-up to the WWTP, the parties to this agreement wish to cooperate and share the cost of this needed expansion according to their use of the system, and to jointly apply for grants to aid in paying for the expansion; and

WHEREAS the parties do not have the funds available to pay the cost of the expansion, so the City, as owner of the WWTP, will use bond funding to pay for the expansion;

NOW THEREFORE, it is mutually agreed as follows:

1. The parties will jointly and as appropriate individually apply for grant funding to assist with paying the costs of the ATAD expansion project, and will cooperate with each other and the professionals assisting with all applications.
2. The cost of the expansion not covered by grants will be paid by bond funding obtained by the City. The cost includes all customary expenses related to the expansion project,

including, but not limited to, professional fees, advertising and bidding expenses, and bond expenses, but not including staff time incurred by any party.

3. The Towns of Geneva and Waterloo will annually pay the City their proportional shares of the City's bond payment based on the volume of their flows to the City's WWTP compared to the total flow volume to the City's WWTP. The percentages will be determined each year based on flow data from the previous year. Payments to the City by the Towns of Geneva and Waterloo will be made in time for the City to timely make bond payments.
4. The City will make bond payment information and WWTP flow data readily and reasonably available to the Towns of Geneva and Waterloo.
5. The parties agree the City is authorized to advertise for all bids for any material or service needed for the project. The City agrees to reasonably share information and consult with the Towns of Geneva and Waterloo prior to accepting a bid, but the City shall have the exclusive authority to accept a bid consistent with applicable law and City policy.
6. The Towns of Geneva and Waterloo agree in principle to enter into modified agreements with the City, authorized by General Municipal Law, by which the City will agree to provide wastewater treatment services to the Towns of Geneva and Waterloo for agreed upon consideration in a format similar to the existing agreement between the City and the Town of Geneva.
7. The parties agree in principle to take any reasonable action consistent with the spirit of this agreement and necessary to apply for grant or bond funding and to conform with grant or bond funding.
8. Once the ATAD expansion is completed, the City agrees to approve new, modified, altered or expanded development in the Towns of Geneva and Waterloo based on the new capacity limits so long as capacity is not an issue and so long as any applicant meets the City's (and, if necessary, the Towns') requirements for hook-up as set forth in the existing agreement between the City and Town of Geneva.
9. The term of this agreement will be from the above-stated effective date to the date of the City's final bond payment for payment of the ATAD expansion.
10. All notices required by or given pursuant to this agreement shall be in writing. All notices and payments required by or given pursuant to this agreement shall be delivered to the address of the applicable party set forth in this agreement, or such other address as a party shall have provided in writing to the other parties, either in person or by mailing such notice or payment by regular mail.
11. This agreement constitutes the complete understanding of the parties. No modification of any provisions shall be valid unless in writing and signed by all parties.
12. The laws of the State of New York shall govern this agreement.
13. The parties agree to cooperate in good faith to accomplish the goals of this agreement and in the functioning of this regional waste water treatment system.
14. The parties agree that any controversy, claim or cause of action arising out of or relating to this agreement, or the breach of this agreement, may be submitted to and decided by arbitration conducted in Ontario County and administered by the American Arbitration Association (or otherwise as the parties agree). If the parties agree to arbitration, the decision of the arbitrator shall be final, non-appealable and binding on the parties (unless otherwise agreed to by the parties).

15. This agreement may be executed in one or more counterparts, all of which shall be considered one and the same agreement and shall become a binding agreement when one or more counterparts have been signed by each party and delivered to the other parties.

IN WITNESS WHEREOF, each party has caused this agreement to be signed by its duly authorized officers as set forth below.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

NAE

The motion carried.

COMMITTEE REPORTS:

2022-076

Councilman Strader made a motion to remove the cable in the Town of Waterloo Offices and Town Barns. It was originally installed for Covid news and updating. This will be a significant savings to the Town. Councilman Lotz seconded the motion.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

NAE

The motion carried.

Councilman Strader stated that some of the chemical supplies will be purchased by a few different companies going forward with a significant savings to the Town. There was some discussion and Highway Superintendent Joe Mull agreed.

DEPARTMENT REPORTS:

Assessor James Cleere stated that he is finished with the Mobile Home Parks, and he will get the paperwork to the Town Clerk.

Councilman Thomas wanted to discuss the re-assessment presentation a bit more. He wanted to know if there were any ballpark cost numbers available. Assessor James Cleere stated that he thought that the presenter was coming with a proposal for them to look at, but he did not. Supervisor Trout commented that we would probably be looking at around \$110,000.00 or more. Assessor Cleere stated that this is what he will be working on with him. Attorney Benjamin stated that what he understood Mr. Zukowski to have said was that any payments made would be for the proposal only and not for any paid testimony, if ever needed. Assessor Cleere explained a few more things and stated he had come to that same conclusion. Supervisor Trout stated that he as well understood Mr. Zukowski to have meant that as well. More discussion is needed.

Joe Mull stated that he and Councilman Strader have been discussing the ditch pipes. It is becoming costly. Joe also said that we needed to come up with a different idea. There was some discussion and Supervisor Trout decided that the Town should provide the pipe and allow someone else to put it in. They will be putting a plan in place for that.

Councilman Strader asked about the Town mowing work. Highway Superintendent Joe Mull said that they were indeed behind. They had a breakdown in equipment. Councilman Lotz stated he had talked with Joe prior to the meeting and Joe had explained the situation. All the ditches are in bad shape. Councilman Lotz stated that if the mower is going to be down for an extended amount of time, then the Town should rent one. Joe will look into this.

Mr. Pat Nicoletta mentioned the USDA documents are being sent out and the report will be sent this week. We will need to wait to see if they need anything else. Assessor James Cleere will be giving me the final numbers on the EDU'S. CPE got back to him last week with new information about the master meters and the cost of the bi-directionals dropped by about \$300.00. He will send a new proposal soon and get the manholes as well and we should be in good shape. It should be about 4-6 weeks before the meters arrive. Councilman Pfeiffer asked if Mr. Nicoletta spoke with Trelina about this project on Pre-Emption, and he stated he did not. Pat will reach out to them to see what may be going on. If any changes at all, those can always be made later. We need to see what all the costs will be first.

Pat talked about the sewer meters he is working on with Tom. He will be in contact with Councilman Lotz and Councilman Strader in the near future to discuss processing. Supervisor Trout stated further discussion is needed about the sewer, metering, and pits as to where we want to put them. He stated that he would like to see them put in before the next season so when the weather gets nice, they are already in and working. Councilman Lotz said they can get installed anytime.

2022-077

Councilman Thomas made the motion to donate \$25.00 to the Seneca Lake Pure Waters Association. Councilman Pfeiffer seconded the motion.

AYE

NAE

Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

The motion carried.

2022-078

Councilman Pfeiffer made the motion to adjourn the meeting at 8:18 PM. Councilman Lotz seconded the motion.

AYE

NAE

Supervisor Trout
Councilman Pfeiffer
Councilman Strader
Councilman Thomas
Councilman Lotz

The motion carried.

Respectfully Submitted,

Rosemarie A. Marsh
Waterloo Town Clerk