

**Town of Waterloo
Minutes
Regular Town Board Meeting
March 27, 2023
5:30 PM**

Present: Supervisor Trout, Councilman Pfeiffer, Councilman Lotz, Councilman Strader and Councilman Thomas.

Absent: Attorney Dennis Benjamin

Also Present: Highway Superintendent Joe Mull, Assessor James Cleere, Account Clerk Kim Hendrickson, Mr. Ed Lerkins, Patty Bartran, John Morabito, Walter Mumford, Village Trustee John Butlak, Town Justice Conrad Struzik, Kyle Black, Elaine Hilliard, and Sue Ann Fisher.

Pledge of Allegiance:

Supervisor Trout led everyone in the Pledge of Allegiance.

Fire Exits:

Supervisor Trout indicated where the fire exits were located.

2023-38

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

Approval of Minutes – February 6, 2023, Public Hearing & Special Board Meeting

February 27, 2023, Regular Town Board Meeting

Approval of the Town Clerk’s Monthly Report

Approval of Canine Report

Approval of Bills:

GENERAL FUND-TOWNWIDE	\$13,117.74
GENERAL-PART TOWN	\$20,089.84
HIGHWAY TOWNWIDE	\$12,984.28
HIGHWAY PART TOWN	\$23,695.00
BORDER CITY LIGHT DISTRICT	\$3,407.40
WATERLOO SEWER DISTRICT #1	\$949.22
5&20 SEWER DISTRICT	\$26,883.07

BURGESS ROAD WATER DISTRICT	\$16,976.57
BORDER CITY WATER DISTRICT	\$14,873.91
POWDERLY ROAD WATER DISTRICT	\$191.48
BREWER ROAD SOUTH	\$3,087.80
RTE 96, REED, HECKER, MILLS, KINGS WD 5	\$22,076.90
PRE-EMPTION WATER DISTRICT 6	\$161.81
TOTAL:	\$158,495.02

TOTAL: \$158,495.02

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Thomas
Councilman Strader

NAE

The motion was carried.

PETITIONERS TO THE FLOOR

Supervisor Trout opened the floor. The Honorable Conrad Struzik, the Waterloo Village/Town Justice spoke first. He addressed the board pertaining to the Village court consolidation. He asked Village Trustee John Butlak if he would like to state any knowledge that he may have at this point of the consolidation. Mr. Butlak stated that he thought everything had been running smoothly with no problems but found out there were a few loopholes that still needed to be dealt with. Town Councilman Pfeiffer asked if he could talk about what those loopholes were. Mr. Butlak stated that he could not at this time. He did say that while they were dissolving the court, there were cases still pending, and we were trying to get those taken care of before the Village court turns over to the Town in a few days. Councilman Pfeiffer stated that no one was more surprised than the Town when the Village decided to do it like this.

Judge Struzik commented that we have had personnel down from Rochester helping one day a week for the last month helping to clear up cases and reports that needed to be done. Also, the Village brought on a temporary clerk to help the Town court clerk. They have been getting everything converted to civil judgments or closing out records that will then be shipped over to the Village office for storage. The Town court clerk has been able to continue with her work as well.

Supervisor Trout asked Judge Struzik, if there was any chance in the future, with the newly elected officials, that the Village court could one day be reverted back to the Village. Judge Struzik commented that there could be a possibility. Councilman Pfeiffer asked when Judge Struzik's term was up. He stated that his term ends on the 31st of March in a few days. The Village would have to appoint or have a special election. Trustee John Butlak stated that it has been less than a week since the election and we would have to have that discussion in the future, perhaps we may all be in on that discussion.. Supervisor Trout said that the Town currently must move forward at this point.

Supervisor Trout asked Town Court Clerk Robin Labour if she had any insight on this matter. She stated that she talked with a representative from the state and asked her if the court could ever return to the Village after a process like this. The representative said that there is a possibility that it could, but she did not know the process because she has never seen this happen. Typically, if a Village court is dissolved it stays dissolved. Supervisor Trout commented that it was strange to have a police department but not a court. The communities are wondering the same.

Butlak stated that it was the time to dissolve it before there was an election, even though there was a lot of debate about it.

Struzik stated that his purpose was to let the board know that after all the cases are transferred any fines that are less than a year old are still outstanding, that money would transfer to the Town after April 3.

Councilman Pfeiffer asked about where the money is going go to for all the fines that are more than a year old. Struzik stated that they have been converted to civil judgements and that money is still owed, and it would be paid to the Village.

Councilman Pfeiffer stated that that is not what the Town was told by the Village prior to the dissolve.

Much discussion ensued over this. Councilman Pfeiffer said it was discussed between the Town and the Village and the Village said that any fines that were left open, that money would come to the Town.

Trustee Butlak stated if our attorney was here, he could clarify this.

Court Clerk Robin Labour stated that any cases that had civil judgements that have been converted, the Village of Waterloo will be provided a computer with the ability to process those fines and those proceeds will go the Village of course with fees reported to the State Comptroller.

Judge Struzik also stated that he had submitted a memo to Councilman Thomas back in January, about what the court would need to move forward. He said thank you for taking the suggestions into consideration.

Supervisor Trout stated that this is uncharted territory. No other municipality that he has spoken to has ever had to deal with something like this. The Board will be in contact, and we will be having discussions soon.

Councilman Thomas stated that he would be in touch with Judge Struzik soon.

2023-39

Councilman Thomas made a motion to except the resignation of Waterloo Tax Collector, Tammy Morabito, effective March 13, 2023. Councilman Lotz seconded the motion.

AYE

NAE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Thomas
Councilman Strader

The motion was carried.

2023-40

Councilman Strader made a motion to appoint Walter Mumford through December 31, 2023, as the replacement for Tammy Morabito, as Town of Waterloo Tax Collector, effective March 13, 2023. Councilman Pfeiffer seconded the motion.

AYE

NAE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Thomas
Councilman Strader

The motion was carried.

2023-41

Councilman Lotz made the motion to accept the Engagement Letter for Audit Services from Allied CPA'S, PC., for South Pre-Emption Street Water District Project. Councilman Pfeiffer seconded the motion.

AYE

NAE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Thomas
Councilman Strader

The motion was carried.

2023-42

Councilman Thomas made a motion to authorize the Execution of Letter for Municipal Advisors Services, Bernard P. Donegan, for the South Pre-Emption Street Water Project. Councilman Pfeiffer seconded the motion.

AYE

NAE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Thomas
Councilman Strader

The motion was carried.

2023-43

Councilman Strader made a motion to approve the Engagement Letter from Bernard P. Donegan Municipal Finance, as Municipal Advisors for the South Pre-Emption Street Water District Project. Councilman Pfeiffer seconded the motion.

AYE

NAE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Thomas
Councilman Strader

The motion was carried.

2023-44

Councilman Lotz made the motion to Approve and Adopt the Bond Resolution from Timothy McGill. It is as follows: Councilman Thomas seconded the motion.

BOND RESOLUTION DATED MARCH 27, 2023 OF THE TOWN BOARD OF THE TOWN OF WATERLOO, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE WATER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Town of Waterloo South Pre Emption Street Water District is a water District of the Town of Waterloo, New York, duly established by the Town Board pursuant to the Town Law; and

WHEREAS, the cost of the improvements authorized will not exceed the cost thresholds that require approval of the Office of the State Comptroller; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder ("SEQRA"), has completed its environmental review and, on December 21, 2020, has duly adopted a negative declaration and has determined that the implementation of the type I action as proposed will not result in any significant adverse environmental impacts; now therefor, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF WATERLOO, NEW YORK (hereinafter referred to as the "Town"), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Waterloo shall undertake certain capital improvements consisting of the acquisition and construction of water improvements for the Town of Waterloo South Pre Emption Street Water District, to include approximately 7,100 lineal feet of new water main along South Pre Emption Street, supply connection to the 12" main located on Packwood Road with a connection for emergency at the end of the 6" main on South Pre Emption Street, appropriate hydrants and valves in accordance with Seneca County Department of Health, water services and meters, and the acquisition of land or rights in land necessary therefor, if any, and the acquisition of original furnishings, equipment, machinery or apparatus, or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$295,000 of the Town are hereby authorized to be issued to finance said purpose, and said

amount is hereby appropriated therefor, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated aggregate maximum cost to the Town of Waterloo of said purpose, including preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be \$589,000. The plan for financing of said purpose is to provide (i) up to \$295,000 from USDA Rural Development loan to be evidenced by the issuance of bonds, as well as, bond anticipation notes in anticipation thereof as herein authorized; and (ii) up to \$294,000 from anticipated grant funds.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 1 of Paragraph (a) of Section 1 1.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.

Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of ad valorem taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation SI . 150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, is hereby delegated to the Town Supervisor, the

Town's chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Waterloo.

Section 7. The faith and credit of the Town of Waterloo, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of ad valorem taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Waterloo together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption.

AYE
Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Thomas
Councilman Strader

NAE

The motion was carried.

2023-45

Councilman Pfeiffer made a motion to re-appoint Lee Boise to the Board of Assessment Review Team. Term expires September 30, 2025. Councilman Strader seconded the motion.

AYE

NAE

- Supervisor Trout
- Councilman Pfeiffer
- Councilman Lotz
- Councilman Thomas
- Councilman Strader

The motion was carried.

2023-46

Councilman Lotz made a motion to re-appoint Jolene Steele as a Planning Board Member. Term expires 2030. Councilman Thomas seconded the motion.

AYE

NAE

- Supervisor Trout
- Councilman Pfeiffer
- Councilman Lotz
- Councilman Thomas
- Councilman Strader

The motion was carried.

2023-47

Councilman Thomas made the motion to re-appoint Carl Altemari as Zoning Board Member. Term expires December 31, 2027. Councilman Lotz seconded the motion.

AYE

NAE

- Supervisor Trout
- Councilman Pfeiffer
- Councilman Lotz
- Councilman Thomas
- Councilman Strader

The motion was carried.

2023-48

Councilman Strader made the motion to re-appoint Bradley Badjas as Zoning Board Member. Term expires 2028. Councilman Pfeiffer seconded the motion.

AYE

NAE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Thomas
Councilman Strader

The motion was carried.

2023-49

Councilman Lotz made a motion to appoint Sandra Ridley to the Planning Board as an Alternate Member. Councilman Thomas seconded the motion.

AYE

NAE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Thomas
Councilman Strader

The motion was carried.

Committee Reports:

Councilman Lotz spoke about the monitoring manholes at the campground. Pat Nicoletta has not received an email from the Water Dept. with the information in regard to them moving forward. He needs to have that information as soon as possible. We need to get a handle on the campgrounds concerning the water flow and then also the trailer parks. Superintendent Joe Mull said his guys said they did not receive any information. Councilman Lotz said that he can give them the information again and to just get ahold of him. That will get taken care of along with a few other areas that need attention this spring.

Regular Meter pits are all ready to be installed, waiting for good weather. There was discussion about the structure's location. They have covers.

Councilman Pfeiffer brought up the digital needs for meetings.

2023-50

Councilman Lotz made a motion to spend \$1,200.00-\$1,300.00 for the digital needs for Board meetings. Councilman Pfeiffer seconded the motion.

AYE

NAE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Thomas
Councilman Strader

The motion was carried.

Councilman Strader said the water/sewer truck is falling apart. Crams had no time frame as to when a truck would be here, maybe even next year. Supervisor Trout asked questions and there was much discussion. Supervisor Trout is going to check into options.

Jim will be having a potential meeting with MRB on the 31st concerning the short-term rentals.

Councilman Strader asked about the EDU'S . There was a discussion. We can do this off water consumption to make it fair. More discussion ensued. We will need to have a public meeting and we will also need to decide how to handle the billing situation going forward. We are not raising it 100% again.

Jim bought up a new potential Solar project in the town. It is 100 megawatts. He stated that they must go to the state because it is over 80.

Jim stated that part of it would be in Junius and 2/3 part of it would be in the Town of Waterloo. Do we have to have them in front of our planning board because of this. Supervisor Trout asked how many megawatts are in Junius compared to Waterloo and the rep stated 1/3 2/3 between the two places. Supervisor Trout said that this wasn't a good enough answer. If they are going 100 watts we are not. If they are article 7 it would have to be divided up. Jim is not sure what state they are in, if they are just preliminary process Jim will reach out to the Town attorney. Sup. Trout stated that there is a lot of open land there.

Jim reported that he and Councilman Pfeifer have been working on a property maintenance complaint on Edwards Road (10 acres). Letters were sent certified and by regular mail. Gave the man a deadline of March 31st to clean it up or the Town will get it done at a cost. Need board approval.

2023-51

Councilman Pfeiffer made the motion to approve sending the Town to clean up property on Edwards Road after the March 31st, 2023, deadline. Councilman Lotz seconded the motion.

AYE

NAE

- Supervisor Trout
- Councilman Pfeiffer
- Councilman Lotz
- Councilman Thomas
- Councilman Strader

The motion was carried.

There was more discussion on having a plan for the removal process of items.

Debt service on Pre-Emption Road. How are we going to handle this. Pat Nicoletta needs to get back to us on this matter. Much discussion ensued. Supervisor Trout said to put it on.

Jim reported computer malfunctions in the building. We have contacted Mr. Churchill as far as backup and such. Discussion ensued. Jim stated that Mr. Churchill will continue to help us as long as he can, but we will need someone in the future.

Highway Superintendent Joe Mull asked the Board if they agreed on the pricing for the roads. He had tried to obtain three bids but could only get two. He asked to go with Seneca Stone.

2023-52

Councilman Thomas made a motion to accept the road pricing from Seneca Stone. Councilman Lotz seconded the motion.

AYE

NAE

- Supervisor Trout
- Councilman Pfeiffer
- Councilman Lotz
- Councilman Thomas
- Councilman Strader

The motion was carried.

Supervisor Trout asked if there was anyone else who would like to approach the Board. Elaine Hilliard inquired about an issue with Water payments on two properties. Supervisor Trout explained that each property has a debt service.

2023-53

Councilman Lotz made a motion to go into Executive Session to talk about a personnel matter immediately following the Regular Town Board meeting. Newly elected Village Mayor Walt Bennett and Village Trustee John Butlak were invited to attend. Councilman Pfeiffer seconded the motion.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Thomas
Councilman Strader

NAE

The motion was carried.

The Town Board came out of Executive Session at 7:00PM., no action was taken.

2023-54

Councilman Lotz made a motion to adjourn the meeting immediately after the Executive session. Councilman Pfeiffer seconded the motion.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Thomas
Councilman Strader

NAE

The motion was carried.

Respectfully Submitted,

Rosemarie A. Marsh
Waterloo Town Clerk

