

**Town of Waterloo
Minutes
Regular Town Board Meeting
April 24, 2023
5:30 PM**

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

Absent: Councilman Thomas

Also Present: Highway Superintendent Joe Mull, Assessor James Cleere, Account Clerk Kim Hendrickson, Attorney D. Benjamin, Ed Lerkins, Chuck Hinkel, Patty Bartran, John Butlak, Walt Mumford, and Kyle Black.

Pledge of Allegiance:

Supervisor Trout led everyone in the Pledge of Allegiance.

Fire Exits:

Supervisor Trout indicated where the fire exits were located.

Supervisor Trout opened the floor.

Chuck Hinkle from the Laundry Depot in Waterloo addressed the board with the request of possibly purchasing Town property near his business on Virginia street for the expansion of his laundry business. Discussion ensued. Supervisor Trout advised Mr. Hinkel to first contact the Railroad and come back to the Board to let us know how this goes. This could take 2-3 years.

2023- 55

Councilman Lotz made a motion to accept the Consent Agenda as follows: Councilman Strader seconded the motion.

Approval of Minutes – March 27, 2023
Approval of the Town Clerk’s Monthly Report
Approval of Canine Report
Approval of Bills:

GENERAL FUND - TOWNWIDE	\$23,176.00
GENERAL – PART TOWN	\$4,680.83
HIGHWAY TOWNWIDE	\$19,309.28
HIGHWAY - PARTTOWN	\$233.23
WATERLOO FIRE PROTECTION DISTRICT	\$90,000.00
BORDER CITY FIRE DISTRICT	\$182,366.00
BORDER CITY LIGHT DISTRICT	\$3,442.00
WATERLOO SEWER DISTRICT #1	\$1,948.60
5 & 20 SEWER DISTRICT	\$37,595.82
BURGESS ROAD WATER DISTRICT	\$15,284.67
BORDER CITY WATER DISTRICT	\$17,823.13
POWDERLY ROAD WATER DISTRICT	\$201.06
BREWER ROAD SOUTH	\$3,068.00
RTE 96, REED, HECKER, MILLS, KINGS WD 5	\$461.00
PRE-EMPTION WATER DISTRICT #6	\$215.15
TOTAL:	\$399,804.77

TOTAL: **\$399,804.77**

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Strader

NAE

The motion was carried.

2023-56

Councilman Strader made a motion to set date and time for Public Hearing regarding Sewer Rates for May 22, 2023, before the Waterloo Town Board Meeting. Councilman Pfeiffer seconded the motion.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Strader

NAE

The motion was carried.

2023-57

Councilman Lotz made the motion to accept the resignation of Shirly Lewis as Cleaner effective April 28, 2023. Councilman Strader seconded the motion.

2023-58

Councilman Pfeiffer made the motion to purchase a gift card in the amount of \$50.00 for Shirley Lewis' years of service with the Town of Waterloo. Councilman Lotz seconded the motion.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Strader

NAE

The motion was carried.

2023-59

Councilman Strader made the motion to approve ACH (water/sewer payments) payments from NYS OSC in the amount of \$1,921.97 to be transferred from Savannah Bank, NA Account X1260 (Public Funds) to Account X1270 (water/sewer). Councilman Pfeiffer seconded the motion.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Strader

NAE

The motion was carried.

2023-60

Councilman Lotz made a motion to approve replacing the Town of Waterloo Highway Department's lift at the cost of \$8,900. Councilman Strader seconded the motion.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Strader

NAE

The motion was carried.

2023-61

Councilman Strader made the motion to approve the town of Waterloo Town Code Update Chapter 135 Zoning Code Amendments SEQR/INTERESTED AGENCY as follows:

TOWN OF WATERLOO - TOWN CODE UPDATES CHAPTER 135: ZONING CODE AMENDMENTS SEQR/INTERESTED AGENCY RESOLUTION

WHEREAS, the Town of Waterloo Town Board (hereinafter referred to as "Town Board") on Monday, April 24, 2023 has reviewed the **SEQR Full Environmental Assessment Form (EAF) Part 1**, prepared by the MRB Group (hereinafter referred to as "Town Engineer") on the above referenced Chapter 135: Zoning code Amendments (hereinafter referred to as "Action"); and

WHEREAS, the Town Board determines that said Action is classified as a Type 1 Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board determines that said Action is not subject to review and approval by other involved agencies, as the Town Board has the only discretionally power to approve the said Action under SEQR Regulations; and

WHEREAS, the Town Board determines that it is the most appropriate agency to insure the coordination of this Action and will provide written notifications to interested agencies, for the purposes of making the determination of significance thereon under the SEQR Regulations; and

NOW, THEREFORE BE IT RESOLVED, that the Town Engineer is directed to provide notice hereof to the interested agencies, seeking their input and/or recommendations (or objection thereto) in writing on or before noon on Monday, May 22, 2023.

Dated: April 24, 2023 The above Resolution was duly adopted on April 24, 2023 by the Town of Waterloo Town Board.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Strader

NAE

The motion was carried.

2023-62

Councilman Lotz made a motion to accept the Engineer -Owner Agreement for Professional Services-South Pre-Emption Street as follows: Councilman Pfeiffer seconded the motion.

WHEREAS, the Town of Waterloo (hereinafter referred to as Town Board) is intending to install water main along South Pre Emption Street between Packwood Road and the end of the existing 6” north of the railroad. Length of main is approximately 7,100 feet of 8” water main including PVC and HDPE pipe; and

WHEREAS, MRB Group has completed preliminary work for the noted Water District including SEQR documentation, facilitated water testing in the district, facilitated archeological testing, topography and District formation. The preliminary cost are approximately \$42,500 and will be reimbursed by USDA Funding. The proposal is attached documenting the Scope of Services and fees for design services through construction and ultimate completion. The fee is for design and construction services of \$61,100 (Appendix A) including \$4,500 of additional services. The total cost with the preliminary work is \$103,600.00.

WHEREAS, USDA will need to approved the Owner/Engineer agreement as part of the approval process for going out to Bid. Loan money is to be expended first (using a BAN or General Fund), once the loan amount is reached Grant funds will be distributed. USDA required the EJCDC 2014 version to be used as the Contract.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the scope of services and the corresponding fee for the Water District in the total amount of \$103,600 including the Preliminary work completed and paid to date. “ In addition, The Town Board authorizes the Town Supervisor to sign the EJCDC Contract entitled “Agreement Between Owner and Engineer for Professional Services”. These fees are included in the overall project cost and part of the USDA Funding.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Strader

NAE

The motion was carried.

2023-63

Councilman Lotz made a motion to rescind the Paper Water District Pre-Emption Road Water District (A.K.A. Extension of Border City Water District). It is as follows: Councilman Pfeiffer seconded the motion.

**TOWN OF WATERLOO
PAPER WATER DISTRICT PRE-EMPTION ROAD WATER DISTRICT
(A.K.A. EXTENSION OF BORDER CITY WATER DISTRICT)**

**RESCIND PAPER WATER DISTRICT: PRE-EMPTION ROAD WATER DISTRICT
(A.K.A. EXTENSION OF BORDER CITY WATER DISTRICT) RESOLUTION**

WHEREPEAS, the Town of Waterloo (hereinafter referred to as Town Board) appears to have formed a Water District along Pre-Emption Road that is known as Pre-Emption Road Water District (a.k.a. Extension of Border City Water District). The district limits have approximately 1,500 feet along the road frontage and the point of beginning (P.O.B.) of the district is approximately 1,915 feet from the centerline of Moore Street. Water connection was to be to the south with water being supplied by the City of Geneva.

WHEREAS, The District map is dated September 1987 was acted on by the Town Board to form the District on May 18, 1988. The design plans were developed having a MRB Group project number of 230701 completed in September of 1987. The Application was submitted to the State of New York Office of The State Comptroller on May 20, 1988. The Comptroller submitted letter dated June 9, 1988 of outstanding items that needed to be completed to form the Legal Water District. Based on our review we cannot find any documentation that these comments were addressed and the Comptroller Approved the Water District. Without the Comptroller Approval, the District is not legally formed and is considered a “Paper District.”

NOW, THEREFORE, BE IT RESOLVED, that the Town Board rescind the formation of the Pre-Emption Road Water District (a.k.a. Extension of Border City Water District) as this is a “Paper District” and not legally formed. We find no documentation that any residents in this proposed district were charged a debt charge as no water was extended.

AYE

Supervisor Trout
Councilman Pfeiffer

NAE

Councilman Lotz
Councilman Strader

The motion was carried.

2023-64

Councilman Strader made the motion to schedule a Public Hearing on May 22, 2023, before the Waterloo Town Board Meeting, for the Code Update. Councilman Pfeiffer seconded the motion.

AYE

NAE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Strader

The motion was carried.

2023-65

Councilman Pfeiffer made the motion to start the SEQR Process for New Code (Part 1-Type 1 SEQR Action as follows: Councilman Lotz seconded the motion.

**TOWN OF WATERLOO – TOWN CODE UPDATES
CHAPTER 135: ZONING CODE AMENDMENTS
SEQR/INTERESTED AGENCY RESOLUTION**

WHEREAS, the Town of Waterloo Town Board (hereinafter referred to as “Town Board”) on Monday, April 24, 2023 has reviewed the SEQR Full Environmental Assessment Form (EAF) Part 1, prepared by the MRB Group (hereinafter referred to as “Town Engineer”) on the above referenced Chapter 135: Zoning code Amendments (hereinafter referred to as “Action”); and

WHEREAS, the Town Board determines that said Action is classified as a Type 1 Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board determines that said Action is not subject to review and approval by other involved agencies, as the Town Board has the only discretionally power to approve the said Action under SEQR Regulations; and

WHEREAS, the Town Board determines that it is the most appropriate agency to insure the coordination of this Action and will provide written notifications to interested agencies, for the purposes of making the determination of significance thereon under the SEQR Regulations; and

NOW, THEREFORE BE IT RESOLVED, that the Town Engineer is directed to provide notice hereof to the interested agencies, seeking their input and/or recommendations (or objection thereto) in writing on or before noon on Monday, May 22, 2023.

AYE

NAE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Strader

The motion was carried.

2023-66

Councilman Lotz made the motion to approve Phase 1B Archeological Services Agreement Authorization as follows:

**TOWN OF WATERLOO
SOUTH PRE-EMPTION STREET WATER DISTRICT
WATER IMPROVEMENTS
PHASE 1B ARCHEOLOGICAL SERVICES AGREEMENT AUTHORIZATION
RESOLUTION**

WHEREAS, the Town of Waterloo (hereinafter referred to as Town Board) is intending to install water main along South Pre Emption Street between Packwood Road and the end of the existing 6” north of the railroad. Length of main is approximately 7,100 feet of 8” water main including PVC and HDPE pipe; and

WHEREAS, the Town authorized the archeological Study for the district area required by USDA. Phase 1A report was completed per SHPO requirements based on the initial submission. Upon review of the Phase 1A report SHPO required a Phase 1B investigation to be completed. Phase 1B is a more involved investigation regarding “Shovel Test” Shovel test are required every 50 feet in areas deemed appropriate for testing. It is estimated that 90 tests are required. Once this testing is complete a report will be generated and submitted to SHPO.

WHEREAS, the Archeological Consultant who completed Phase 1A was Morton Archeological Research Services. Morton Archeological Research Services provide a fee to complete Phase 1B, scope noted above, at a cost not to exceed \$3,990.00. This cost will also be part of the overall project cost and is eligible to be included in USDA funding.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts and approves the fee of Morton Archeological Research Services in the amount of \$3,990.00. The Board authorizes the Town Supervisor to enter into the Agreement and sign the proposal.

AYE

NAE

Supervisor Trout

Councilman Pfeiffer
Councilman Lotz
Councilman Strader

The motion was carried.

There was some discussion on shovel testing.

Committee Reports:

Councilman Lotz stated he had conversations with Highway Superintendent Joe Mull about installing the master water meters. Joe will be installing the week of the 8th, weather permitting. Joe also stated his guys did not receive the information on the elevations. Discussion ensued. Councilman Lotz asked the Highway Dept. to get this information along with the RV park manhole elevations to Pat Nicoletta.as soon as possible.

Supervisor Trout discussed pre-pay. Discussion ensued.

Councilman Strader asked Pat to investigate any grants for the homeowners.

Councilman Pfeiffer stated that he and Account Clerk Kim Hendrickson were meeting with an internet company to get a proposal for phone and internet. Discussion ensued.

Councilman Strader stated that Councilman Thomas met with the Village Mayor Walt Bennett, and they will be checking on PD covered court. Also working with Kim and Assessor James Cleere on the new sewer rates. #

HS Joe stated paving will begin May 22, 2023.

Beaver Permits that cover the whole Town of Waterloo were obtained.

Supervisor Trout is checking on truck information. Further discussion in the future.

2023-67

Supervisor Trout made a motion to declare April Fair Housing Month. He read Proclamation as follows: Councilman Pfeiffer seconded the motion.

PROCLAMATION

WHEREAS, in accordance with the Title VIII Fair Housing Policy of the Civil Rights Act of 1968 and the Fair Housing Amendments Act of 1988 and,

WHEREAS, the month of April 2023 has been designated by the US

Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity as Fair Housing Month.

NOW THEREFORE BE IT RESOLVED, that the Town of Waterloo of the Town of Waterloo, hereby declares and proclaims April as Fair Housing Month in the Town of Waterloo.

**Rosemarie A. Marsh
Fair Housing Officer**

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Strader

NAE

The motion was carried.

Memorial Day Candy \$250 for purchase was discussed.

2023-68

Councilman Lotz made a motion to approve \$1,000.00 for Little League donation. Councilman Pfeiffer seconded the motion.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Strader

NAE

The motion was carried.

Celebrate Commemorate discussion.

Website update proposal discussion. Councilman Pfeiffer had a few options to present to the Board. Supervisor Trout suggested looking into a Facebook page perhaps combining information with the Village. Everyone agreed. More discussion is needed.

2023-69

Councilman Lotz made a motion to appoint Dave Parrow as an assistant to the Zoning Officer at \$1,000.00 monthly. Councilman Strader asked if there was a term to this. Supervisor Trout stated that it should be until the end of the year and then classify a term afterwards. Councilman Pfeiffer seconded the motion.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Strader

NAE

The motion was carried.

Supervisor Trout asked if everyone on the Board agrees with appointing a Deputy Tax Collector who was a lifelong resident of the town of Waterloo but now lives in the village. There was a discussion.

2023-70

Councilman Lotz made a motion to appoint Lee Ann Weigand as Walt Mumford's deputy tax collector. Councilman Pfeiffer seconded the motion.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Strader

NAE

The motion was carried.

2023-70

Councilman Strader made a motion to go into Executive Session to discuss the employment history of a certain person. Councilman Pfeiffer seconded the motion.

AYE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Strader

NAE

The motion was carried.

The Town Board came out of Executive Session at 6:30PM., and no action was taken.

2023-71

Councilman Strader made the motion to adjourn the meeting immediately after Executive Session. Councilman Pfeiffer seconded the motion.

AYE

NAE

Supervisor Trout
Councilman Pfeiffer
Councilman Lotz
Councilman Strader

The motion was carried.

Respectfully Submitted,

Amy Ochs
Deputy Town Clerk

Rosemarie A. Marsh
Waterloo Town Clerk