

AGENDA

ONTARIO TOWN BOARD MEETING

DATE December 26, 2011 TIME: 7:00 PM LOCATION: Ontario Town Hall

- I. Call to Order**
 - II. Pledge of Allegiance**
 - III. Revisions to agenda/ Add Business items**
 - IV. Comments from the Public**
 - V. Approval of Minutes of Prior Meeting(s) – December 12, and December 19, 2011**
 - VI. Correspondence: Town Clerk**
 - VII. Old Business**
 - VIII. New Business**
 - Motion to accept transfer of Highway Furniture to the Accounting Department **(Att. 1)**
Submitted by Jerry Santangelo, Superintendent of Highways.
 - Motion for surplus and dispose of items listed below. Submitted by Jerry Santangelo,
Superintendent of Highways.
 - IX. Budget Transfers/Adjustments (separate sheets attached)**
 - X. Policy Items**
 - XI. Appointments and Resignations**
 - Advisory Board Appointments
 - XII. Information Forum**
 - 1. County Business
 - 2. Board Reports
 - 3. Comments from the Public
 - 4. Questions/comments from students
 - XIII. Approval of Claims**
 - XIV. Workshop Items**
 - XV. Executive Sessions**
- Adjournment**

NEXT WORKSHOP MEETING

Do we want to meet on January 16th, Martin Luther King Day. Town offices closed.

NEXT BUSINESS MEETING

January 09, 2012 @ 7 pm at the Town Hall **ANNUAL ORGANIZATION MEETING**

PLEASE NOTE – The second and fourth Monday evenings will be Business meetings.

The third Monday evening of the month will be a workshop. All Town Board meetings will be held at 7:00 p.m. at the Ontario Town Hall, 1850 Ridge Road, Ontario, NY and are open to the public.

**DECEMBER 12, 2011
ONTARIO TOWN BOARD MEETING**

A regular meeting of the Ontario Town Board was called to order by Supervisor Kelsch at 7:00 p.m. in the Ontario Town Hall. Present were Supervisor Robert Kelsch, Council members: Jason Ruffell, Lori Eaton-Smith, Frank Robusto and Michael Melino, Superintendent of Highways Jerry Santangelo, Building Inspector/Code Enforcement Officer Edward Collins, Superintendent of Water Utilities Rodney Peets, Director of Recreation & Parks William Riddell, Accountant Paul Liess, Library Director Sandra Hylen, Attorney for the Town Alan Knauf and Town Clerk Debra DeMinck.

Absent: Animal Control Officer Mark Plyter and Sole Assessor Christine Luteyn

22 residents and visitors were present at portions of the meeting.

Mrs. Smith led the Pledge of Allegiance.

Approval of the Agenda – A motion was made by Mr. Kelsch, seconded by Mr. Melino, to approve the agenda as presented. 5 Ayes 0 Nays MOTION CARRIED

Comments from the Public – Mr. James Switzer announced with the Bank of America closing in town this creates an opportunity for the board to look into using the space for town offices. He also noted that the new ESL ATM facility is now charging fees between credit unions and there is a need for a Bank of America ATM facility in town.

Supervisor Kelsch stated that there has been discussion among banks on the future availability of the Bank of America site.

He also commented that at the last meeting the reason used to move into executive session was not a permitted reason under the open meetings law. He left a letter with the Town Clerk to share with the board.

Approval of Minutes - Mr. Kelsch asked for approval of the minutes of the November 28, 2011 Town Board Meeting. A motion was made by Mr. Melino, seconded by Mr. Ruffell, to approve the minutes as presented. 5 Ayes 0 Nays MOTION CARRIED

Correspondence – None

Attorney for the Town Report – Mr. Knauf reviewed all the paperwork on the bond refunding last month.

Department Head Reports -

Supervisor's Financial Statement – A motion was made by Mr. Kelsch, seconded by Mr. Ruffell, to **accept the November 2011 Supervisor's Financial Statement as presented.** 5 Ayes 0 Nays MOTION CARRIED

Superintendent of Water Utilities – A motion was made by Mr. Robusto, seconded by Mrs. Smith, to **accept the November 2011 report as presented.** 5 Ayes 0 Nays MOTION CARRIED

Superintendent of Highways – A motion was made by Mr. Kelsch, seconded by Mr. Melino, to **accept the November 2011 report as presented.** 5 Ayes 0 Nays MOTION CARRIED

Building Inspector/Code Enforcement Officer – A motion was made by Mr. Ruffell, seconded by Mrs. Smith, to **accept the November 2011 report as presented.** 5 Ayes 0 Nays MOTION CARRIED

Sole Assessor – A motion was made by Mr. Robusto, seconded by Mrs. Smith, to **accept the November 2011 report as presented.** 5 Ayes 0 Nays MOTION CARRIED

Ontario Public Library - A motion was made by Mrs. Smith, seconded by Mr. Robusto, to **accept the November 2011 Library report as presented.** 5 Ayes 0 Nays MOTION CARRIED

Ontario Town Court – A motion was made by Mr. Melino, seconded by Mr. Robusto, to **receive the November 2011 report as presented.** 5 Ayes 0 Nays MOTION CARRIED

Dog Control Officer – A motion was made by Mrs. Smith, seconded by Mr. Robusto, to **accept the November 2011 report as presented.** 5 Ayes 0 Nays MOTION CARRIED

Economic Development Department - A motion was made by Mr. Robusto, seconded by Mr. Melino, to **accept the November 2011 report as presented.** 5 Ayes 0 Nays MOTION CARRIED

Director of Recreation & Parks – A motion was made by Mrs. Smith, seconded by Mr. Ruffell, to **accept the November 2011 report as presented.** 5 Ayes 0 Nays MOTION CARRIED

Watershed Management Advisory Council – No meeting/No report

New Business – A motion was made by Mr. Ruffell, seconded by Mr. Robusto, to **adopt the Town of Ontario 2012 holiday schedule as presented.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Ruffell, seconded by Mr. Robusto, to **adopt the 2012 Town of Ontario monthly pay schedule as presented.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Ruffell, seconded by Mr. Robusto, to **adopt the 2012 Town of Ontario hourly pay schedule as presented.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Ruffell, seconded by Mr. Robusto, to **adopt the 2012 Town of Ontario salaried pay schedule as presented.** 5 Ayes 0 Nays MOTION CARRIED

Appointments/Resignations – A motion was made by Mrs. Smith, seconded by Mr. Robusto, to **approve the hiring of John Brooks, personal trainer at the community center. He started November 30, 2011 at \$9.50 per hour, part time with no benefits.** 5 Ayes 0 Nays MOTION CARRIED

Reports by Town Board Members – Supervisor Kelsch spoke of a \$30,000 undercharge for worker's compensation from 2009. The board has the option of paying the money all at once or over a five year period.

The State Comptroller audited our tax cap calculations last week and everything was fine.

We are working on IT upgrades to get better high speed communication between the town hall and the water department.

Comments from the Public – Mr. Richard VanHoover bought up town vehicles going home. Mr. Kelsch responded that the board will be addressing this issue in the coming weeks when they update the employee handbook.

Mr. VanHoover also wanted to know if the highway department was going to be able to haul sludge to make revenue. Mr. Peets explained that he and the highway superintendent have discussed it. The highway department does not have a truck permitted to haul sludge at this time. Permits to haul sludge are not transferable from vehicle to vehicle.

Mr. Switzer was happy to see common software available to collect taxes anywhere in the county. Mr. Kelsch said the individual towns can opt not to use the county tax collection program.

Approval of Claims - A motion was made by Mr. Melino, seconded by Mr. Ruffell, to **approve the abstract of claims for December 12, 2011 including vouchers #3049 through #3198 and 3124A (3084-3092, 3142 used by accounting, 3108 & 3124 deleted) with a grand total of \$77,144.96 and to authorize the Supervisor to issue payments for same.** 5 Ayes 0 Nays
MOTION CARRIED

Workshop – Supervisor Kelsch explained the need for the employee handbook to be updated. Sections 100-400 have been revised and he would like to work on section 500 at the December 19th workshop.

Executive Session - A motion was made by Mr. Ruffell, seconded by Mr. Melino, to **move into executive session at 8:04 p.m. for collective bargaining negotiations per Article 14 of Civil Service Law.** 5 Ayes
0 Nays MOTION CARRIED

Reconvene – 8:46 p.m.

Supervisor Kelsch read the following statement: Based on the framework of the CSEA counter proposal, the board will instruct their representatives to move forward.

Adjourn - A motion was made by Mr. Robusto, seconded by Mrs. Smith, to **adjourn at 8:50 p.m.** 5 Ayes
0 Nays MOTION CARRIED

Respectfully submitted,

Debra DeMinck
Ontario Town Clerk

The above minutes will become official upon approval of the town board.

December 19, 2011

ONTARIO TOWN BOARD WORKSHOP

A workshop of the Ontario Town Board was called to order by Supervisor Robert Kelsch at 6:00 p.m. in the Ontario Town Hall. Present were Supervisor Robert Kelsch, Council members: Jason Ruffell and Michael Melino.

Executive Sessions

A motion was made by Mr. Ruffell, seconded by Mr. Melino to **move into executive session at 6:00 pm to interview candidates for positions on various Advisory Boards.** 3 Ayes 0 Nays 2 Absent (Smith and Robusto) MOTION CARRIED

Reconvene – 7:10 p.m.

12 resident and visitors were present at portions of the meeting

Mr. Kelsch led the pledge of allegiance.

New Business

1. Ratification of Collective Bargaining Concession Agreements

A brief explanation of the process to date was given by Mr. Kelsch. It was noted that the agreements, one from each unit, had been voted on earlier in the day and the only remaining action to be taken was ratification by the board. The agreements are as follows;

Town of Ontario Water Utilities Unit

A motion was made by Mr. Melino, seconded by Mr. Ruffell, to ratify this Memorandum of Agreement made by and between the Town of Ontario (the “Town”) and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO Local 859, **Town of Ontario Water Utilities Unit** (hereinafter referred to as the “Union”), as follows:

WHEREAS, the Town and the Union are parties to a collective bargaining agreement governing the terms and conditions of employment for certain employees within the Water Utilities Department covering the period January 1, 2008 through December 31, 2013 (the “Agreement”); and

WHEREAS, the Town, due to fiscal restraints imposed by State law, is facing a budget deficit for the fiscal year 2012; and

WHEREAS, the Town, due to that deficit, has requested that the employees covered by the Agreement forego the wage increases for calendar year 2012 called for in the Agreement; and

WHEREAS, the Town has informed the Union that if the employees do not agree to proposed wage freeze for calendar year 2012, the Town will be forced to layoff certain Town employees;

IT IS HEREBY AGREED AND UNDERSTOOD that:

1. The employees covered by the Agreement will not receive the 3.5% increase in their base hourly rate called for Appendix A to the Agreement as incorporated into that Agreement by Article XVI, Section 1 of the Agreement.
2. Effective January 1, 2013, the employees shall receive the 2013 base hourly rate called for in Appendix A-1 to the Agreement.
3. The Town shall not layoff any employee covered by the Agreement, whether through reduction in force or elimination of position prior to January 1, 2015. This provision does not require the Town to fill any position vacated through retirement, resignation, attrition or termination.

3 Ayes 0 Nays 2 Absent (Smith and Robusto) MOTION CARRIED

Town of Ontario Blue Collar Unit

A **motion** was made by Mr. Melino, seconded by Mr. Robusto to ratify this Memorandum of Agreement made by and between the Town of Ontario (the "Town") and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO Local 859, **Town of Ontario Blue Collar Unit #9111** (hereinafter referred to as the "Union"), as follows:

WHEREAS, the Town and the Union are parties to a collective bargaining agreement governing the terms and conditions of employment for certain employees within the covering the period January 1, 2008 through December 31, 2012 (the "Agreement"); and

WHEREAS, the Town, due to fiscal restraints imposed by State law, is facing a budget deficit for the fiscal year 2012; and

WHEREAS, the Town, due to that deficit, has requested that the employees covered by the Agreement forego the wage increases for calendar year 2012 called for in the Agreement; and

WHEREAS, the Town has informed the Union that if the employees do not agree to proposed wage freeze for calendar year 2012, the Town will be forced to layoff certain Town employees;

IT IS HEREBY AGREED AND UNDERSTOOD that:

1. The employees covered by the Agreement will not receive the 3% increase in their base hourly rate called for Appendix A to the Agreement as incorporated into that Agreement by Article XVI, Section 1 of the Agreement.
2. The Town shall not layoff any employee covered by the Agreement, whether through reduction in force or elimination of position prior to January 1, 2015. This provision does not require the Town to fill any position vacated through retirement, resignation, attrition or termination.

3 Ayes 0 Nays 2 Absent (Smith and Robusto) MOTION CARRIED

Town of Ontario Clerical Unit

A **motion** was made by Mr. Melino, seconded by Mr. Ruffell to ratify this Memorandum of Agreement made by and between the Town of Ontario (the "Town") and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO Local 859, **Town of Ontario Clerical Unit #9111** (hereinafter referred to as the "Union"), as follows:

WHEREAS, the Town and the Union are parties to a collective bargaining agreement governing the terms and conditions of employment for certain employees within the Water Utilities Department covering the period January 1, 2008 through December 31, 2015 (the "Agreement"); and

WHEREAS, the Town, due to fiscal restraints imposed by State law, is facing a budget deficit for the fiscal year 2012; and

WHEREAS, the Town, due to that deficit, has requested that the employees covered by the Agreement forego the wage increases for calendar year 2012 called for in the Agreement; and

WHEREAS, the Town has informed the Union that if the employees do not agree to proposed wage freeze for calendar year 2012, the Town will be forced to layoff certain Town employees;

IT IS HEREBY AGREED AND UNDERSTOOD that:

1. The employees covered by the Agreement will not receive the 3% increase in their base hourly rate called for Appendix A to the Agreement as incorporated into that Agreement by Article XVI, Section 1 of the Agreement.
2. Effective January 1, 2013, the employees shall receive the 2013 base hourly rate called for in Appendix A-1 to the Agreement.
3. The Town shall not layoff any employee covered by the Agreement, whether through reduction in force or elimination of position prior to January 1, 2015. This provision does not require the Town to fill any position vacated through retirement, resignation, attrition or termination.

3 Ayes 0 Nays 2 Absent (Smith and Robusto) MOTION CARRIED

In addition, a letter rescinding the Supervisor's November 15th letter to Scott Seltzer eliminating the position of Assistant Building Inspector/Maintenance Mechanic effective December 31, 2011 will be sent to Seltzer on December 21, 2011 with copies to Amsler and Collins.

2. Up-date on Computel Agreement

The board was updated on the outcome of the Computel agreement approved a few weeks ago. Computel has completed their study and determined that the town is owed \$16,228.34 in franchise fees not paid by Time Warner. By Public Service Commission rules Time Warner can simply pay that amount. It is Time Warner's option to pay that amount and charge Time Warner cable user \$0.39 a month for 12 consecutive month as a means of re-cooping their losses. The board decided to proceed and leave the decision of re-cooping fees from customer up to Time Warner.

3. Up-date on Retiree Health Care

The board was informed that an education session will be held 12-20-2011 to explain health care options to retirees.

4. Up-date on Health Care Refund

A handful of employees will receive a reimbursement for healthcare costs that were collected in excess of what was needed. P. Liess will be developing a payment process that he will try to complete by year-end.

Workshop Items

Employee Handbook

- Process/distribution
- Review sections 100-400
- Discussion section 500

Notes taken during this workshop will be processed and distributed when available. The board made it about half way through section 500.

Executive Sessions

A motion was made by Mr. Ruffell, seconded by Mr. Melino to **move into executive session at 9:15 pm to interview the final candidate for positions on various Advisory Boards.** 3 Ayes 0 Nays 2 Absent (Smith and Robusto) MOTION CARRIED

Reconvene – 9:35 p.m.

REMINDER – The Annual Organization Meeting for the town will be January 9, 2012 at Town Hall

Adjourn

A motion was made by Mr. Melino, seconded by Mr. Ruffell, **to adjourn at 9:37 p.m.** 3 Ayes 0 Nays 2 Absent (Smith and Robusto) MOTION CARRIED

Respectfully submitted,

Robert J. Kelsch
Ontario Town Supervisor

The above minutes will become official upon approval of the town board.

NEXT WORKSHOP MEETING

January 16, 2012 @ 7 pm at the Town Hall

NEXT BUSINESS MEETING

December 26, 2011 @ 7 pm at the Town Hall



TOWN OF ONTARIO HIGHWAY DEPARTMENT
6449 FURNACE ROAD
ONTARIO, NEW YORK 14519
TELEPHONE (315) 524-8111 FAX (315) 524-7694
E-MAIL highway@ontariotown.org

JERRY SANTANGELO, SUPERINTENDENT OF HIGHWAYS
STEVE AMSLER, CREW CHIEF
MARILEE STOLLERY, CLERK-TYPIST/D.E.O.
CINDY PASSANTINO, PT CLERK-TYPIST

INTER-DEPARTMENT MEMORANDUM

TO: Paul Liess, Accountant
FROM: Jerry Santangelo, Superintendent of Highways *pl*
DATE: November 28, 2011
RE: **Transfer of Highway Furniture to the Accounting Department**

This notice is to serve as confirmation that the following Highway items were transferred from the Highway Department to the Accounting Department.

- 1) Round Conference Table (no chairs)
- 2) (2) Wooden Bookcases (purchased from Walmart in 2008)
- 3) 19" Television (donated to the highway department by Jerry Santangelo)



TOWN OF ONTARIO HIGHWAY DEPARTMENT
6449 FURNACE ROAD
ONTARIO, NEW YORK 14519
TELEPHONE (315) 524-8111 FAX (315) 524-7694
E-MAIL highway@ontariotown.org

JERRY SANTANGELO, SUPERINTENDENT OF HIGHWAYS
STEVE AMSLER, CREW CHIEF
MARILEE STOLLERY, CLERK-TYPIST/D.E.O.
CINDY PASSANTINO, PT CLERK-TYPIST

MEMORANDUM

Memo # 11-13

TO: Robert Kelsch, Supervisor
Members of the Ontario Town Board

FROM: Jerry Santangelo, Superintendent of Highways *JS*

DATE: November 28, 2011

RE: **Permission to Surplus Items**

I would like permission from the members of the Ontario Town Board to surplus and dispose of the following items.

- 1) CP 3000 Amano Time Clock (broken)
- 2) 1 box - 1-1/4"x4" EZ Peel Labels (unopened box)
- 3) 1 box - 3-1/3"x4" Shipping Labels
- 4) 1 box - Catalog Envelopes
- 5) 1/2 box 8-1/2x11 Continuous feed Computer Paper
- 6) 1/2 box 14-7/2x11 Continuous feed Computer Paper
- 7) 1 box - Report Covers w/binding bars
- 8) 1 box - Hanging File Frames
- 9) 2 - VHS tapes (new)
- 10) 2 - Sony 120 Type 1 cassette tapes (new)
- 11) 2 - MC-15 Outgoing Message tapes (new)
- 12) 1 - Wooden office desk
- 13) 1 - bridge desk section (made in house)
- 14) 6 - wooden shelves with wall brackets
- 15) 2 - 4 drawer non-locking file cabinets
- 16) 2 - 2 drawer locking file cabinets
- 17) 1 set - pink and grey window blinds

Thank you for your time.