



Your complimentary
use period has ended.
Thank you for using
PDF Complete.

[Click Here to upgrade to
Unlimited Pages and Expanded Features](#)

DECEMBER 14, 2009 TOWN BOARD MEETING

was called to order by Supervisor Kelsch at 7:00 PM in the
Robert Kelsch, Council members: Jason Ruffell, Lori Eaton-
Smith, James Switzer and Stephen Tobin, 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 Scott Erdeli, Sole Assessor Christine Luteyn, Library
Director Sandra Hylen, Dog Control Officer Mark Plyter, Associate Attorney for the Town Amy Reichhart and
Town Clerk Debra DeMinck.

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

Mr. Ruffell led the Pledge of Allegiance.

Approval of the Agenda ó A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **approve the agenda with the addition of a motion to sign agreement with Collector Solutions Inc. to accept water payments online and 3 additional budget transfers.** 5 Ayes 0 Nays MOTION CARRIED

Mr. Collins left the meeting at 7:05 p.m.

Comments from the Public ó None

Approval of Minutes - Mr. Kelsch asked for approval of the minutes of the November 23, 2009 Town Board meeting. A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **approve the minutes as presented.** 5 Ayes 0 Nays MOTION CARRIED

Correspondence – The Town Clerk received official notification from Konstantinou's Restaurant Inc., 2030 Route 104, Ontario that they are renewing their alcoholic beverage license. A motion was made by Mr. Switzer, seconded by Mr. Ruffell, to **accept and file the correspondence.** 5 Ayes 0 Nays MOTION CARRIED

Attorney for the Town Report – The DKR (Ames Plaza) tax certiorari case is waiting on the appraisals which are expected to be done by mid January.

Department Head Reports -

Superintendent of Water Utilities – A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **accept the November 2009 report as presented.** 5 Ayes 0 Nays MOTION CARRIED

Superintendent of Highways – A motion was made by Mr. Kelsch, seconded by Mr. Switzer, to **accept the November 2009 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 2009 report as presented.** 5 Ayes 0 Nays MOTION CARRIED

Director of Recreation & Parks – A motion was made by Mrs. Smith, seconded by Mr. Tobin, to **accept the November 2009 report as presented.** 5 Ayes 0 Nays MOTION CARRIED

Sole Assessor – A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **accept the November 2009 report as presented.** 5 Ayes 0 Nays MOTION CARRIED



Your complimentary use period has ended. Thank you for using PDF Complete.

Click Here to upgrade to Unlimited Pages and Expanded Features

by Mrs. Smith, seconded by Mr. Tobin, to **accept the November 2009 report as presented.** 5 Ayes 0 Nays MOTION CARRIED

by Mr. Tobin, seconded by Mrs. Smith, to **receive the November 2009 report as presented.** 5 Ayes 0 Nays MOTION CARRIED

Dog Control Officer – A motion was made by Mrs. Smith, seconded by Mr. Tobin, to **accept the November 2009 report as presented.** 5 Ayes 0 Nays MOTION CARRIED

Economic Development Department - A motion was made by Mr. Kelsch, seconded by Mr. Switzer, to **accept the November 2009 report as presented.** 5 Ayes 0 Nays MOTION CARRIED

New Business ó A motion was made by Mr. Ruffell, seconded by Mr. Tobin, to **authorize the Building Inspector to post the vacant part-time Building Inspector/Code Enforcement Officer position, as requested by the Building Inspector/Code Enforcement Officer.** 4 Ayes 1 Nay (Switzer) MOTION CARRIED

A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **adopt the**

RESOLUTION AUTHORIZING BUDGET ADJUSTMENTS FOR FISCAL YEAR ENDING DECEMBER 31, 2009

WHEREAS, budgetary adjustments are required to provide amounts sufficient in each appropriation account to provide for payment of just claims audited and approved by this Town Board and,

WHEREAS, due to the routine bookkeeping time lag, not all needed transfers will be immediately known as of December 31, 2009 and,

WHEREAS, Section III of the Town Law provides that each appropriation, to the extent that it shall not have been expended or obligated, shall lapse at the close of the fiscal year for which made and become part of the Fund Balance.

THEREFORE, BE IT RESOLVED, that the Supervisor and his accountant be authorized to make all appropriate adjustments to the amounts budgeted in each appropriation account such that the budget equals the amount expended there- from as soon as may be conveniently possible after the close of the books on December 31, 2009. The Supervisor and his accountant are instructed to make a complete list of the amounts so transferred among the various budget accounts and a copy of that list of transfers shall be appended to and become a part of the minutes of this board meeting dated December 14, 2009. 5 Ayes 0 Nays
RESOLUTION ADOPTED

A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **adopt the 2010 hourly, monthly and salaried pay schedules as presented.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Switzer, seconded by Mr. Ruffell, to **adopt the 2010 wage schedule as presented for non-unionized, salaried, exempt and hourly employees.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Switzer, seconded by Mrs. Smith, to **adopt the 2010 holiday schedule as presented.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Switzer, seconded by Mrs. Smith, to **amend Town Policy 4030.6AR Section 11 (Water User’s Fee) as follows: basic service charge 0 gallons – basic fee \$20.00, minimum fee \$20.00. Each thousand gallons starting from (0) Zero (\$2.85 per thousand gallons) as recommended by the Superintendent of Water Utilities in memo #19-2009.** 5 Ayes 0 Nays MOTION CARRIED



Your complimentary use period has ended. Thank you for using PDF Complete.

Click Here to upgrade to Unlimited Pages and Expanded Features

by Mr. Tobin, to **approve the purchase of Orion System Water (sole source vendor) as requested by the Superintendent of** Nays MOTION CARRIED

by Mr. Tobin, to **authorize the posting and hiring of the position of Distribution Crew Chief within the Water Utilities Department per job description (4316.4AR) in the Town's Policy Handbook at a start rate of employee's base rate plus \$1.50 per hour as requested by the Superintendent of Water Utilities in memo #21-2009.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Switzer, seconded by Mr. Ruffell, to **approve the purchase of Fire/Security/Video Protection System, from Casco Security Systems, Inc. (designated sole source vendor) for an amount not to exceed \$43,514.00, as requested by the Superintendent of Water Utilities in memo #22-2009.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Switzer, seconded by Mrs. Smith, to **accept the lowest responsible quote for replacement and expansion of the fence around the sludge drying bed from Secor Building Solutions, PO Box 248, 13140 W. Church Street, Savannah, NY for an amount not to exceed \$8,200.00, as requested by the Superintendent of Water Utilities in memo #23-2009.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mrs. Smith, seconded by Mr. Tobin, to **authorize the Director of Parks and Recreation to purchase 2 (two) computers from Advance 2000, Inc. for the community center, for an amount not to exceed \$2,380.44, as requested in memo #PR17-2009.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mrs. Smith, seconded by Mr. Tobin, to **authorize the purchase of 1 (one) commercial treadmill for the Community Center at State Contract #PC62431 Group 30204 for an amount not to exceed \$5,865.85 as requested by the Director of Parks and Recreation in memo PR18-2009.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **adopt a**

RESOLUTION FOR SEQRA FINDINGS FOR COMMERCE CENTER MASTER PLAN

WHEREAS, the Town of Ontario (the "Town") has proposed to establish Commerce Center (the "Project"), which would be an industrial park located on approximately 354 acres of industrially-zoned area located north of State Route 104 between Dean Parkway and Lakeside Road; and

WHEREAS, the Town intends to adopt a Master Plan for the Project, consistent with the existing Town Comprehensive Plan, which would provide a basis for development of the Project, including but not limited to extension of Timothy Lane, other road improvements, extension of water and sewer lines, construction of stormwater management areas, subdivision of the existing lots, and construction of industrial facilities, as well as possible amendments to the Town Zoning Law (Town Code Chapter 150); and

WHEREAS, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), and regulations adopted to implement SEQRA, the Town must undertake an environmental review of the Project, including the Master Plan and other necessary zoning amendments or approvals (together the "Action"); and

WHEREAS, the Town Board reviewed and accepted an environmental assessment form ("EAF") for the Action prepared by the Town's consultant, Costich Engineering ("Costich"), to evaluate the significance of potential environmental impacts of the Action; and

WHEREAS, the Town Board determined that the proposed Action is a "Type I Action" as defined by SEQRA, pursuant to 6 N.Y.C.R.R. §617.4(b); and

WHEREAS, on June 9, 2008, the Town Board passed a resolution indicating the intent of the Town to act as lead agency for the SEQRA review of the Action, pursuant to 6 N.Y.C.R.R. §617.6(b)(3); and



Your complimentary
use period has ended.
Thank you for using
PDF Complete.

[Click Here to upgrade to
Unlimited Pages and Expanded Features](#)

Board passed a resolution declaring itself lead agency for the SEQRA review finding that the Project may include the potential for at least one significant contribution was made, pursuant to 6 N.Y.C.R.R. §617.6(b), and deciding that a determination was appropriate to evaluate the environmental impacts of the Project, since it will consist of a series of actions, and the Master Plan will define and restrict the range of future alternative policies or projects, pursuant to 6 N.Y.C.R.R. §617.10; and

WHEREAS, the Town notified all other involved agencies that the Town is lead agency, furnished them with a copy of the Positive Declaration, and arranged for publication of the notice of the Positive Declaration in the *Environmental Notice Bulletin*; and

WHEREAS, that the Town Board elected to utilize the optional process for scoping, pursuant to 6 N.Y.C.R.R. §617.8 in order to devise a scope (the "Scope") for the GEIS; and

WHEREAS, a Public Hearing on a draft Scope was held on October 27, 2008; and

WHEREAS, on October 27, 2008, the Town Board adopted a final written Scope; and

WHEREAS, Costich, the consultant for the Town, prepared a Draft Generic Environmental Impact Statement ("DGEIS") in accordance with the Scope and the requirements of SEQRA; and

WHEREAS, on July 27, 2009, the Town Board passed a resolution accepting the DGEIS, and scheduling a Public Hearing for August 24, 2009, and a public comment period running through September 3, 2009; and

WHEREAS, on August 3, 2009, the Town filed and circulated a Notice of Completion of the DGEIS and of Public Hearing, published the Notice in the *Wayne County Mail* on August 6, 2009, arranged for publication of a notice in the *Environmental Notice Bulletin*, and filed copies of the DGEIS in accordance with the requirements set forth in 6 N.Y.C.R.R. §617.12; and

WHEREAS, Costich also prepared a Preliminary Notice of Intent to Undertake an Action within an Agricultural District, in accordance with Agriculture and Markets Law §305(4) and 1 N.Y.C.R.R. §371.6, which was accepted by resolution of the Town Board on July 27, 2009, and on August 4, 2009 was transmitted for filing with the Commissioner of Agriculture and Markets and the Wayne County Agricultural Development Board; and

WHEREAS, a Public Hearing was held before the Town Board concerning the Project and the DGEIS on August 24, 2009 at 7:00 PM, and no comments were made; and it is further

WHEREAS, the Town invited written comments on the DGEIS and the Project until September 3, 2009, but none were received; and

WHEREAS, Costich prepared a proposed FGEIS in accordance with the requirements of SEQRA; and

WHEREAS, on November 9, 2009, the Town Board passed a resolution accepting the FGEIS; and

WHEREAS, the Town prepared, filed and published a Notice of Completion of the FGEIS, and filed copies of the FGEIS in accordance with the requirements set forth in 6 N.Y.C.R.R. §617.12, including filing copies with the Supervisor, the Town Clerk, and all involved agencies and persons who have requested a copy; and

WHEREAS, the Notice of Completion of the FGEIS was published in the *Environmental Notice Bulletin* and posted on the Town web site; and

WHEREAS, the Town Clerk caused a copy of that Notice to be posted on the sign board of the Town maintained pursuant to Town Law §30(6); and

WHEREAS, the FGEIS was posted on the Town's web site, pursuant to Environmental Conservation Law §8-0109(6), and

WHEREAS, more than ten (10) calendar days have passed since the acceptance and filing of the FGEIS and Notice of Completion, and



Your complimentary
use period has ended.
Thank you for using
PDF Complete.

Click Here to upgrade to
Unlimited Pages and Expanded Features

environmental issues and concerns potentially associated with the Project, and
site; and

At the public meeting, this Board has reviewed and deliberated upon the DGEIS and
impacts and weigh and balance the relevant environmental impacts with social,
economic, and other considerations, so that, prior to rendering any decision on the Project, this Board can articulate the rationale for
its decisions, explain how, consistent with social, economic, and other essential considerations, from among the reasonable
alternatives available, any action authorized by this Board avoids or minimizes adverse environmental impacts to the maximum
extent practicable, and put forward those mitigative measures that were identified as practicable to be incorporated as conditions to
any decision.

NOW, THEREFORE BE IT RESOLVED THAT based on the FGEIS, the DGEIS incorporated therein, this Board
hereby certifies that the requirements of SEQRA have been met and this Board makes the findings with respect to environmental,
social, economic and other factors concerning the Project that are set forth in the SEQRA Findings attached to and incorporated by
reference into this Resolution (Findings), which provide the rationale for this Board's action; and it is further

RESOLVED, that the this Board hereby determines that consistent with social, economic and other essential considerations
from among the reasonable alternatives available, the action authorized by this Board is one that avoids or minimizes adverse
environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to
the maximum extent practicable by incorporating as conditions to the approval those mitigating measures that were identified as
practicable; and it is further

RESOLVED, that the Town Clerk is hereby directed to promptly arrange for the filing of copies of the Findings and this
Resolution with the Supervisor, with this Board, with all involved agencies, with all interested agencies, and with any person who
has requested a copy, and it is further

RESOLVED, that the Town Clerk is hereby directed to maintain in a readily accessible file the adopted Full
Environmental Assessment Form, the DGEIS, the FGEIS, the Findings, this Resolution and all other SEQRA documents, and the
Town Clerk shall make such documents available to the public upon request, and it is further

RESOLVED, that the Town Board may subsequently determine whether to make a Final Notice of Intent to Undertake an
Action within an Agricultural District, in accordance with Agriculture and Markets Law §305(4) and 1 N.Y.C.R.R. §371.7, and it is
further

RESOLVED, that a public hearing will be held on the Master Plan on the 11th day of January, 2010 at 7:00 P.M. at the
Ontario Town Hall, 1850 Ridge Road, in the Town of Ontario, County of Wayne and State of New York, pursuant to Town Law
§272-a(6). 5 Ayes 0 Nays **RESOLUTION ADOPTED**

A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **authorize the supervisor to sign an agreement
with CSI (Collector Solutions Incorporated) to accept water payments with a credit card online with no
charge to the town.** 5 Ayes 0 Nays **MOTION CARRIED**

Budget Transfers/Adjustments - A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **approve the
following budget transfers:**

- SEWER fund transfer \$22,705.00 from SS8130.4 to SS8130.2
 - SEWER fund transfer \$14,505.00 from SS8120.4 to SS8120.2
 - SEWER fund transfer \$14,505.00 from S28120.4 to S28120.2
 - SEWER fund transfer \$1,281.25 from SS8130.4 to SS8110.2
 - HIGHWAY fund transfer \$20,000.00 from DA5140.4 to DA5130.4
 - GENERAL fund transfer \$1,281.25 from F8310.4 to F8310.2
 - GENERAL fund transfer \$3,875.00 from A1110.4 to A1110.2
 - GENERAL fund transfer \$6,500.00 from A1620.4 to 1620.2
- 5 Ayes 0 Nays **MOTION CARRIED**

Reports by Town Board Members ó Mr. Kelsch announced that interviews for the vacant and expiring
advisory board positions will be held at the town board workshop on Monday, December 21, 2009 starting at 7



Your complimentary
use period has ended.
Thank you for using
PDF Complete.

[Click Here to upgrade to
Unlimited Pages and Expanded Features](#)

ard meeting will be a short meeting to approve claims. He also
the contract for IT services. He will recommend that a contract
) year term.

8, 2010 to discuss the establishment of a property maintenance
code for the Town.

Best wishes were extended to Andrew Kujawski, a water utilities employee, who is deploying to Afghanistan at
the end of December.

Approval of Claims - A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **approve the abstract of
claims for December 14, 2009 including vouchers #2868 through #3017 with a grand total of \$131,151.43
and to authorize the Supervisor to issue payments for same.** 5 Ayes 0 Nays MOTION CARRIED

Comments from the Public ó None

Adjourn - A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **adjourn at 8:20 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.