MAY 22, 2017
ONTARIO TOWN BOARD MEETING

A regular meeting of the Ontario Town Board was called to order by Supervisor John Smith at 7:00 p.m. in the Ontario Town Hall. Present were Supervisor Smith, Council members: Jason Ruffell, Frank Robusto, Joseph Catalano, Richard Leszyk, Highway Superintendent Marilee Stollery, Director of Parks and Recreation William Riddell, Attorney Richard Williams and Town Clerk Debra DeMinck.

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

Mr. Switzer led the Pledge of Allegiance.

A legal notice of public hearing to consider proposed Local Law #1 of 2017 that would establish the “Community Ridge PUD” Planned Unit Development District for parcels known as and located at 2112 Community Lane, 2101 Brown Square, 2137 Ridge Road and 2207 Ridge Road was published in the Sun & Record/Wayne County Mail on May 11, 2017, in the Times of Wayne County on May 14, 2017 and on the Town Clerk’s bulletin board and on the town’s website on May 9, 2017.

Supervisor Smith opened the public hearing at 7:01 and gave a brief summary of the project and asked for public comments or questions.

Mr. Switzer asked if there had been any changes made since the last public hearing. Supervisor Smith responded with no, other than minor language clarification. He also asked if this was subject to permissive referendum and the Town Attorney responded no, it is not.

Hearing no further questions or comments, a motion was made by Mr. Catalano, seconded by Mr. Ruffell, to close the public hearing at 7:04 p.m. 5 ayes 0 Nays MOTION CARRIED.

A motion was made by Mr. Ruffell, seconded by Mr. Leszyk, to adopt the following:

SEQRA RESOLUTION FOR COMMUNITY RIDGE PUD

WHEREAS, true and correct copies of proposed Local Law No. 1 of 2017: Establishment of the Community Ridge Planned Unit Development District, were delivered to each member of the Town Board; and

WHEREAS, due consideration has been given to the adoption of said proposed Local Law No. 1 of 2017, by all members of the Town Board who were present; and

WHEREAS, it was the considered opinion of all members of the Town Board who were present that a public hearing should be held on the 22nd day of May, 2017, at 7:00 p.m. at the Town Hall, 1850 Ridge Road, Ontario, New York, to consider the adoption of said proposed Local Law No. 1 of 2017;

WHEREAS, a single agency review of the SEQRA issues for the proposed Local Law No. 1 of 2017 by the Town Board was conducted; and

WHEREAS, a public hearing was held on May 22, 2017, at which time all interested parties wishing to speak on the proposed amendment were heard; and

WHEREAS, a Full Environmental Assessment Form has been prepared and carefully reviewed by the Town Board and is attached hereto; and

WHEREAS, the Full Environmental Assessment Form failed to identify any significant adverse environmental impacts associated with the proposed Local Law No. 1 of 2017;

NOW, THEREFORE, be it

RESOLVED, that the Ontario Town Board, upon consideration of all written and oral submissions, public comment, comment from appropriate agencies, as well as the Full Environmental Assessment Form, and
upon having given this matter due deliberation and consideration, finds that Local Law No. 1 of 2017 and the proposed establishment of the Community Ridge Planned Unit Development District will have no significant adverse impact on the environment; and be it further

RESOLVED, that the Town Board issues a Negative Declaration for the adoption of proposed Local Law No. 1 of 2017. 5 Ayes 0 Nays RESOLUTION ADOPTED

A motion was made by Mr. Ruffell, seconded by Mr. Robusto, to adopt the following:

Local Law No.1 of 2017
Establishment of the Community Ridge PUD

WHEREAS, true and correct copies of proposed Local Law No. 1 of 2017: Establishment of the Community Ridge Planned Unit Development District, were placed upon the desks of all members of the Town Board of the Town Board, New York, more than seven (7) calendar days, exclusive of a Sunday, prior to the 22nd day of May, 2017; and

WHEREAS, there was duly published in a newspaper previously designated as an official newspaper for publication of public notices, and posted upon the bulletin board maintained by the Town Clerk pursuant to § 40(6) of the Town Law, a notice of public hearing to the effect that the Town Board would hold a public hearing on the 22nd day of May, 2017, at 7:00 P.M., Local Time, at the Town Hall, 1850 Ridge Road, Ontario, New York, on said Local Law No. 1 of 2017.

WHEREAS, the said public hearing was duly held on the 22nd day of May, 2017, at 7:00 P.M., Local Time, at the Town Hall, Ontario, New York, and all persons present were given an opportunity to be heard, whether speaking in favor of or against the adoption of said Local Law No. 1 of 2017; and

WHEREAS, subsequent to the closing of said public hearing, and after all persons interested had been heard, the Town Board considered the adoption of said Local Law No. 1 of 2017; and

WHEREAS, the Town Board issued a Negative Declaration of Environmental Significance, pursuant to SEQRA, on May 22, 2017;

WHEREAS, it was the decision of the Town Board that said Local Law No. 1 of 2017 should be adopted;

NOW, on a motion duly made and seconded, it was

RESOLVED, that Local Law No. 1 of 2017: Establishment of the Community Ridge Planned Unit Development District, be adopted by the Town Board of the Town of Ontario, New York, to read as annexed hereto; and it was further

RESOLVED, that within twenty (20) days subsequent to the date of this Resolution, there shall be filed with the Secretary of State one certified copy of said Local Law No. 1 of 2017. 5 Ayes 0 Nays RESOLUTION ADOPTED

A motion was made by Mr. Smith, seconded by Mr. Ruffell, to adopt the Community Ridge PUD (Planned Unit Development) development requirements and regulations dated May 22, 2017 as outlined by the Town of Ontario. 5 Ayes 0 Nays MOTION CARRIED

A legal notice of public hearing to consider a Community Development Block Grant application for Intergrow Holding Company, Inc., who plans to develop Phase 1 of a tomato growing and distribution facility at the eastern end of Timothy Lane, was published in the Sun & Record/Wayne County Mail on May 11, 2017, in the
Times of Wayne County on May 14, 2017 and on the website on the Town Clerk’s bulletin board on May 9, 2017.

Supervisor Smith opened the public hearing at 7:13 p.m. and asked for questions or comments.

Mr. Chuck Bell, a representative of the consulting firm working with Intergrow, gave a brief summary of the project and the grant.

Mrs. Loomis stated this is a wonderful opportunity for the town.

Mr. Switzer asked what the time line is for the project. Mr. Dirk Biemans of Intergrow stated they planned site leveling late this summer with the first crop in the fall of 2018 which is Phase I and Phase II would be in 2020. It produces about 50 million pounds of tomatoes which is mostly retail.

Mr. Robusto asked of the 50 employees in phase one would they be full or part time. Mr. Biemans answered most would be full time with a starting wage of approximately $12.38 per hour.

They use bumble bees to pollinate.

Mr. Johnson asked how the Ontario facility would compare to their Albion, NY facility. In Albion they have 55 acres and employee 130 people. In Ontario at full build out there would be 65 acres.

Mr. Catalano asked if the grant was guaranteed. Mr. Bell stated it is not guaranteed but they would be at the top of the list with regard to investment and job creation.

Mr. Riddell stated they would be working very closely with Wayne County to make sure all the paperwork is complete and correct and the grant amount is $750,000 with up to $16,000 in administrative costs to be recovered.

Mr. Kelsch asked if it was a straight grant or a loan to grant. Mr. Bell state it is a deferred loan which converts to a grant when all the milestones have been met.

Mr. Robusto asked if they were seasonal or straight when they are up and running. Mr. Biemans stated they are in business year round with production being nine months. Mr. Robusto wanted to know if there was a peak season. Mr. Biemans stated May, June, July and August would be their peak season.

A motion was made by Mr. Ruffell, seconded by Mr. Robusto, to close the public hearing at 7:23 p.m. 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Smith, seconded by Mr. Ruffell, to adopt the following:

Resolution Authorizing the Submission of a Community Development Block Grant Application

WHEREAS, Intergrow Holding Company, Inc. (hereinafter the “Company”) plans to develop Phase I of a tomato growing and distribution facility at the eastern end of Timothy Lane in the Town of Ontario (the “Project”); and

WHEREAS, the Project will have an estimated capital cost of $38 million and require infrastructure and utility upgrades; and

WHEREAS, the Company has requested that the Town of Ontario apply for Community Development
Block Grant funding from the New York State Office of Community Renewal (the “OCR”) to finance a portion of the machinery and equipment costs of the Project; and

WHEREAS, the Project will create an estimated 50 new permanent full-time employment positions and increase the Town’s tax base; and

WHEREAS, the Town has held a public hearing on May 22, 2017 to obtain citizens’ views regarding the Project and the CDBG program as administered by the OCR;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Ontario hereby authorizes the Supervisor to submit a grant application to the OCR on behalf of the Town in the amount of $750,000 to support the Project; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute a grant agreement between the Town and the OCR and all related documents associated with the OCR grant, all such documents to be subject to review and approval by the Town Attorney; and

BE IT FURTHER RESOLVED, the Supervisor is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project. 5 Ayes 0 Nays RESOLUTION ADOPTED

Correspondence – Supervisor Smith acknowledged the NYS Town Clerk’s Association recertification of Debra DeMinck as a Registered Municipal Clerk.

Approval of Minutes of Prior Meeting(s) – A motion was made by Mr. Leszyk, seconded by Mr. Robusto, to approve the minutes of the May 15, 2017 meeting as presented. 4 Ayes 0 Nays 1 Abstention (Ruffell) MOTION CARRIED

New Business – A motion was made by Mr. Robusto, seconded by Mr. Ruffell, to authorize the Highway Superintendent to crush their concrete pile to allow room to build a berm as required in the EPA Audit. The quote is from Villager Contraction (Wayne County Bid) for an amount not to exceed $23,500.00 from budget code DA5110.4 as recommended by the Highway Superintendent in memo 17-09. 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Ruffell, seconded by Mr. Catalano, to authorize the Supervisor to sign the Multi-Jurisdictional Municipal Shared Services Agreement with Wayne County as presented. 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Leszyk, seconded by Mr. Ruffell, to authorize the Supervisor to sign the Multi-Jurisdictional Municipal Mutual Aid Agreement with Wayne County as presented. 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Robusto, seconded by Mr. Ruffell, to authorize the Town to enter into an agreement with MRB Group for engineering recommendations for Bear Creek Harbor. This would be for the re-development of Bear Creek Harbor (which is beginning to fail) and the parcel east of Bear Creek. The engineering and estimating is required with the anticipation of a 2017 grant application and a 2018/19 re-development project. This is for two phases, Phase 1: Engineering, design and cost analysis and Phase 11: All necessary material for CFA grant submittal, with an amount not to exceed $15,900 from the Parkland Development Fund. A capital project is already in place for Bear Creek Harbor Improvements (H82) with approximately $2,000 in it. An additional $13,900 would need to be transferred from the Parkland Development Fund (T-37) to the Bear Creek Harbor Fund (H82). This is recommended by the Director of Parks and Recreation in memo PR12-2017. 5 Ayes 0 Nays MOTION CARRIED
Appointments/Resignations – A motion was made by Mr. Ruffell, seconded by Mr. Leszyk, to authorize the Parks and Recreation staff pay changes/adds as presented by the Parks and Recreation Director in memo 11-2017. 5 Ayes 0 Nays MOTION CARRIED

Board reports – Mr. Ruffell, on behalf of the Business Improvement District (BID), thanked Mr. Riddell and his staff for their hard work on keeping Main Street looking nice. He also thanked Mr. Smith and staff for all the hard work that went in to the Intergrow project.

Mr. Smith announced the Memorial Day parade is Tuesday, May 30th at 6 p.m.

Mr. Robusto asked about the 30 day emergency memo that the Supervisor sent out. Mr. Smith stated it was a renewal of the last emergency memo and formalizes the towns situation with the State should we have any damage to report.

Approval of Claims – A motion was made by Mr. Ruffell, seconded by Mr. Leszyk, to approve the abstract of claims for May 22, 2017 including vouchers # 1030 through #1147(1039-1040, 1070-1071 used by the Business Office) with a grand total of $82,800.00 and to authorize the Supervisor to issue payments for same. 5 Ayes 0 Nays MOTION CARRIED

Executive Session – A motion was made by Mr. Smith, seconded by Mr. Leszyk, to move into an executive session at 7:53 p.m. on pending litigation and a personnel matter for a particular person or persons. 5 Ayes 0 Nays MOTION CARRIED

Reconvene – 9:14 p.m.

Adjourn – A motion was made by Mr. Catalano, seconded by Mr. Ruffell, to adjourn at 9:15 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.