FEBRUARY 12, 2018
ONTARIO TOWN BOARD MEETING

A regular meeting of the Ontario Town Board was called to order by Supervisor Frank Robusto at 7:00 p.m. in the Ontario Town Hall. Present were Supervisor Robusto, Council members: Joseph Catalano, Richard Leszyk, Scott TeWinkle, Jason Ruffell, Superintendent of Highways Marilee Stollery, Code Enforcement Officer Brian Smith, Town Engineer/Water Superintendent Adam Cummings, Director of Recreation & Parks William Riddell, Business Manager Paul Liess, Assessor Melissa Halstead, Attorney for the Town Richard Williams, Judge Paul Sucher and Town Clerk Debra DeMinck.

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

Mr. Robusto led the Pledge of Allegiance.

Approval of the Agenda – A motion was made by Mr. Ruffell, seconded by Mr. Catalano, to approve the agenda with the addition of an invoice from NFP and a PO for MRB Group under new business. 5 Ayes 0 Nays MOTION CARRIED

Dr. Mathis Calvin, Superintendent of Wayne Central School District, gave a presentation on the upcoming Capital Project vote at the school which is Tuesday, March 6th from 9am to 9 pm in the high school gymnasium.

Approval of Minutes - Mr. Robusto asked for approval of the minutes of the January 22, 2018 Town Board Meeting. A motion was made by Mr. Leszyk, seconded by Mr. TeWinkle, to approve the minutes as presented. 5 Ayes 0 Nays MOTION CARRIED

Correspondence – The Town Clerk received a letter from the Department of Transportation regarding a traffic study on Timothy Lane. The 30 mph speed limit is appropriate and they will file for a 30 mph speed limit for Dean Parkway as well.

Attorney for the Town Report – The Community Ridge PUD and Villas by Barone will be coming before the board with offers of dedication that the Attorney will prepare. There will be the establishment of special lighting districts for each of these that will be maintained by the residents of those districts.

Department Head Reports -
Supervisor’s Financial Statement – A motion was made by Mr. Ruffell, seconded by Mr. TeWinkle, to accept the January 2018 Supervisor’s Financial Statement as presented. 5 Ayes 0 Nays MOTION CARRIED

Superintendent of Water Utilities/Town Engineer – A motion was made by Mr. Ruffell, seconded by Mr. Catalano, to accept the January 2018 report as presented. 5 Ayes 0 Nays MOTION CARRIED

Superintendent of Highways – A motion was made by Mr. Leszyk, seconded by Mr. Ruffell, to accept the January 2018 report as presented. 5 Ayes 0 Nays MOTION CARRIED

Code Enforcement Officer – A motion was made by Mr. Catalano, seconded by Mr. Leszyk, to accept the January 2018 report as presented. 5 Ayes 0 Nays MOTION CARRIED

Sole Assessor – A motion was made by Mr. Ruffell, seconded by Mr. TeWinkle, to accept the January 2018 report as presented. 5 Ayes 0 Nays MOTION CARRIED

Ontario Town Court – A motion was made by Mr. Leszyk, seconded by Mr. Ruffell, to receive the January 2018 reports as presented. 5 Ayes 0 Nays MOTION CARRIED

Director of Recreation & Parks – A motion was made by Mr. TeWinkle, seconded by Mr. Ruffell, to accept the January 2018 report as presented. 5 Ayes 0 Nays MOTION CARRIED
**Economic Development Department** - A motion was made by Mr. Robusto, seconded by Mr. TeWinkle, to accept the January 2018 report as presented. 5 Ayes 0 Nays MOTION CARRIED

**Watershed Management Advisory Council** – No Report

**Animal Control Officer** – A motion was made by Mr. Catalano, seconded by Mr. Leszyk, to accept the January 2018 report as presented. 5 Ayes 0 Nays MOTION CARRIED

**Old Business** – A motion was made by Mr. Ruffell, seconded by Mr. TeWinkle, to sign the Casco Security Maintenance Agreement from 2008 that will be honored for 2018 for an amount not to exceed $6,625.00 as presented. 5 Ayes 0 Nays MOTION CARRIED

**New Business** – A motion was made by Mr. Ruffell, seconded by Mr. TeWinkle, to authorize Town Clerk, Debra DeMinck, to attend the 36th Annual Association of Towns Training in Albany, NY from April 22-25, 2018 with all actual and necessary charges to be a town charge for an amount not to exceed $900. This is a budgeted item from budget code A1410.4 as requested in a memo dated February 12, 2018. 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Catalano, seconded by Mr. Ruffell, to authorize Business Manager, Paul Liess, to attend the 39th Annual GFOA Conference in Albany, NY from March 21-23 with all actual and necessary charges to be a town charge for an amount not to exceed $780.00 from budget code A1221.4. as requested in a memo dated January 26, 2018. 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Ruffell, seconded by Mr. Leszyk, to authorize the Supervisor to sign the Integrated Systems Professional Services Agreement which started August 2017 and expires August 29, 2018 for a contract amount of $4,250.00 which gives the town 50 hours of service at $85.00 per hour as presented. 5 Ayes 0 Nays MOTION CARRIED

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

THE SETTLEMENT OF THE ARTICLE 78 PROCEEDING INSTITUTED BY PAUL E. SUCHER VS THE TOWN OF ONTARIO, ETAL.

  WHEREAS, Paul E. Sucher, as Petitioner, previously commenced an Article 78 Proceeding in the Supreme Court of the State of New York, bearing Wayne County Index Number 76836, requesting that the Court award money damages against the Town of Ontario, based on the allegations set forth in the Petition commencing such action; and

  WHEREAS, such action remains pending and the Town has received an offer of settlement from the Petitioner which would resolve any and all legal issues and claims for damages raised in such proceeding for an amount substantially lower than the amount demanded in the Petition; and

  WHEREAS, the Town Board, after careful consideration, consultation with the Town Attorney representing the Town in such proceeding and due deliberation, has determined that it is fair, reasonable and in the best interests of the Town that such action be resolved and settled as proposed;

  NOW, THEREFORE, IT IS

RESOLVED, that, the Town Board hereby authorizes the settlement of the above stated proceeding for the sum of $60,000.00, which includes a contribution toward settlement from Selective Insurance Company, in the amount of $15,000.00, in exchange for receipt of a General Release from the Petitioner and a Stipulation of Discontinuance, in forms acceptable to the Town Attorney; and it is

  FURTHER RESOLVED, that the Town Supervisor for the Town be and he hereby is directed to issue a check, in the above settlement amount, made payable to counsel of record for the Petitioner, and transmit such check to the
Town Attorney, who is authorized and directed to transmit such check to counsel for the Petitioner, in exchange for the receipt, by the Town Attorney, of the signed General Release and Stipulation of Discontinuance, as aforesaid. 5 Ayes 0 Nays RESOLUTION ADOPTED

A motion was made by Mr. Catalano, seconded by Mr. Ruffell, to authorize the Harris Systems Support payment for 2018 for a total amount not to exceed $13,153.16 from budget codes A1221.4, A1410.4, F8310.4 and SS18110.4. 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Leszyk, seconded by Mr. TeWinkle, to authorize the pay adjustment for part time clerk JoAnn Amico from $14.45 per hour to $15.00 per hour, retroactive to January 1, 2018, which is in the Town Clerk’s budget as requested in a memo dated February 7, 2018. 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Ruffell, seconded by Mr. Leszyk, to authorize the Water Superintendent to purchase Turbidimeter Equipment for the Water Treatment Plant from Hach, a sole source vendor, for an amount not to exceed $10,611.17.00 from budget code F8340.2. 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Ruffell, seconded by Mr. Catalano, to authorize the Town Supervisor to authorize a grant agreement with New York State Environmental Facilities Corporation and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Town’s obligations under the engineering grant agreement including the MRB agreement for professional services for $24,800.00. These are items h-k and include attachments 21-24 on the agenda. 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Leszyk, seconded by Mr. Ruffell, to authorize the Superintendent of Highways to sign the purchase order for Dolomite Products Co., Inc. for $20,000.00 for stone for road repairs and Capital Improvements for 2018 on Wayne County Bid from budget codes DA5110.4 and DA5112.4. 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. TeWinkle, seconded by Mr. Catalano, to authorize the Highway Superintendent to sign the purchase order for Dolomite Products Co., Inc. for $40,000.00 for asphalt for road repairs for 2018 on Wayne County Bid from budget code DA5110.4. 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Leszyk, seconded by Mr. Ruffell, to authorize the Highway Superintendent to sign the purchase order for Northern Supply, Inc. for $15,000.00 for carbide blades and parts for snow plows for 2018 from budget code DA5130.4. 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Leszyk, seconded by Mr. TeWinkle, to authorize the Highway Superintendent to sign the purchase order for Suit-Kote Corporation for $160,000.00 for oil and equipment fees for road projects for 2018 on Wayne County Bid from budget codes DA5110.4 and DA5112.4. 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Robusto, seconded by Mr. Ruffell, to authorize the Highway Superintendent to sign the purchase order for Tallmadge Tire Service for $10,000.00 for tire purchases and repairs for 2018 from budget code DA5130.4. 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Leszyk, seconded by Mr. Ruffell, to table the motion to withdraw the Town’s membership from the Ontario-Wayne Stormwater Coalition until the board sits down with the Chairman and Vice Chairman of the coalition. 5 Ayes 0 Nays MOTION CARRIED
The board had a discussion on holding a town wide cleanup focusing on cost. The Highway Superintendent will try to get some numbers from the last few years from several towns that held a clean-up. It would be a two day event with the possibility of a nominal charge.

Board members had a discussion on the provisional Watershed Clerk appointment made on December 26, 2017. Civil service laws need to be followed. There is no job description for Watershed Clerk and if there was one, the board would need to interview and hire from the top three candidates. If none of them were interested, the position could be filled provisionally.

A motion was made by Mr. Ruffell, seconded by Mr. TeWinkle, to **rescind the provisional watershed clerk appointment made on December 26, 2017.**

A motion was made by Mr. Ruffell, seconded by Mr. TeWinkle, to **authorize the payment of an invoice for NFP for the installation of telephones, Ethernet connection and various other parts as listed on the invoice for an amount not to exceed $27,803.00.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Catalano, seconded by Mr. Ruffell, to **authorize the Code Enforcement Officer to sign a purchase order for MRB Group for 2018 in the amount of $40,000.** 5 Ayes 0 Nays MOTION CARRIED

**Budget Adjustments/Transfers:** A motion was made by Mr. Catalano, seconded by Mr. TeWinkle, to **approve the submitted list of budget transfers by the Business Manager for the period ending December 31, 2017.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Catalano, seconded by Mr. TeWinkle, to **approve the budget amendment for:** Street Lighting (SL1) Expense Code SL1.5182.4 for $439.00 - Increased Amount: $439.00 5 Ayes 0 Nays MOTION CARRIED

The workshop scheduled for February 19, 2018 has been cancelled.

**Approval of Claims** - A motion was made by Mr. Ruffell, seconded by Mr. Leszyk, to **approve the abstract of claims for February 12, 2018 including vouchers #3439 through #3449 for a total of $49,553.80 for 2017 and vouchers #94 through #277 for a total of $1,300,182.44 for 2018 (145-147, 165-170, 188 & 189, 212 and 276 used by the Business Office) with a grand total of $1,349,736.24 and to authorize the Supervisor to issue payments for same.** 5 Ayes 0 Nays MOTION CARRIED

**Executive Session** - A motion was made by Mr. Ruffell, seconded by Mr. Robusto, to **move into an executive session at 9:32 p.m. for a personnel matter for a specific person on matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion or suspension.** 5 Ayes 0 Nays MOTION CARRIED

**Reconvene** – 10:04 p.m.

**Adjourn** - A motion was made by Mr. TeWinkle, seconded by Mr. Ruffell, to **adjourn at 10:05 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.