JANUARY 8, 2018
ONTARIO TOWN BOARD MEETING

A regular meeting of the Ontario Town Board was called to order by Deputy Supervisor Robusto at 7:00 p.m. in the Ontario Town Hall. Present were Deputy Supervisor Frank Robusto, Council members: Joseph Catalano, Richard Leszyk and Scott TeWinkle, Superintendent of Highways Marilee Stollery, Code Enforcement Officer Brian Smith, Town Engineer/Water Superintendent Adam Cummings (entered at 7:07), Director of Recreation & Parks William Riddell, Business Manager Paul Liess, Assessor Melissa Halstead, Judge Paul Sucher, Library Director Sandra Hylen, Attorney for the Town Richard Williams and Town Clerk Debra DeMinck.

70 + 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. Catalano, seconded by Mr. TeWinkle, to approve the agenda with two additions under new business: a Drinking Water Fluoridation Grant and a water system outage map. 4 Ayes 0 Nays MOTION CARRIED

Mr. Richard Williams, Attorney for the Town, stated that Section #42 of New York State Town Law, allows for the Supervisor to appoint a Deputy Town Supervisor who serves at the Supervisor's pleasure. When Mr. Molino took office January 2nd, he appointed a Deputy Supervisor. With Mr. Molino's resignation, the pleasure of the Supervisor to have his appointed Deputy Supervisor fell with his resignation. In the absence of an acting Supervisor the Town Board may appoint a Deputy Town Supervisor under Section 42 of New York State Town Law.

Deputy Supervisor Robusto read the following statement:

Before I open the floor to public comment, a question has been raised regarding my appointment as Deputy Supervisor, which our Town Attorney Richard Williams will address.

In opening the floor to public comment, I would first like to cover the process we will follow. We welcome your input but do need you to know that part of the process is in letting you speak, it does not open a dialogue at this time. I know it may seem frustrating if the board does not respond back to your questions at this time. That is simply how public comment works-however; please know that we will take everything you say into advisement as we move forward.

With that being said, I assume many of you are here because of the unexpected resignation of Joe Molino and what the board should do moving forward.

As a board we were enthused at the prospect of working with Joe. There were rumors circulating that there was negativity facing Joe and in my experience working with him, that is simply not true. I know myself and the board members sitting next to me respected Joe as a businessman and as a person.

Many people want to speculate on why he left — it shocked us as well. I cannot put words into his mouth and I know you all want an answer. For now we can only go by what Joe said in his resignation as citing extenuating circumstances. This is the only information I've received on the matter, and if I knew more I would tell you.

I know many of you want to know why the supervisor position doesn't automatically go to the person who was in second place from the election. This process works differently. Under State Law, it falls on the board to appoint someone who can fill in until an election can be held this fall.

We as a board are always diligent in exploring options to find solutions that help us all grow as a town.

With that being said, we will now open public comment. Please stand, be recognized by the chair, state your name, address your comments to the board and limit your time to three minutes so we can hear from as many people as possible.

Comments from the Public — Many residents attended the board meeting and spoke to the board giving their thoughts and opinions on who they should appoint as Supervisor for the balance of the year.
One resident felt the person should work well with board members, work well with employees, work well with the county and work well for the town.

Mr. Robert Kelsch and Mr. John Smith were the two top contenders that some audience members felt should be considered. Another said it was time for a change. New faces are good.

Other comments made were our out of date website, upset with the building department and a divide between the older and younger generation.

There was also an alleged allegation made regarding the former Supervisor's and his clerk's computer being wiped clean.

The former Supervisor stated the town's IT provider was contacted. They refreshed the computers so there would be no disruption of work.

There was concern that there was no written procedure with the installation of officers. The community should do it instead of a particular political party. Electronic records need to be maintained.

**Correspondence** — None

**Attorney for the Town Report** — None

**Department Head Reports** -

**Supervisor's Financial Statement** — A motion was made by Mr. Leszyk, seconded by Mr. Catalano, to accept the December 2017 Supervisor's Financial Statement as presented. 4 Ayes 0 Nays MOTION CARRIED

**Superintendent of Water Utilities/Town Engineer** — A motion was made by Mr. Leszyk, seconded by Mr. TeWinkle, to accept the December 2017 report as presented. 4 Ayes 0 Nays MOTION CARRIED

**Superintendent of Highways** — Report submitted at later date, gave verbal report.

**Code Enforcement Officer** — A motion was made by Mr. Catalano, seconded by Mr. TeWinkle, to accept the December 2017 report as presented. 4 Ayes 0 Nays MOTION CARRIED

**Sole Assessor** — A motion was made by Mr. Robusto, seconded by Mr. TeWinkle, to accept the December 2017 report as presented. 4 Ayes 0 Nays MOTION CARRIED

**Ontario Town Court** — A motion was made by Mr. Leszyk, seconded by Mr. Catalano, to receive the two December 2017 reports as presented. 4 Ayes 0 Nays MOTION CARRIED

**Director of Recreation & Parks** — A motion was made by Mr. Robusto, seconded by Mr. TeWinkle, to accept the December 2017 report as presented. 4 Ayes 0 Nays MOTION CARRIED

**Economic Development Department** — To be submitted at a later date.

**Watershed Management Advisory Council** — To be submitted at a later date.

**Animal Control Officer** — To be submitted at a later date.

**New Business** — Discussion on filling vacancy of Town Supervisor — Mr. Leszyk stated that it is a very difficult decision to be made tonight. Residents are advocating for Robert Kelsch and for John Smith. At last Thursday night's meeting, board members had a very passionate debate on who to choose.

Mr. Catalano shares Mr. Leszyk's views and reiterated that there had been a very passionate debate at last Thursday's meeting.

A motion was made by Mr. Catalano, seconded by Mr. TeWinkle, to appoint Frank Robusto as Supervisor for 2018. 4 Ayes 0 Nays MOTION CARRIED
The Water Superintendent addressed the board on a water system outage map to notify customers on water outages in the impacted areas. This was a public service message that will be accessible to the public.

A motion was made by Mr. Leszyk, seconded by Mr. Catalano, to **authorize the budget modification for the Drinking Water Fluoridation Grant-Round 3, execute the Professional Services Agreement with MRB Group to provide Design Services for the Round 3 Grant Phase in an amount not to exceed $12,900 and to authorize the Water Superintendent to submit for Phase 4 Grant Funding, requesting $15,800.00 to cover the remaining estimated costs, to serve at Project Administrator and to perform duties related to grant administration if a successful award is granted.** 4 Ayes 0 Nays MOTION CARRIED

**Budget Transfers/Adjustments** - A motion was made by Mr. Leszyk, seconded by Mr. TeWinkle, to **approve the submitted list of budget transfers by the Business Manager for the period ending December 31, 2017.** 4 Ayes 0 Nays MOTION CARRIED

**Reports by Town Board Members** — Mr. Catalano addressed a resident's comment regarding the Supervisor's computer being wiped clean at the end of December 2017. He has contacted Integrated Systems and information was removed and put on a flash drive. He has the bill and it will be discussed in executive session.

Mr. Leszyk stated that Frank will need to resign his board seat to the Town Clerk in writing and then will be sworn in as Supervisor. A board seat is available and he anticipates naming a person to the vacant seat at the next meeting.

Mr. Robusto stated he has received many phone calls, spent many hours talking to residents and he appreciates all of the support.

**Approval of Claims** - A motion was made by Mr. Robusto, seconded by Mr. Leszyk, to **approve the abstract of claims for January 8, 2018 including vouchers #3271 through #3365 for 2017 (3271 used by the Business Office) for $88,926.27 and vouchers #1 through 25 for $132,421.90 (12, 13 & 17 used by the Business Office) with a grand total of $221,348.17 and to authorize the Deputy Supervisor to issue payments for same.** 4 Ayes 0 Nays MOTION CARRIED

**Executive Session** - A motion was made by Mr. Robusto, seconded by Mr. Leszyk, to **move into an executive session at 8:10 p.m. for a personnel matter leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion or suspension of a particular person.** 4 Ayes 0 Nays MOTION CARRIED

**Reconvene** — 9:45 p.m.

**Adjourn** - A motion was made by Mr. TeWinkle, seconded by Mr. Catalano, to **adjourn at 9:46 p.m.** 4 Ayes 0 Nays MOTION CARRIED

Respectfully submitted,

Debra DeMinck
Ontario Town Clerk

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