A special meeting of the Ontario Town Board was called to order by Supervisor Frank Robusto at 6:00 p.m. in the Ontario Town Hall. Present were Supervisor Robusto, Council members: Scott TeWinkle (entered 7:03), Joseph Catalano, Richard Leszyk, Jason Ruffell, Water Superintendent Adam Cummings, Attorney Richard Williams and Town Clerk Debra DeMinck.

5 residents and visitors were present at portions of the meeting

Mr. Robusto led the Pledge of Allegiance.

A legal notice of Public Hearing for the proposed increases and improvements of facilities to the Sanitary Sewer Districts #1 & #2 was posted in the Times of Wayne County on August 26, 2018, the Sun & Record/Wayne County Mail on August 30, 2018 and on the Town Clerks bulletin board and on the Town’s website on August 28, 2018.

Water Superintendent Adam Cummings gave a summary of the project and explained the steps needed to move forward. The 5 (five) million dollar bond is the maximum amount you can request and if the full amount is needed it will make it easier and more cost effective.

If the improvements aren’t done, the town could face possible fines of up to $37,500 per day from the DEC. Not moving forward with these improvements are not an option.

A motion was made by Mr. Ruffell, seconded by Mr. Catalano, to open the Public Hearing at 7:03 p.m.

Supervisor Robusto asked for public questions or comments.

Mr. Jim Doyle asked if more capacity was being included.

Mr. Cummings responded that a 10% growth was being built in and there is an option to expand the capacity of the tertiary filters to eliminate violations in the future. Coupled with our inflow and infiltration reduction efforts, we aim to have 30-40% of capacity expansion for future growth. The DEC will not let you increase for the sake of increasing especially with excessive amounts of inflow and infiltration.

Mr. Leszyk asked how many new homes did the increase translate into.

Mr. Cummings responded about a 100 home tract, which would take 10-15 years to reach that based on past development trending in the town.

Mr. Doyle asked if they were making progress with illegal use.
Mr. Cummings responded that they were making progress and there has been one violation so far at Creekwood Estates. Larger contributors were found along Route 104 due to broken sewer clean out caps.

Mr. Doyle asked if the board new how much the increase to each homeowner was going to be.
Mr. Cummings responded that the worst case was a 17-23% increase to District 2 and a 50% increase to District 1.

The rates have been the same since 1995 and these increases won’t go into effect for 3-4 years and he stressed that those projections were based on no grant money and a worst case scenario.

Mr. Ruffell stated that Federal interest rates were advantageous and we could quality for a subsidized rate of 2.5%. Mr. Cummings is also looking into other grant money.
Mr. Ruffell also asked if the Town’s new Accountant was aware of this action. Mr. Cummings responded yes.
Mr. Leszyk commended all parties involved for their time and effort.

Mr. Cummings also stated that the plant could expand in the future if needed.

A motion was made by Mr. Leszyk, seconded by Mr. Catalano, to close the public hearing at 6:18 p.m.
5 Ayes 0 Nays MOTION CARRIED

New Business – A motion was made by Mr. Robusto, seconded by Mr. Leszyk, to adopt the following:

Resolution of Increases and Improvements of Facilities to Sanitary Sewer Districts #1 and #2

WHEREAS, the Town Board of the Town of Ontario has duly caused to be prepared a map, plan and estimate of the cost for the increase and improvement of the facilities of the Sanitary Sewer District Nos. 1 and 2, consisting of the replacement of the existing tertiary filtration equipment and appurtenances, installation of new ultraviolet disinfection equipment and appurtenances, and replacing the pumping and control systems at the Bear Creek Pump Station (“Improvements Proposal”), in accordance with the latest SPDES Permit, which commenced on March 1, 2018, issued by the New York State Department of Environmental Conservation (NYSDEC) for the Town of Ontario Wastewater Treatment Plant; and

WHEREAS, an engineering report and plan entitled Preliminary Engineering Report for the Town of Ontario Wastewater Treatment Plant, MRB Group Project No. 1500.18002, dated July 2018 (“Engineering Report”), has been prepared by MRB Group (“MRB”), competent engineers duly licensed by the State of New York. The Engineering Report details the specifications of the new improvements, as well as the need for replacement of the existing equipment; and

WHEREAS, the increase and improvement of these facilities have a maximum estimated cost of $5,000,000; and

WHEREAS, the cost of installing this new equipment would be borne by Sewer District Nos. 1 and 2 of the Town (together the “Districts”), pursuant to Town Law §202-b, and would be apportioned between the two Districts, and assessed by the Town Board on an ad valorem basis, in proportion to assessed value upon the properties in those Districts, and/or by user fees; and

WHEREAS, on July 23, 2018, the Town Board categorized this matter as a Type 2 Action, requiring no further review under the State Environmental Quality Review Act on July 23, 2018; and

WHEREAS, the Town Board agreed to set a public hearing on the proposed increases and improvements to the wastewater treatment plant to be held on September 5, 2018 at 6:00 p.m., at 1850 Ridge Road, Ontario, New York 14519; and

WHEREAS, notice of said public hearing was duly published and posted in the manner provided by law and proof thereof has been submitted to the Town Board; and

WHEREAS, said public hearing was held on September 5, 2018, at 6:00 p.m., by the Town Board at the Ontario Town Hall, at 1850 Ridge Road, Ontario, New York 14519 to discuss the planned improvements at the wastewater treatment plant described above and stated in the Engineering Report, and heard all persons who wished to speak; and

WHEREAS, the Town Board has considered all the evidence given at such public hearing; and

WHEREAS, approval of the New York State Comptroller is not required for approval of this improvement project, pursuant to Town Law §202-b(3).

NOW, THEREFORE, THE TOWN BOARD FINDS THAT:

A. All property and property owners within the Districts would be benefited by the Improvements Proposal because it would replace the worn-out equipment and achieve new permit requires imposed on the latest SPDES Permit issued by the New York Department of Environmental Conservation.

B. It is in the public interest to approve the Improvements Proposal and install the proposed improvements.

IT IS THEREFORE ORDERED AND RESOLVED that the Improvements Proposal is approved; and

IT IS FURTHER ORDERED AND RESOLVED that MRB is directed to prepare definite plans and specification, and to make a careful estimate of the expense, and with the assistance of the Attorney for the Town, prepare a contract for the execution of the work upon compliance with appropriate bidding and other legal requirements; and

IT IS FURTHER ORDERED AND RESOLVED that subject to the above, purchase and installation of the
Improvement Proposal is hereby authorized at a cost not to exceed Five Million Dollars ($5,000,000); and

IT IS FURTHER ORDERED AND RESOLVED that submission of an application for financing and funding assistance for this project be made to the appropriate agency for the Water Infrastructure Improvement Act (WIIA) and any other possible funding source for this project; and

IT IS FURTHER ORDERED AND RESOLVED that the cost of installing the Improvements Proposal shall be borne by Sewer Districts Nos. 1 and 2 of the Town, pursuant to Town Law §202-b, and will be apportioned between the two Districts, and assessed by the Town Board on an ad valorem basis, in proportion to assessed value upon the properties in those Districts, and/or by user fees. 5 Ayes 0 Nays RESOLUTION ADOPTED

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

BOND RESOLUTION DATED SEPTEMBER 5, 2018 OF THE TOWN BOARD OF THE TOWN OF ONTARIO, NEW YORK, AUTHORIZING GENERAL OBLIGATION SERIAL BONDS TO FINANCE SEWER SYSTEM CAPITAL IMPROVEMENTS WITHIN THE TOWN, AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES IN CONTEMPLATION THEREOF, THE EXPENDITURE OF SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the purpose hereinafter described consists of sewer system capital improvements duly authorized to be undertaken by the Town Board of the Town of Ontario, New York (hereinafter referred to as the “Town”) pursuant to the Town Law; and, pursuant to a resolution adopted on September 5, 2018, the Town has duly authorized additional facilities therein pursuant to §202-b of the Town Law; and

WHEREAS, the Town, acting as lead agency under the State Environmental Quality Review Act and the applicable regulations promulgated thereunder (“SEQRA”), has completed its environmental review and, on July 23, 2018, has duly determined and found the purpose to be a type II action which will not have a significant impact on the environment and is not subject to any further environmental review under SEQRA; now therefore, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF ONTARIO, NEW YORK (hereinafter referred to as the “Town”), by the favorable vote of not less than two-thirds of all of the members of such Board, as follows:

Section 1. The Town of Ontario shall undertake certain capital improvements consisting of the acquisition and construction of sewer improvements for the Town of Ontario, to include improvements and upgrades to the Wastewater Treatment Plant, including, without limitation, the installation of new tertiary filtration improvements and the addition of ultraviolet disinfection and the acquisition of original furnishings, equipment, machinery or apparatus or the replacement of such equipment, machinery or apparatus, and other incidental improvements that may be required in connection therewith for such construction and district use (hereinafter referred to as “purpose”), and general obligation serial bonds in an aggregate principal amount not to exceed $5,000,000 of the Town are hereby authorized to be issued to finance said purpose, and bond anticipation notes in anticipation thereof (and renewals thereof) of the Town are hereby authorized to be issued to finance said purpose.

Section 2. The estimated maximum aggregate cost to the Town of Ontario of said purpose, which may include preliminary costs and costs incidental thereto and costs of the financing thereof, is estimated to be $5,000,000, and said amount is hereby appropriated therefor. The plan for financing of said purpose is to provide all of such maximum cost by issuance of bonds or bond anticipation notes as herein authorized, to be offset and reduced dollar for dollar by the amount of grants received, if any.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 4 of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is thirty (30) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) current funds required to be provided prior to the issuance of the bonds or notes herein authorized, pursuant to Section 107.00 of the Local Finance Law, to the extent applicable, if any, will be provided, (d) the notes herein authorized are issued in anticipation of bonds for an assessable improvement, and (e) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds.
Section 4. The bonds and notes authorized by this resolution shall contain the recital of validity prescribed in Section 52.00 of the Local Finance Law and such bonds and notes shall be general obligations of the Town and all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes.

Section 5. It is hereby determined and declared that the Town reasonably expects to reimburse the general fund, or such other fund as may be utilized, not to exceed the maximum amount authorized herein, from the proceeds of the obligations authorized hereby for expenditures, if any, from such fund that may be made for the purpose prior to the date of the issuance of such obligations. This is a declaration of official intent under Treasury Regulation §1.150-2.

Section 6. The power to further authorize the sale, issuance and delivery of said bonds and notes and to prescribe the terms, form and contents of said bonds and notes, including, without limitation, the consolidation with other issues, the determination to issue bonds with substantially level or declining annual debt service, all contracts for, and determinations with respect to, credit or liquidity enhancements, if any, and to sell and deliver said bonds and notes, subject to the provisions of this resolution and the provisions of the Local Finance Law, including without limitation, the authority to determine whether to accept bids electronically to the extent allowed by the Local Finance Law, and the power to contract and issue indebtedness pursuant to §169.00 of the Local Finance Law, if applicable, is hereby delegated to the Town Supervisor, the Town’s chief fiscal officer. The Town Supervisor and the Town Clerk or Deputy Clerk are hereby authorized to sign by manual or facsimile signature and attest any bonds and notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and notes the corporate seal of the Town of Ontario.

Section 7. The faith and credit of the Town of Ontario, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds and notes as the same respectively become due and payable. Such bonds and notes shall be payable from a levy on real property in such district benefitted or user charges therefor, in the manner provided by law, but if not paid from such source, all the taxable real property in the Town is subject to the levy of *ad valorem* taxes to pay the principal thereof, and interest thereon, without limitation as to rate or amount, subject to applicable statutory limitations, if any, sufficient to pay the principal of and interest on said bonds and notes. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 8. This resolution, or a summary hereof, shall be published in full by the Town Clerk of the Town of Ontario together with a notice in substantially the form prescribed by Section 81.00 of said Local Finance Law, and such publication shall be in each official newspaper of the Town, in the manner prescribed by law. The validity of said bonds or of any bond anticipation notes issued in anticipation of the sale of said bonds may be contested only if such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with, at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall take effect immediately upon its adoption. 5 Ayes 0 Nays RESOLUTION ADOPTED

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

**TOWN OF ONTARIO**

**WASTEWATER TREATMENT PLANT IMPROVEMENTS**

New York State Water Infrastructure Improvement Act, Clean Water

**RESOLUTION OF SUPPORT FOR THE WATER INFRASTRUCTURE IMPROVEMENT ACT (WIIA)**

GRANT APPLICATION FROM THE TOWN OF ONTARIO FOR THE BENEFIT OF WASTEWATER TREATMENT PLANT IMPROVEMENTS
WHEREAS, the Town of Ontario Town Board of Wayne County, supports the submission of a New York State Water Infrastructure Improvement Act (WIIA) grant application, on behalf of the Town for upgrades to the Wastewater Treatment Plant (WWTP); and

WHEREAS, the New York State Environmental Facilities Corporation (EFC) administers grants to assist municipalities in funding water treatment and distribution infrastructure projects for protecting or improving water quality and/or protecting public health; and

WHEREAS, the Town of Ontario has received a letter from the New York State Department of Environmental Conservation notifying them that upcoming modifications to their Wastewater Treatment Plant’s State Pollutant Discharge Elimination System permit will include the addition of an effluent disinfection requirement; and

WHEREAS, if funding is received it will enable the Town to elevate their municipal systems to meet these new wastewater treatment effluent standards; and

WHEREAS, upgrades will consist of a new Ultraviolet Disinfection system, tertiary filtration improvements and main pump station upgrades, addressing compliance issues and providing a higher quality of effluent being discharged from the plant due to improved infrastructure and equipment;

NOW, THEREFORE BE IT RESOLVED, the Town of Ontario Board authorizes Supervisor Frank Robusto to submit such grant application on behalf of the Town and authorizes the Supervisor to execute necessary documents relative to and as required for the application; and

THEREFORE, BE IT FURTHER RESOLVED that the Town of Ontario Town Board of Wayne County recognizes and fully supports the submission of the WIIA grant application on behalf of the Town for a Wastewater Treatment Plant Improvement project. 5 Ayes 0 Nays RESOLUTION ADOPTED

Adjourn – A motion was made by Mr. Leszyk, seconded by Mr. Ruffell, to adjourn at 6:21 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.