I. Call to Order/Pledge of Allegiance

II. Revisions to Agenda

III. Comments from the Public

IV. Old Business

V. New Business - Consideration of
   a) Resolution to Set Public Hearing for Local Law #2 Pages 2–7
   b) Town Clerk’s Report February Pages 8–10

VI. Budget Adjustments/Transfers

VII. Appointments/Resignations

VIII. Information Forum

IX. Approval of Claims

X. Workshop Items
   a) Water/Sewer

XI. Executive Session/Adjournment
At a Regular Meeting of the Town Board of the Town of Ontario, New York held at the Town Hall, Ontario, New York, on the 16th day of March, 2020.

PRESENT:  Frank Robusto, Supervisor
          Joseph Catalano, Councilman
          Scott TeWinkle, Councilman
          Jeremy Eaton, Councilman
          Timothy Strickland, Councilman

ABSENT:    None

____________________________________________________

In the Matter

of

THE ADOPTION OF PROPOSED LOCAL LAW NO. 2
OF 2020: AMENDMENTS TO TOWN CODE CHAPTER 75 – EXCAVATIONS AND FILL

____________________________________________________

Resolution to Set Public Hearing

WHEREAS, true and correct copies of proposed Local Law No. 2 of 2020: Amendments to Town Code Chapter 75 – Excavations and Fill, 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. 2 of 2020, 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 13th day of April, 2020, 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. 2 of 2020;

NOW, on motion duly made and seconded, it was

RESOLVED, that a public hearing be held on the 13th day of April, 2020, at 7:00 P.M., Local Time, at the Town Hall, 1850 Ridge Road, Ontario, New York, on the question of the adoption of said proposed Local Law No. 2 of 2020; and be it further

RESOLVED, that a Notice of Hearing and a copy of said proposed Local Law No. 2
of 2020, or a summary thereof, be published in a newspaper previously designated as an official newspaper for publication of public notices, not less than five (5) days prior to said hearing; and be it further

RESOLVED, that the Town Clerk shall post certified copies of both this Resolution and said proposed Local Law No. 2 of 2020, or a summary thereof, on the bulletin board, maintained by the Town Clerk pursuant to § 40(6) of the Town Law, for a period of not less than five (5) days prior to said public hearing.

Said matter having been put to a vote, the following votes were recorded:

Frank Robusto VOTING
Joseph Catalano VOTING
Scott Tewinkle VOTION
Jeremy Eaton VOTING
Timothy Strickland VOTING

The Resolution was thereupon declared duly adopted.

DATED: March 16, 2020

_______________________________________
Debra DeMinck, Town Clerk

I, DEBRA DEMINCK, Town Clerk of the Town of Ontario, New York, DO HEREBY CERTIFY that I have compared a copy of the Resolution as herein specified with the original in the minutes of the meeting of the Town Board of the Town of Ontario and that the same is a correct transcript thereof and the whole of the said original.

IN WITNESS WHEREOF, I have hereunto set my hand this ___ day of March, 2020.

_______________________________________
Debra DeMinck, Town Clerk
Sec. 1 Title

This Local Law shall be known as “Local Law No. 2 of 2020: Amendments to Town Code Chapter 75 – Excavations and Fill.”

Sec. 2 Purpose

The purpose of this Local Law #2 of 2020 is to amend the provisions of Town Code Chapter 75, in order to clarify the circumstances under which a Permit is not required for an excavation or fill, as well as the procedures for obtaining a permit from the Code Enforcement Officer for minor excavations or fills.

Sec. 3 Amendment to Section 75-1

The provisions of Town Code Section 75-1 of Chapter 75 – Excavations and Fills are hereby amended, to read, as follows:

§75-1. Applicability and Permits for minor excavations.

A. All sand or gravel excavations or other excavation activities commenced henceforth shall be in conformity with the provisions of this article and shall be located only within areas where specifically permitted in accordance with the provisions of the Zoning Regulation of the Town of Ontario.

B. Provided, however, that the provisions of this Article shall not apply to the following:

(1) Excavations necessary for the construction of a building or a structure for which a building permit has been issued;
(2) The location of public utilities, pipes and mains, including sewerage lines;
(3) Grading for subdivisions or for the construction of driveways or sidewalks;
(4) The digging of wells;
(5) Sites subject to Town subdivision and/or site plan review processes, provided that the application is approved by the appropriate Board;
(6) Construction, modification, or replacement of individual septic systems which do not alter the natural terrain;
(7) Grading or excavation within the right-of-way pursuant to a permit issued by the Highway Department for work associated with utilities, road work, or other systems for public use;

(8) Grading and trenching for utility installation, maintenance or inspections, only to the extent of any exemption from the provisions of this Article required by state law and provided that plans are submitted to the appropriate Town Department and found to be acceptable; provided, however, that in no event shall the foregoing be construed to authorize any explicitly prohibited activities to be conducted within the Town;

(9) Customary agricultural operations that are not located in an Environmental Protection Overlay District (EPOD);

(10) Agricultural and farming operations which constitute the principal use of any lot or tract of ground;

(11) Customary and incidental routine grounds maintenance, landscaping and gardening which does not affect stormwater drainage entering or leaving any public right-of-way; and

(12) Emergency repairs of a temporary nature which are necessary for the preservation of life, health or property and which are made under such circumstances as to make it impossible or impractical to obtain a permit.

C. A one-time permit per parcel may be obtained from the Code Enforcement Officer for an excavation not excepted by the provisions of sub-section “B” of this section, provided that such excavation shall not be greater than 40 feet by 80 feet by eight feet in depth. Any such application shall fully include and comply with the following:

(1) The name and address of the applicant and owner of the premises;

(2) A tape location or instrument survey map of the parcel showing area of excavation;

(4) The area of excavation shall have no adverse impact on any adjoining property;

(5) All spoils from the excavation are to remain on the parcel;

(6) The parcel shall be a minimum of 43,560 square feet (one acre);

(7) The application and map shall be submitted to the Code Enforcement Officer. Upon review and recommendation by the Highway Superintendent, Stormwater Management Officer, and/or the Town Engineer, at the discretion of the Code Enforcement Officer, the permit shall be approved or denied by the Code Enforcement Officer within 14 days of the submission of the application; and

(8) The approval of an application shall be for a six-month period with only one renewal of six months.

Sec. 4 Amendment to Section 75-11

The provisions of Town Code Section 75-11 of Chapter 75 – Excavations and Fills are hereby amended, to read, as follows:

§75-11. Applicability and Permits for minor fills.

A. The depositing of any type of fill materials on land located in the Town of Ontario is hereby prohibited except in conformity with the provisions of this Article.
B. Provided, however, that the provisions of this Article shall not apply to the following:

1. Clean fill necessary for the construction of a building or a structure for which a building permit has been issued;
2. The location of public utilities, pipes and mains, including sewerage lines;
3. Grading for subdivisions or for the construction of driveways or sidewalks;
4. Sites subject to Town subdivision and/or site plan review processes, provided that the application is approved by the appropriate Board;
5. Construction, modification, or replacement of individual septic systems which do not alter the natural terrain;
6. Grading or fill within a right-of-way pursuant to a permit issued by the Town, County, or New York State Highway Department for work associated with utilities, road work, or other systems for public use;
7. Grading and fill for utility installation, maintenance or inspections, only to the extent of any exemption from the provisions of this Article required by state law and provided that plans are submitted to the appropriate Town Department and found to be acceptable; provided, however, that in no event shall the foregoing be construed to authorize any explicitly prohibited activities to be conducted within the Town;
8. Fill for the purpose of constructing a cellar wall, building, or part thereof of a structure for which a permit has been issued by the Town of Ontario Building Department;
9. Any capital or public works improvement project authorized by the NYSDOT, Wayne County, or the Town of;
10. Customary agricultural operations that are not located in an Environmental Protection Overlay District (EPOD);
11. Agricultural and farming operations which constitute the principal use of any lot or tract of ground;
12. Customary and incidental routine grounds maintenance, landscaping and gardening which does not affect stormwater drainage entering or leaving any public right-of-way; and
13. Emergency repairs of a temporary nature which are necessary for the preservation of life, health or property and which are made under such circumstances as to make it impossible or impractical to obtain a permit.

C. A one-time permit per parcel may be obtained from the Code Enforcement Officer for a fill not excepted by the provisions of sub-section “B” of this section, provided that such fill shall not be greater than 500 cubic yards. Any such application shall fully include and comply with the following:

1. The name and address of the applicant and owner of the premises;
2. A tape location or instrument survey map of the parcel showing area of excavation;
3. The area of fill shall have no adverse impact on any adjoining property;
4. All fill areas shall be properly seeded;
5. The parcel shall be a minimum of 18,000 square feet;
(6) The application and map shall be submitted to the Code Enforcement Officer. Upon
review and recommendation by the Highway Superintendent, Stormwater
Management Officer, and/or the Town Engineer, at the discretion of the Code
Enforcement Officer, the permit shall be approved or denied by the Code
Enforcement Officer within 14 days of the submission of the application; and

(7) The approval of an application shall be for a three-month period with only one
renewal of three months.

Sec. 5 Severability

If any clause, sentence, phrase, paragraph or any part of this Local Law shall for any
reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment
shall not affect, impair or invalidate the remainder of this Local law, but shall be confined in its
operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly
involved in the controversy or action in which such judgment shall have been rendered. It is
hereby declared to be the legislative intent that the remainder of this Local Law would have
been adopted had any such provision been excluded.

Sec. 6 Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.
Pursuant to Section 27, Subd 1 of the Town Law, I hereby make the following statement of all fees and moneys received by me in connection with my office during the month stated above, excepting only such fees and moneys the application and payment of which are otherwise provided for by Law:

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<th>Code</th>
<th>Service Description</th>
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| A1650| HEALTH & FITNESS                     | 2        | 460.00  |
|      | **TOTAL A1650**                      |          | **460.00** |

| A2001| PARKS & REC CHARGES                  | 5        | 365.00  |
|      | **TOTAL A2001**                      |          | **365.00** |

| A2002| NON-RESIDENT BCHP                    | 1        | 100.00  |
|      | **TOTAL A2002**                      |          | **100.00** |

| A2012| REC CONCESSIONS                      | 20       | 5,254.92|
|      | **TOTAL A2012**                      |          | **5,254.92** |

| A2110| ZONING FEES                           | 3        | 150.00  |
|      | **TOTAL A2110**                      |          | **150.00** |

| A2114| ENGINEERING FEES                     | 5        | 3,300.00|
|      | **TOTAL A2114**                      |          | **3,300.00** |

| A2115| PLANNING BOARD FEES                  | 5        | 625.00  |
|      | **TOTAL A2115**                      |          | **625.00** |

| A2544| DOG LICENSES                         | 60       | 521.00  |
|      | **TOTAL A2544**                      |          | **521.00** |

| A2555| BUILDING PERMITS                     | 12       | 961.08  |
|      | **TOTAL A2555**                      |          | **961.08** |

| A2650| SCRAP METAL                           | 2        | 56.60   |
|      | **TOTAL A2650**                      |          | **56.60** |
### TOWN CLERK'S MONTHLY REPORT

**FEBRUARY, 2020**

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TOWN CLERK'S MONTHLY REPORT

FEBRUARY, 2020

page 3

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MARCH 2, 2020

FRANK ROBUSTO, SUPERVISOR

STATE OF NEW YORK, COUNTY OF WAYNE, TOWN OF ONTARIO

I, DEBRA A. DEMINCK, being duly sworn, says that I am the Clerk of the TOWN OF ONTARIO that the foregoing is a full and true statement of all Fees and moneys received by me during the month above stated, excepting only such Fees the application and payment of which are otherwise provided for by law.

Subscribed and sworn to before me this 2 day of March 2020

Shelley LaRocca
Notary Public
SHELLEY LAROCCA
NOTARY PUBLIC-STATE OF NEW YORK
No. 01LA6200163
Qualified in Wayne County
My Commission Expires 02-02-20