

AGENDA

ONTARIO TOWN BOARD MEETING

DATE: May 27, 2014 TIME: 7:00 PM LOCATION: Ontario Town Hall

I. Call to Order

II. Pledge of Allegiance

III. Revisions to Agenda/Add Business Items

IV. Public Hearing

- Centennial Village Planned Unit Development Section 19

V. Comments From the Public

VI. Approval of Minutes of Prior Meeting(s) –May 19, 2014 (Att. 1)

VII. Correspondence: Town Clerk

VIII. Old Business

IX. New Business

1. Gerber Home Centennial Village PUD expansion
 - i. SEQRA resolution for consideration (Att. 2)
 - ii. Approval resolution for consideration (Att. 3)
2. Resolution for consideration for Supervisor to sign agreement with Brookwoods Country Club for summer swimming program (Att. 4)
3. Consideration for resolution to acknowledge Lonna Jesse’s service to Ontario (Att. 5)
4. Consideration to expunge outstanding outdated checks from accounting system (Att. 6)
5. Consideration to resolve standard Supervisor work day (Att. 7)

X. Budget Transfers/Adjustments

XI. Appointments/Resignations

XII. Information Forum

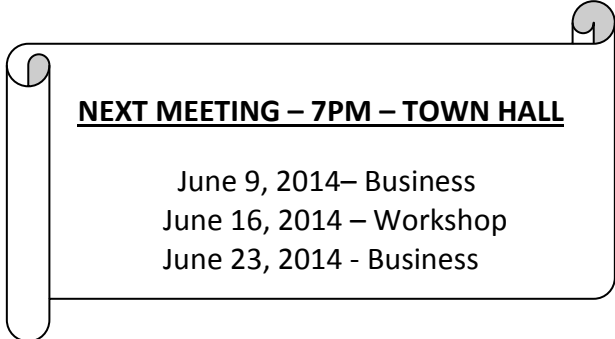
1. County Business
2. Board Reports
3. Comments From the Public

XIII. Approval of Claims for May 27, 2014

XIV. Workshop Items

XV. Executive Session

Adjournment



NEXT MEETING – 7PM – TOWN HALL

June 9, 2014– Business
June 16, 2014 – Workshop
June 23, 2014 - Business

MAY 19, 2014
ONTARIO TOWN BOARD MEETING

DRAFT
sk JS

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, Michael Melino, Joseph Catalano, Accountant Paul Liess, Director of Parks and Recreation William Riddell and Town Clerk Debra DeMinck.

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

Mr. Switzer led the Pledge of Allegiance.

Comments from the Public – Mr. Switzer announced the dedication of Dr. Thompson's buggy at Heritage Square on June 8th at 2 p.m.

Mr. Don Smith responded to Mr. Catalano's correspondence regarding town clean-up and has sent it to all board members.

Approval of Minutes – A motion was made by Mr. Melino, seconded by Mr. Catalano, to **approve the minutes of the May 12, 2014 Town Board meeting as presented.** 5 Ayes 0 Nays MOTION CARRIED

New Business – A motion was made by Mr. Smith, seconded by Mr. Ruffell, to **authorize the Town Clerk to post and publish the legal notice of public hearing on the Gerber PUD amendment on Tuesday, May 27th at 7:00 p.m.** 5 Ayes 0 Nays MOTION CARRIED

Reports by Town Board Members – Mr. Ruffell met with Mr. Melino and they will be bringing a sidewalk snow removal proposal before the town board at the June 16th workshop.

Workshop – 2013 year-end financial presentation by Ray Wager, CPA

The workshop was postponed as Mr. Wager was unable to attend the meeting.

Executive Session - A motion was made by Mr. Smith, seconded by Mr. Ruffell, to **move into an executive session at 7:45 p.m. for a particular person with matters leading to said dismissal, removal, promotion, appointment, employment, discipline, demotion or suspension.** 5 Ayes 0 Nays MOTION CARRIED

Reconvene – 9:59 p.m.

Adjourn – A motion was made by Mr. Melino, seconded by Mr. Smith, to **adjourn at 10 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.

To: Ontario Town Board
From: Ontario Planning Board
Date: May 19, 2014
Re: Centennial Village, Section 19 – PUD Amendment

At the request of the Town Board, the Planning Board has reviewed the proposed Amendment to Section 19 of the Centennial Village Planned Unit Development ("PUD") application of Gerber Homes, located on the south side of Ridge Road. This review took place at a Public Workshop held by the Planning Board during its May 13, 2014 meeting.

Following a review of the written materials submitted by the applicant, together with the applicant's oral presentation and answers to the Board's questions during the Public Workshop, the Planning Board unanimously supports the PUD Amendment request, based on the following facts:

- The proposed development of Section 19 of the Centennial Village PUD would result in the construction of 15 duplex apartment buildings, for a total of 30 residential units. The entire development would be on a single lot with all units to be residential rentals. The overall density of the development, at 30 units, would be consistent with previous approvals for this section of the Centennial Village PUD.
- The units would be serviced by a private cul-de-sac road accessing Ridge Road, with a private main for sewage and a dedicated water main.
- The units would be primarily 1 story, with 5 of the 15 buildings being 2 stories, located on the west side of the private road and along the cul-de-sac.
- There would be a single space garage for each unit, with driveway parking for a single additional vehicle for each unit. The garages will be no more than 15' forward of the front façade of the unit.
- The single story units would not exceed 18' in height and the 2 story units would not exceed 27' in height, which are similar building heights to the neighboring residential homes.
- The units would be set back at least 40' from the private road, except along the cul-de-sac, where the setback would be at least 20'.
- There would be a minimum building separation of 15'.
- The proposed Development Plans, prepared by Shelley Associates, Project Number 14-5685, dated April 9, 2014 set forth proposed minimum distances from all adjoining parcels, ranging from 20' to 90'.
- The Development Plans also set forth vegetative screening from neighboring properties and proposed signage for the apartment complex.

Based on the above factors, the Planning Board recommends approval of the requested Amendment to Section 19 of the Centennial Village PUD. The Planning Board finds the proposed development to be compatible with the surrounding properties, retaining the residential nature of development. The density and scale of the proposed development is consistent with the area and factors such as reasonable building heights, a mix of 1 and 2 story buildings and reasonable buffering indicate that the proposed development would fit in appropriately with the established residential development.

In approving the proposed PUD Amendment, the Planning Board requests that the Town Board include conditions of approval, as follows:

- All units limited to 1 story, except for no more than 5 of the 15 buildings being 2 stories, located on the west side of the private road and along the cul-de-sac.
- All garages will be no more than 15' forward of the front façade of the unit.
- Single story units will not exceed 18' in height and 2 story units will not exceed 27' in height.
- All units will be set back at least 40' from the private road, except along the cul-de-sac, where the setback would be at least 20'.
- A minimum building separation of 15'.
- The vegetative screening between the development and the existing Section 17 of Centennial Village to be raised by the installation of a berm, the details of which would be subject to review and approval by the Planning Board, as part of Site Plan review.
- The addition of vegetative screening for the property located at 1418 Ridge Road, the details of which would be subject to review and approval by the Planning Board, as part of Site Plan review.
- Signage will be similar in style to the existing "Patriot Corner" signage, with no more than 2 signs, located as proposed by the applicant, and will be no more than 6' in width and 3' in height, with stone piers.
- Pedestrian access will be installed along the eastern boundary of the property, tying into the stub road in Section 18 of the Centennial Village PUD.
- A sidewalk or Easement for future sidewalk along Ridge Road, to facilitate pedestrian access to the east.

Naturally, it is hoped that the contents of this report are of assistance to the Town Board in its consideration of this matter.

Ontario Planning Board

By: 

Eduard Kerkhoven, Chair

SEQRA Resolution

WHEREAS, in an application dated February 13, 2014, Shelley Associates, P.E., P.C., as agent for Gerber Homes and Additions, requested that the Town Board consider a proposed amendment to the Planned Unit Development known as "Centennial Village, Section 19", consisting of approximately 7.6 acres and involving property located on the south side of Ridge Road, immediately east of 1418 Ridge Road, Town of Ontario, New York, Tax Account Number 62117-00-626493 and so as to construct 15 two-family apartment buildings, for a total of 30 residential units; and

WHEREAS, the above request was submitted to the Town Board for consideration and on May 27, 2014, a public hearing was held and all those wishing to comment on the proposed application were heard; and

WHEREAS, the Town Board has determined that the action proposed herein is an "Unlisted Action" under SEQRA, with the Town Board acting as Lead Agency; and

WHEREAS, a Short Part 1 and Part 2 EAF form have been prepared for the proposed PUD Amendment and carefully reviewed by the Town Board and attached hereto; and

WHEREAS, the completed Short EAF does not identify any significant adverse environmental impacts associated with the proposed PUD Amendment;

NOW, THEREFORE, be it

RESOLVED, that the Ontario Town Board, upon consideration of all written and oral submissions by the Applicant, appropriate agencies and public comment, and following due deliberation and consideration, finds that the proposed PUD Amendment for section 19 of the Centennial Village PUD will have no significant adverse impact on the environment; and, accordingly, issues a Negative Declaration of Environmental Significance.

PUD Amendment Approval Resolution

WHEREAS, in an application dated February 13, 2014, Shelley Associates, P.E., P.C., as agent for Gerber Homes and Additions, requested that the Town Board consider a proposed amendment to the Planned Unit Development ("PUD") known as "Centennial Village, Section 19", consisting of approximately 7.6 acres and involving property located on the south side of Ridge Road, immediately east of 1418 Ridge Road, Town of Ontario, New York, Tax Account Number 62117-00-626493 and so as to construct 15 two-family apartment buildings, for a total of 30 residential units; and

WHEREAS, the above application was previously reviewed by this Board and has been reviewed by the Planning Board, following which the Planning Board submitted to this Board a written report of its recommendations, dated May 19, 2014; and

WHEREAS, on May 27, 2014, a public hearing was held and all those wishing to comment on the proposed PUD Amendment were heard; and

WHEREAS, the Town Board issued a Negative Declaration of Environmental Significance, pursuant to SEQRA, on May 27, 2014;

NOW, on motion duly made and seconded, it was

RESOLVED, that the Town Board of the Town of Ontario makes specific Findings in this matter, as follows:

1. This application is a request for a modification to the previously granted PUD. The proposed development of Section 19 of the Centennial Village PUD would result in the construction of 15 duplex apartment buildings, for a total of 30 residential units. The entire development would be on a single lot with all units to be residential rentals. The overall density of the development, at 30 units, would be consistent with previous approvals for this section of the Centennial Village PUD.
2. The units would be primarily 1 story, with 5 of the 15 buildings being 2 stories, located on the west side of the private road and along the cul-de-sac.
3. The single story units would not exceed 18' in height and the 2 story units would not exceed 27' in height, which are similar building heights to the neighboring residential homes.
4. The units would be set back at least 40' from the private road, except along the cul-de-sac, where the setback would be at least 20'.
5. There would be a minimum building separation of 15' and minimum distances from adjoining parcels, ranging from 20' to 90'.
6. There would be vegetative screening from neighboring properties and proposed signage for the apartment complex.
7. This Board finds the proposed development to be compatible with the surrounding properties, retaining the residential nature of development. The density and scale of the proposed development is consistent with the area and factors such as reasonable building heights, a mix of 1 and 2 story buildings and reasonable buffering indicate that the proposed development would fit in appropriately with the established residential development; and be it further

RESOLVED, that the proposed Amendment to Section 19 of the Centennial Village PUD is hereby approved, in accordance with the provisions of §150-31 of the Ontario Municipal Code; and be it further

RESOLVED, that the within approval is subject to the following specific conditions:

1. All buildings are limited to 1 story, except that no more than 5 of the 15 buildings may be 2 stories, which shall be located on the west side of the private road and along the cul-de-sac.
2. All garages shall be no more than 15' forward of the front façade of the unit.
3. All of the single story units shall not exceed 18' in height and all of the 2 story units shall not exceed 27' in height.
4. All units shall be set back at least 40' from the private road, except along the cul-de-sac, where the setback shall be at least 20'.
5. The minimum building separation shall be 15'.
6. The vegetative screening between the development and the existing Section 17 of Centennial Village shall be raised by the installation of a berm, the details of which are subject to review and approval by the Planning Board,

as part of the applicant's Site Plan application.

7. Vegetative screening shall be added for the property located at 1418 Ridge Road, the details of which are subject to review and approval by the Planning Board, as part of the applicant's Site Plan application.
8. Signage shall be similar in style to the existing "Patriot Corner" signage, with no more than 2 signs, located as proposed by the applicant, and shall be no more than 6' in width and 3' in height, with stone piers.
9. Pedestrian access shall be installed along the eastern boundary of the property, tying into the stub road in Section 18 of the Centennial Village PUD.
10. A sidewalk shall be installed (An Easement shall be granted to the Town for a future sidewalk) along Ridge Road, to facilitate pedestrian access to the east.
11. The applicant's proposed development is subject to all required approvals by the Town's Planning Board, in accordance with the provisions of the Town's Zoning Code and Development Regulations, not inconsistent with the conditions of this approval.

AGREEMENT

This Agreement (the "Agreement") is made as of May 26, 2014, by and between the Town of Ontario (the "Town"), 1850 Ridge Road, Ontario, New York 14519, and Brookwoods Country Club, Inc. (the "Club"), 2101 Country Club Lane, Ontario, New York 14519.

RECITALS

1. The Club operates a pool (the "Pool") at the Brookwoods County Club in the Town.
2. The Town Parks and Recreation Department conducts recreation programs for residents ("Residents") of the Town and the Wayne Central School District, including swimming programs.
3. The Club desires to have the Town operate the Pool during the summer season of 2014 season between June 1, 2014 until Labor Day Weekend (the "Season"), and the Town desires to use the Pool for recreational programs during the Season.

TERMS

NOW, THEREFORE, in consideration of the mutual covenants, agreements, representations and warranties contained in this Agreement, and for other good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

1. **Operation of the Pool.** The Town shall exclusively operate the Pool and other Pool facilities, including locker rooms, during the Season. This Agreement shall terminate at 11:59 PM on Labor Day.
2. **Use of the Pool.** The Pool will be available from 8:00am – 12:00 pm, Monday – Friday and 9:30 – 11:15am on Saturday for morning swim lessons and recreational programming provided by the Town, and will be available during the other times that the Town provides lifeguards for recreational use by pool members and their guest pass purchasers. The Pool will not be used when the Town does not provide lifeguards, except that the Club may arrange to use the Pool at other times for special events if it pays for the lifeguards and arranges the use through the town. Convenient parking will be made available to Pool users and staff. The Pool will close due to inclement weather, or when chemicals or bacteria are inconsistent with the New York State Department of Health requirements or guidelines.
3. **Revenue.** All revenue derived from the Pool facility from May 26, 2014 thru the end of the Season shall be paid directly to the Town, including but not limited to Pool memberships, daily fees, swim lessons revenues and event fees.
4. **Staff.** The Town shall hire, pay and manage all Pool staff during the Season. Staff will include at least one experienced certified lifeguard under daily supervision. A second guard may be added on weekends and during busy times. On the last eight days of the Season, hours for the Pool may be open shortened hours or closed if the weather is cool or usage is reduced.

5. **Recreational Programming.** The Town will develop, implement and promote all Pool activities, group and private lessons, scuba lessons, and all social programs. The Town will provide all teaching equipment.
6. **Promotion.** The Town may advertise swim lessons and the availability of the Pool for use by Residents. The Town will also provide marketing support for the Club.
7. **Daily Maintenance.** The Town will provide daily maintenance and cleaning of the Pool and surrounding facilities (including the locker rooms). The Town will provide all required Pool chemicals, and testing equipment.
8. **Utilities.** The Club will pay invoices for electric and gas usage that are directly used by, or equitably allocated to, the Pool operation. In return the Town will pay the Club **\$2,000.00** to cover the cost of the utilities and other wear and tear on the facility.
9. **Capital Expenses and Repairs.** All capital expenses and repairs are the sole responsibility of the Club, including but not limited to the Pool mechanicals (filter, heater and piping), surrounding pool deck, and locker room faculties.
10. **Insurance.** The Club shall provide the Town with evidence of hazard and liability insurance for its property, including the Pool, on or before June 1, 2014, and shall add the Town as an additional insured on all such insurance policies, including death and for any claims for damages to property occurring on or in the proximity of the Pool or Club property, arising out of or as a result of the use of the Pool. Such liability insurance shall provide limits of at least \$1,000,000.00 for property damage, \$2,000,000.00 for one person, and \$2,000,000.00 in aggregate (including any excess coverage) from all claims, suits, actions, damages and costs of any kind for more than one person injured or killed in any one occurrence.
11. **Laws and Regulations.** The parties shall comply with all applicable laws and regulations related to the Pool. Each and every provision of law and clause required by law to be inserted into this Agreement shall be deemed to be inserted into this Agreement. If any such provision is not inserted through mistake or otherwise, then upon application of either party, this Agreement shall be amended to make such insertion.
12. **Entire Agreement.** This Agreement shall constitute the entire agreement of the parties related to its subject matter, and shall supersede any previous oral or written understandings. Furthermore, it may only be amended by a written agreement signed by the parties.
13. **Gender and Number.** The use of one gender in this Agreement shall include all others, and the use of the singular shall include the plural and vice-versa.
14. **Notices and Communications.** All notices and communications required under this Agreement shall be accomplished by the actual delivery to the parties' addresses set forth above.
15. **Descriptive Headings.** The descriptive headings of the various provisions of this Agreement are included for convenience only, and they are not intended to affect the meaning or construction of any of the provisions of this Agreement.
16. **Successors and Assigns.** This Agreement may not be assigned without the consent of the other party.

Town Hall ~ 1850 Ridge Road ~ Ontario, New York 14519-9535 ~ (315) 524-7170

www.ontariotown.org

The Town of Ontario is an Equal Opportunity Employer

17. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties to this Agreement, and their trustees, receivers, successors, and assigns.
18. **Construction.** No rule of construction shall be applied to construe any ambiguities in this Agreement against the draftsman.
19. **Choice of Law.** This Agreement shall be governed by the laws of the State of New York.
20. **Separability.** If any provision of this Agreement is determined to be invalid or unenforceable, that shall not affect the validity or enforceability of the remaining portions of this Agreement.
21. **Counterparts.** This Agreement may be executed in multiple counterparts, and the counterparts, when combined, shall form and constitute a complete agreement. The parties further agree that facsimile signatures shall be acceptable to bind the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

TOWN OF ONTARIO

By: _____
John Smith, Town Supervisor

BROOKWOODS COUNTRY CLUB, INC.

By: _____
Title: _____

**RESOLUTION IN RECOGNITION OF SERVICE TO THE
TOWN OF ONTARIO BY LONNA JESSE**

WHEREAS, Lonna Jesse began working for the Parks and Recreation Department in January of 1982, and

WHEREAS, Lonna Jesse was appointed Interim Recreation Director from October 1996 to January 1997, and

WHEREAS, Lonna Jesse served as the Town of Ontario's representative to the Wayne County Youth Board from 2005 to 2007, and

WHEREAS, Lonna Jesse's work attributes include accuracy, attention to detail, ability to multi-task, dependability, people skills all the while having to adapt to new procedures and technology, and

WHEREAS, Lonna Jesse possesses the exemplary work ethic and will be best remembered for her willingness to go the "extra mile", working above and beyond what was expected, and

WHEREAS, Lonna Jesse served the community by volunteering at the many events held at the Parks and Recreation Department, and

WHEREAS, Lonna Jesse diligently served the residents of the Town of Ontario in a loyal and dedicated manner, and

NOW, THEREFORE, in recognition of her contributions and service to the residents of the Town of Ontario

BE IT RESOLVED, that the Town Board of the Town of Ontario commends Lonna Jesse for her thirty two (32) years of service to the Town of Ontario and the community at large, and

BE IT FURTHER RESOLVED that this RESOLUTION be entered into the minutes of the Ontario Town Board meeting this 27th day of May, 2014, and that a certified copy of this RESOLUTION be presented to Lonna Jesse by the Town Clerk.

Date: 05/22/2014

Selective Check Register

Town of Ontario

Including only outstanding checks

For Bank Id L8 and Check Date from 05/07/2012 to 01/30/2014

BANK ID	CHECK #	STATUS	VENDOR #	VENDOR NAME	CHECK DATE	AMOUNT
L8	030887	O			02/12/2013	15.00
L8	030960	O			02/26/2013	50.00
L8	032009	O			08/13/2013	50.00
L8	032774	O			12/10/2013	12.00

Report Totals: 127.00

WHEREAS; Robert J. Kelsch of Ontario New York was elected as Ontario Town Supervisor and took office on January 1, 2008, and

WHEREAS; in 2008 the Office of State Comptroller set out to clarify Standard Work Days for a variety of Municipal positions across New York State and eliminate reporting inconsistencies in the state retirement system by holding a series of Webinars which continued in 2008 and 2009, and

WHEREAS; in 2008 and 2009 Robert J. Kelsch attended several of the Webinars to assure the Town of Ontario was in compliance and found that the position of Town Supervisor was set at 30 hours per week part time rather than the actual 40 hours per week full time, and

WHEREAS; from January 4, 2009 through July 5, 2009 Robert J Kelsch kept a time log in accordance with Office of State Comptroller guidelines in place at that time and submitted same to Debra DeMinck, Ontario Town Clerk shortly after completing the time record, and

WHEREAS; from January 4, 2010 through March 26, 2010 Robert J Kelsch kept a second time log in accordance with updated New York State Comptroller guidelines and submitted same to Debra DeMinck, Ontario Town Clerk shortly after completing the time record, and

WHEREAS; both the above mentioned time logs clearly show the position of Ontario Town Supervisor to be fulltime at 40 plus hours per week which led to a board resolution of December 13, 2010 updating town records.

NOW THEREFORE BE IT;

RESOLVED, that the Town Board of the Town of Ontario New York affirms that the position of Town Supervisor for the Town of Ontario was full time at 40 hours per week 8 hours per day from January 1, 2008 through December 31, 2013 and beyond and be it further;

RESOLVED, that the Ontario Town Clerk certify a copy of this resolution and forward it along with a letter of explanation provided by John Smith, Town Supervisor, to Donna M. Smith, Employees' Retirement System Examiner, 110 State Street, Albany, NY 12244-000, with copies to John Smith, Ontario Town Supervisor, Jenny Benedict, Ontario Payroll Clerk and Robert J. Kelsch, former Ontario Town Supervisor.