



Letter to the Board

Michael Havens

Superintendent of Schools

Phone: 315-524-1001

Fax: 315-524-1049

July 31, 2009

"Without continual growth and progress, such words as improvement, achievement, and success have no meaning."
Benjamin Franklin, American Statesman, Philosopher, & Scientist

- 1. Propane Tank Installation:** On Monday the maintenance crew was installing barriers for the new propane tank at the bus garage. While drilling the holes, they discovered diesel contaminated soil. They called in a vendor that performs our tank testing and had them test the tanks and the lines (leading from the tanks to the pumps) and confirmed there were no leaks. They surmised that the oil must have been spilled through the years while fueling buses and seeped into the soil, gathering at the lowest point, which happened to be where the propane tank slab is located. The contractor noted it was less than 5 gallons, which is non-reportable and a common occurrence for any gas fueling location.
- 2. Summer School Incident:** Last week a parent was unhappy about an incident that occurred at summer school, where his son was expelled. Specifically, his disenchantment is more with the consistency of the discipline issued by the principal. He did speak BOCES, Joe Siracuse, Kim Cox and myself. I believe we have settled this matter, however, I thought I would let you know in case he decides to bring it to your attention.
- 3. HS Teacher Investigation:** Investigator Larkin of SED has been in contact with us about the incident. She was able to use her authority to obtain additional corroborating information. I will keep you posted if we hear more news.
- 4. Flags at Half Staff:** Flags were flown at half-staff on Monday, July 20, in honor of Staff Sgt. Eric James Lindstrom of Flagstaff, Arizona, a Fort Drum soldier who was killed in Afghanistan on July 12, 2009.
- 5. Ginna settlement:** As I reported to you in my last letter we have reached a settlement with Ginna which will result in an additional \$169,062.23 in revenue for us this year. In order to get the correct tax bills out it will be necessary to accept the agreement at our august meeting. I have attached a copy of it.

6. **Architect Mtg:** Our next meeting with the architects is scheduled for this Monday August 3rd. They also sent another possible plan which I have attached.

7. **New Commissioner:** In case you haven't heard we have a new Commissioner of Education. David Steiner is most recently from Hunter College in NYC. He has written numerous books and articles on education. I can't find that he ever taught in public schools or ran a school district but he does appear to be very bright. I have attached some information about him.

8. **Upcoming Events:**

8/3-8/7 – Administrative Block Out Week – No Meetings Scheduled

8/10 – Fall Sports Begin

8/13 – Board of Education Meeting – 7:00 p.m.

8/20 – MS Orientation & Ice Cream Social

8/27 – Freshman Walk Through – 9:00 a.m. – 5:00 p.m.

6. **Attachments:**

- a) Ginna Settlement
- b) Elementary building plans
- c) Commissioner of Education Information
- d) Ontario Town Board Meeting Minutes – 7/13
- e) Ontario Town Board Meeting Minutes – 7/27

STATE OF NEW YORK
SUPREME COURT

COUNTY OF WAYNE

In the Matter of the Application of R.E. GINNA NUCLEAR
POWER PLANT LLC,

Petitioner,

-vs-

Town of Ontario,

Respondent.

For review of Tax Assessments under Article 7 of the Real Property
Tax Law – 2008.

SETTLEMENT
AGREEMENT

Index No.

65851

R.E. GINNA NUCLEAR POWER PLANT LLC,

Petitioner/Plaintiff,

-vs-

TOWN OF ONTARIO, CHRISTINE LUTEYN, as Assessor for the
Town of Ontario, TOWN OF ONTARIO BOARD OF
ASSESSMENT REVIEW, WAYNE CENTRAL SCHOOL
DISTRICT, and COUNTY OF WAYNE

Respondents/Defendants.

For review of Tax Assessments under Article 7 of the Real Property
Tax Law and Article 78 of the CPLR-2009.

Index No.

WHEREAS, R.E. Ginna Nuclear Power Plant LLC (“Petitioner”) has instituted the above-captioned proceedings by which Petitioner seeks to obtain judicial review of the assessments on certain real property located in the Town of Ontario (the “Town”), Wayne Central School District (“School District”), and County of Wayne (the “County”, and collectively with the Town, School District, and any other jurisdictions levying ad valorem taxes, assessments or levies within their respective jurisdictions, the “Tax Jurisdictions”) identified as Tax Map Numbers 62119-00-620478.1 (the “Addition”) and 62119-00-620478.2 (the “Firing Range”), for the taxable status dates of March 1, 2008, and March 1, 2009, and for judgment declaring that all of the property and improvements owned by Petitioner for the purpose of operating a nuclear powered electric generating facility, which is identified as Tax Map Nos. 62119-00-620947, 62119-00-860424, 62119-00-483350, 62119-00-315465, 62119-00-620478.1 and 62119-00-

620478.2 and which includes, but is not limited to, the Addition and the Firing Range (collectively, the “Property”) is exempt from all general ad valorem taxes and assessments and a portion of special ad valorem levies and special assessments (collectively, “Real Property Taxes”) pursuant to Real Property Tax Law (“RPTL”) Section 485, exemptions created by the adoption of local laws and resolution by the Town, County and School District respectively (collectively, the “Exemptions”), and a payment in-lieu of taxes agreement executed by the Town, County, School District and Petitioner, dated February 28, 2005 (the “PILOT Agreement”); and

WHEREAS, the Town, School District, and County have experienced a decline in PILOT Agreement revenues from the Property due to declining tax rates, and Petitioner is willing to assist the Town, School District, and County in addressing that revenue loss; and

WHEREAS, the parties have engaged in settlement negotiations and after due consideration of all material facts have agreed to resolve their differences without further litigation and terminate said proceedings, upon the terms and conditions of this Settlement Agreement.

NOW, THEREFORE, IT IS STIPULATED AND AGREED THAT:

1. The assessments on portions of the Property which have been challenged are:

<u>2008 Assessment Roll Tax Map Number</u>	<u>Assessment</u>	<u>Petitioner's Claimed Value [Delete?]</u>
62119-00-620478.1 (Addition)	\$3,100,000	NA
62119-00-620478.2 (Firing Range)	\$900,000	NA

<u>2009 Assessment Roll Tax Map Number</u>	<u>Assessment</u>	<u>Petitioner's Claimed Value</u>
62119-00-620478.1 (Addition)	\$3,100,000	NA
62119-00-620478.2 (Firing Range)	\$2,000,000	\$900,000

2. The final assessments for the Addition and the Firing Range for the Town's 2008 and 2009 assessment rolls shall be removed from the 2008 and 2009 assessment rolls for taxable real property and placed on the 2008 and 2009 assessment rolls as exempt real property.

3. None of the Tax Jurisdictions shall levy any Real Property Taxes on the Property for the balance of the term of the PILOT Agreement, except to the extent permitted by RPTL §490.

4. Petitioner waives any and all Real Property Tax refunds that it may be entitled to from any of the Tax Jurisdictions based on the 2008 assessments on the Addition and the Firing Range.

5. The parties acknowledge that, pursuant to RPTL Section 485, the Exemptions, and the PILOT Agreement, all of the Property owned by Petitioner for the purpose of operating its nuclear powered electric generating facility known as the Ginna nuclear facility ("Ginna Nuclear Facility"), including, but not limited to all existing and future facilities and improvements (including modifications or additions) such as: (a) office, simulator, visitor center, Manor House, laboratory, or training center buildings, (b) maintenance shop, warehouse or equipment storage facilities as well as loaded or unloaded dry cask storage and support facilities, (c) material processing facilities, (d) cooling facilities, (e) roads, walk-ways, street lighting or parking areas, (f) firing range, fencing, siren towers or other safety or security-related

improvements, (g) interconnection modifications, (h) water or sewer modifications, (i) regulator-required modifications or new installations, (j) any other facilities and improvements (including modifications or additions) relating to or used in connection with operation of the Ginna Nuclear Facility located on the land described in Exhibit A to the PILOT Agreement (“Land”), and (k) the Land, is and shall be exempt from Real Property Taxes for the duration of the PILOT Agreement. The foregoing description of the exempt Property is not exhaustive, but the parties intend that it not include the addition of non-nuclear generating capacity, residential housing, and retail and commercial buildings and improvements that are not related to the use or operation of the Ginna Nuclear Facility, which shall remain potentially subject to assessment and Real Property Taxes.

6. Nothing in this Agreement shall be deemed to amend, modify, or otherwise change the PILOT Agreement.

7. Notwithstanding the foregoing, to assist the Town, School District, and County relative to their declining PILOT revenues due to declining tax rates, beginning in January 2010 and continuing for the balance of the term of the PILOT Agreement, Petitioner agrees to make supplemental payment(s) to the Town, School District, and County and waive entitlement to refunds on the Addition and the Firing Range. Such supplemental payments shall be calculated as follows: if the total amount of payments in lieu of taxes payable to all of the Tax Jurisdictions pursuant to the PILOT Agreement (“PILOT Payments”) made for the fiscal tax years of the Tax Jurisdictions based on the same Town assessment roll (in the aggregate, the “Total Annual PILOT Payment”) is less than \$8,600,000, then Petitioner will pay to the Town, School District, and County an additional amount equal to the amount by which the Total Annual PILOT Payment is less than \$8,600,000 (the “Assistance Payment”). Commencing in January 2010 and in each January thereafter during the term of the PILOT Agreement, the Town, School District, and County shall meet, calculate, and agree on (a) the amount of any Assistance Payment, and (b) the portion of any such Assistance Payment payable to each of the Town, School District and County in accordance with the percentages established by their respective shares of the combined tax rates for the Town, School District and County based on the applicable assessment year. By way of example, any Assistance Payment to be

calculated and payable in January 2010 shall use the School District tax rate for its 2009-10 fiscal year and the Town and County tax rates for their 2010 fiscal years, each of the foregoing relating to the Town's 2009 assessment roll. Each of the Town, School District and County shall send invoices to Petitioner for their respective shares and the method of calculating such shares, and Petitioner shall pay each invoiced portion of any Assistance Payment to the Town, School District, and County within twenty (20) days after receipt of the last invoice received from the Town, School District and County. As a result, any Assistance Payment share paid to the School District shall be made approximately half-way through its fiscal year, and payments to the Town and County shall be made at the approximate beginning of their fiscal years.

8. In consideration of Petitioner's willingness to help address the Town, School District, and County's declining PILOT revenues and Petitioner's willingness to waive entitlement to refunds relative to the Addition and the Firing Range, beginning in January 2010 the Town, School District, and County agree to pay to Petitioner the amount by which the Total Annual PILOT Payment is greater than \$8,900,000 (the "Assistance Return Payment"). Commencing in January 2010 and in each January thereafter during the term of the PILOT Agreement, the Town, School District, and County shall meet, calculate, and agree on (a) the amount of any Assistance Return Payment, and (b) the portion of any such Assistance Return Payment payable by each of the Town, School District and County in accordance with the percentages established by their respective shares of the combined tax rates for the Town, School District and County based on the applicable assessment year. The Town, School District, and County shall pay each allocated portion of any Assistance Return Payment to Petitioner by the end of any January in which an Assistance Return Payment is calculated to be owed.

9. The parties authorize their attorneys to seek an Order and Judgment of the Supreme Court approving the terms of this Agreement. The undersigned each represent that it has been properly authorized to enter into this Agreement.

10. The above-captioned proceedings shall be discontinued upon (a) obtaining an order of the Court approving the terms of this Agreement and (b) full satisfaction of Paragraphs 2 and 15 of this Agreement. The attorneys for the parties agree to immediately enter into a Stipulation of Discontinuance

for the captioned proceedings, to be held in escrow by Petitioner's attorneys until the foregoing conditions have been satisfied.

11. It is understood and agreed by the parties that this Agreement is made only for the purpose of resolving pending litigation in order to avoid the expenses incident to such litigation and for such other reasons as the parties deem material. In no event shall the 2007, 2008 and 2009 assessments of any of the Property be offered or admitted in evidence in any proceeding other than a proceeding for enforcement hereof.

12. This Agreement constitutes the entire understanding and agreement among the parties and may not be amended except in writing signed by all parties.

13. This Agreement may be executed in any number of counterparts with the same effect as if all the signing parties had signed the same document. All counterparts shall be construed together and shall constitute the same instrument.

14. If any Assistance Return Payment is held invalid or unenforceable to any extent, any Assistance Payments previously made shall be refunded to Petitioner by the Town, School District and County in amounts equal to the total Assistance Payments received by each of them respectively, within thirty (30) days of written demand therefor by Petitioner.

15. Within ten (10) days following service of a copy of the Order and Judgment approving the terms of this Agreement, the 2008 and 2009 assessment rolls for the Town shall be corrected and amended as provided in Paragraph 2 hereof.

Dated: July __, 2009

R.E. GINNA NUCLEAR POWER PLANT LLC

By: _____

Name: _____

Title: _____

Dated: July __, 2009

NIXON PEABODY LLP

By: _____

John B. Hood, Esq.
Attorneys for Petitioner/Plaintiff

TOWN OF ONTARIO

Dated: July __, 2009

By: _____

Name: _____

Title: _____

Dated: July __, 2009

CHRISTINE LUTEYN

Dated: July __, 2009

Alan Knauf, Esq.
Attorney for Town and Assessor

WAYNE CENTRAL SCHOOL DISTRICT

Dated: July __, 2009

By: _____

Dated: July __, 2009

_____, Esq.
Attorney for Wayne Central School
District

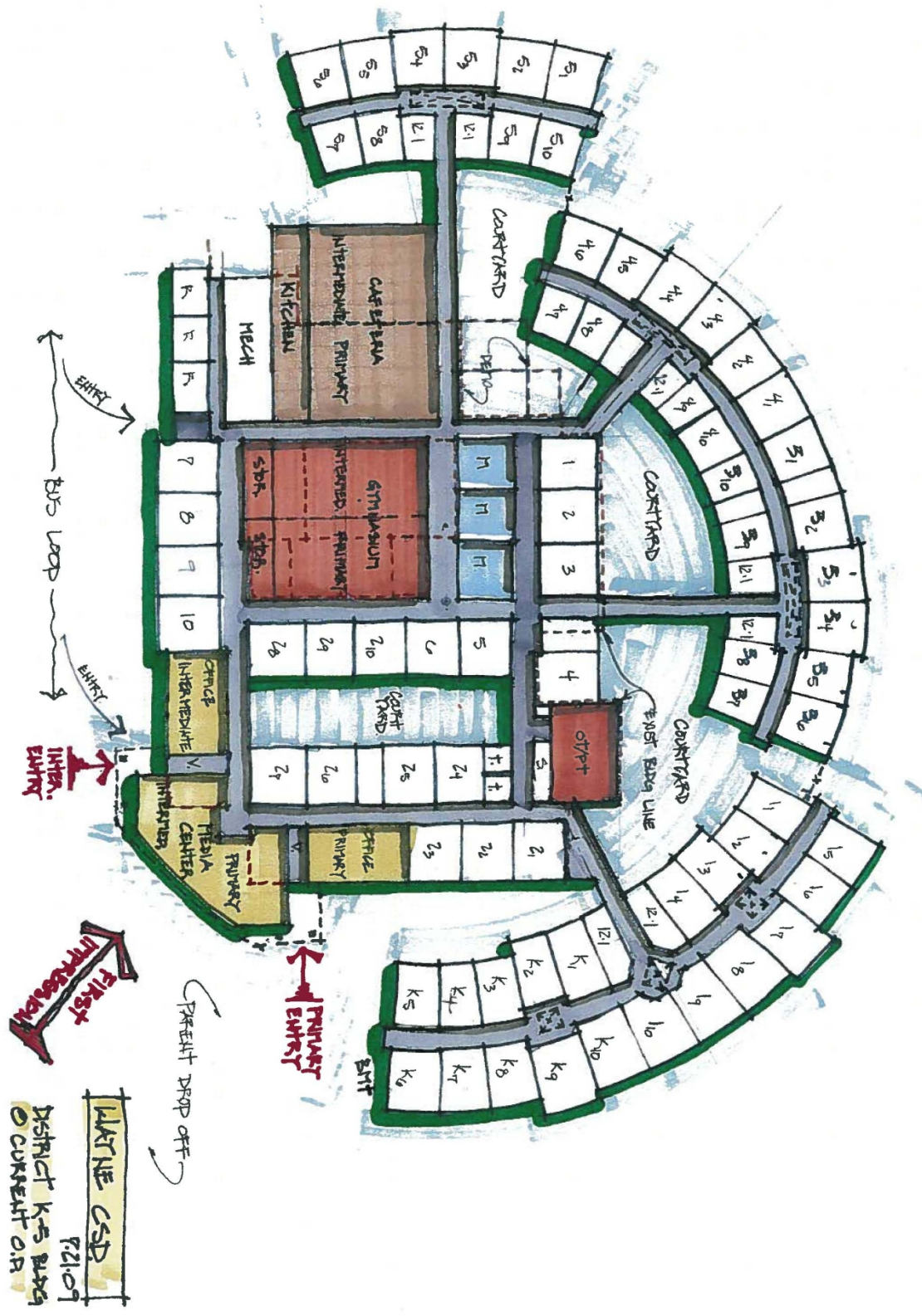
COUNTY OF WAYNE

Dated: July __, 2009

By: _____

Dated: July __, 2009

_____, Esq.
Attorney for County



Dr. David Milton Steiner

Hunter College
695 Park Ave.
New York, NY 10065

- 2005-Present Klara & Larry Silverstein Dean,
 School of Education, Hunter College, City University of New York.
- 2004-05 Director for Arts Education, National Endowment for the Arts.
 Washington D.C.
- 2002-2004 Chairman, Department of Education Policy, School of Education, Boston University.
- 1999-04 Associate Professor, Boston University. Double-appointment: Departments of
 Administration, Training, and Policy Studies & Curriculum and Teaching (each in
 the School of Education).

Education

- 1989 Ph.D. in political science, specialization in political philosophy, Harvard University.
 (Thesis on Democratic Education)
- 1980 B.A. in philosophy, politics and economics with highest (First Class) honors, &
 M.A., Balliol College, Oxford University.

Prior Academic Appointments

- 1998-1999 Senior Research Associate, Boston University, primary responsibility: advising
 Senior Administrators on issues of Massachusetts State Education Policy.
- 1990-1998 Assistant Professor, Research Assistant Professor, Vanderbilt University
 Department of Political Science and the Peabody School of Education, Vanderbilt
 University.

Visiting Academic Appointments

- 1994 Visiting Professor, Clare Hall College, Cambridge University (Spencer Fellow in
 Education).
- 1989 Visiting Assistant Professor in the Department of Politics, Wellesley College, MA.
 Fall 1989.

Hunter College School of Education: Milestones, 2005-2009

- Will launch a Teacher Residency Program in New York City in partnership with New Visions for Public Schools and the NYC Department of Education. The program will initially focus on the preparation of public secondary school teachers in the sciences and ELA.
- Led Hunter College in a nationally innovative partnership with the KIPP Academies and other top-performing charter school organizations to co-design and co-teach a dedicated teacher preparation program. To date over \$30 million has been raised to support this effort. Teach For America and the New York City Department of Education have joined the partnership. A multi-million dollar AmeriCorps Grant supports student tuition.
- Led the inauguration of eight new masters programs and ten new Advanced Certification Programs. The masters programs included four Teaching Fellows programs for the NYC city Department of Education.
- Recorded historic gains in student enrollment (the numbers rose from 2150 to 2800) while raising academic admission quality. Recorded 150% increase in external funding.
- Appointed twenty-two new faculty to permanent professorial positions in last three years (one-third of the total number in the school of education).
- Received \$1 million gift for a new digital-video program to analyze every student in their student teaching, and index the resulting video library for use as case studies by the faculty and the training of the clinical program field-observers.

National Endowment for the Arts: Milestones, 2003-2005

- Designed and inaugurated the first national program to fund intensive teacher-preparation to present major, complex works of art in their classrooms.
- Working with Jazz at Lincoln Center, created the first on-line free national jazz curriculum for American Schools (http://www.neajazzintheschools.org/home.php_
- Inaugurated the first major assessment and accountability systems to evaluate multiple learning outcomes in the arts grants programs.

Books

- | | |
|------|--|
| 2009 | Steiner, D. <i>Retreat From Judgment: The Limits of Educational Reform</i> (in progress: submission date winter, 2009). |
| 2004 | Steiner, D. & Olson, A. eds, <i>The Quest for Paideia in an Age of Uncertainty</i> (New York: Rowman & Littlefield, 2004). |
| 2001 | Steiner, D. <i>Educational Achievement & Reform Strategies in the United States of America</i> (Monograph: Gütersloh, Germany: Bertelsmann Foundation Publishers, 2001). |
| 1999 | Steiner, D. ed. <i>Philosophy of Education: The Proceedings of the Twentieth World Congress of Philosophy</i> , Vol.3 (Bowling Green, Ohio: Bowling Green State University, 1999). |

1994 Steiner, D. *Rethinking Democratic Education* (Baltimore: The Johns Hopkins University Press, 1994).

Book Chapters and Articles

- 2009 Steiner, D. "An Education Lived" in *Academic Questions*, Winter 2008/2009, Vol. 20, n.1.
- 2007 Steiner, D. "Op de vlucht voor het oordeel" in *Nexus*, n.49, 2007 (in Dutch).
- 2007 Steiner, D. "K-16: Our Dogmatic Slumbers" in *Profession*, (Journal of the Modern Languages Association).
- 2007 Steiner, D. "Preparing Teachers to Teach the Liberal Arts" in *Beyond the Basics: Achieving a Liberal Education for All Children* Finn, C. and Ravitch, D. eds. (Washington D.C. Thomas B. Fordham Institute, 2007).
- 2007 Steiner, D. "Foreign Languages: The K-12 Challenge" Association of Departments of Foreign Languages Bulletin vol. 38, no. 1-2.
- 2005 Steiner, D. "Skewed Perspective: What we Know About Teacher Preparation at Elite Education Schools" *Education Next* (Winter 2005)
- 2005 Steiner, D. "Educating the American Citizen" in *Bildung und Erziehung*, vol. 58, no.3, September 2005.
- 2004 Steiner, D. "Preparing Tomorrow's Teachers" in *A Qualified Teacher in Every Classroom* Hess, Rotherham and Walsh, eds. (Cambridge: Harvard Education Press, 2004).
- 2004 Steiner, D. "What are Schools of Education Teaching our Teachers?" *Education Next* (fall 2004)
- 2004 Steiner, D. "Aesthetics between Philosophy and Pedagogy," *The Journal of Education* vol.184. no.1, 2004
- 2004 Steiner, D. "Tomorrow's Teachers" *New York Sun Editorial*, May 27, 2004.
- 2003 Steiner, D. "Building a Bridge," in *Rationality as a Bridge between East and West* (Abu Dhabi: The Zayed Center, July, 2003)
- 2001 Steiner, D. "High Stakes Culture" *Education Next* vol.1, no. 3, Fall 2001.
- 2001 Steiner, D. "Teaching," *Basic Education*, vol. 45, no.10, Summer 2001.
- 2001 Steiner, D. "Schools of Education, A Kind of Apologia" in *Academic Questions* (2001). Based on a speech given to the National Association of Scholars Annual Meeting in New York (January 2001),

- 2001 Steiner, D. "Emmanuel Levinas," in *Salmagundi*, no.130-131, Spring 2001).
- 1999 Steiner, D. "Searching for Educational Coherence in a Democratic State," in *Citizen Competence and Democratic Institutions*, Stephen L. Elkin and Karol Edward Soltan, eds. (University Park, Pennsylvania: The Pennsylvania State University Press, 1999).
- 1998 Steiner, D. & Helminski, K. "The Politics of Relationality," in *Philosophy and Social Research*, vol. 24, no.4, 1998
- 1997 Steiner, D. "Educating for What?" in *PEGS (Political Economy of the Good Society)* vol.7, no.2, 1997
- 1996 Steiner, D. "Education Cross-Talk," in *Opera America*, Vol.6, no.1 & 2, September, 1996.
- 1995 Steiner, D. "Funeral Rites," in *The Condition of American Liberal Education*, Robert Orrill, ed. (New York: The College Board, 1995).
- 1994 Steiner, D. "Selling the Student Body," in *The Politics of the Body*, Jean Bethke Elshtain and J. Timothy Cloyd, eds. (Nashville: Vanderbilt University Press, 1994).
- 1994 Steiner, D. "See the Leaves, Miss the Trees," Guest Editorial, *Electronic Learning Magazine* (vol. 14, no.2, October 1994).
- 1991 Steiner, D. "Political Theory, Educational Practice," *Political Science and Politics*, (*PS: Political Science & Politics*, vol. XXIV, no.3, September 1991).
- 1986 Steiner, D. "After Rawls, the Scramble of Moral Philosophy," in *The Boston Review* (vol. XI, no.1, February 1986).

Funded Reports

- 1998 Guthrie, J., Adams, J., Odden, A., Steiner, D., & Wolk, R. et al. *20/20 Vision, A Strategy for Doubling America's Academic Achievement by the year 2020*. The Consortium on Renewing Education. (Peabody College of Education, Vanderbilt University, 1998)
- 1998 Steiner, D. *A Report on the Leonard Bernstein Center for Education through the Arts* (New York and Nashville: The Leonard Bernstein Center, 1998).
- 1997 Steiner, D. *State Departments of Education, from Regulation to Renewal?* (Little Rock: Arkansas Department of Education, 1997)
- 1986 Steiner, D. *The Core Curriculum at Harvard University* (For the Danforth Teaching Center at Harvard University, 1986).

Reviews

- 2008 Steiner, D. *Team Colors*, Review of Freedom Writers, in *Education Next*, No.1 Winter 2009.

- 2007 Steiner, D. *Curriculum Wars: Ancient and Modern*, Review of Alan Bennet, *The History Boys*, in *Education Next*, No. 3 Summer 2007.
- 2002 Macedo, S. & Tamir, Y. eds, *Moral and Political Education*; and D. Ravitch and J. Viteritti, eds. *Making Good Citizens: Education and Civil Society* in *The Journal of Education*, vol. 183, no.1. 2002.
- 1995 Kelly, E. Education, *Democracy, and Public Knowledge* in the *American Political Science Review*, vol.89, no.4, 1995.
- 1995 Barber, B. *An Aristocracy of Everyone*, in *PEGS (Political Economy of the Good Society)*, vol.5, no.1, 1995.
- 1993 Gless, D. & Smith, B. eds. *The Politics of Education*, in *The Journal of Higher Education*, vol.64, no.6, 1993.
- 1992 Westbrook, B. *John Dewey and American Democracy*, in *Political Theory* August 1992.
- 1988 Bloom, A. *The Closing of the American Mind*, and Amy Gutmann, *Democratic Education*, in *Salmagundi*, no.80, Fall 1988.
- 1986 Ricci, D. *The Tragedy of Political Science*, in *Salmagundi*, no.72, Fall 1986.
- 1985 Newman, S. *The Poverty of Liberalism*, in *Salmagundi*, no.67, Summer.

Papers Delivered and Presentations

- 2009 "What is an Educated Mind" to be delivered to the Southern University Presidents' Conference, Bermuda, April 4th.
- 2008 "Trusting the Text" to be delivered at the Presidential Forum, Modern Languages Association annual meeting, San Francisco, December 29th (forthcoming).
- 2008 "Rethinking Teacher Education". Lecture series hosted by The Donnell-Kay Foundation, attended by elected officials, educators, business leaders and foundations, Denver, Colorado, October 17th.
- 2008 "What Can an Ed School Do Better?" Inaugural Get Smart Schools Happy Hour hosted by Teach for America and The Piton Foundation, Denver, Colorado, October 17th.
- 2008 "The Future of Education Schools: Are Teacher Colleges Obsolete?" The National Philanthropy Roundtable (Annual Meeting), Boston, Massachusetts, September 11th.
- 2007 "The Future of Education Schools: Are Teacher Colleges Obsolete?" with Arthur Levine (President, Woodrow Wilson Foundation). The National Philanthropy Roundtable (Annual Meeting) Dana Point California, November 9th.

- 2007 "The School and the University" with Gerald Graff, President-elect, Modern Languages Association. E.E. Ford Foundation Symposium, Charlottesville, Virginia, October 5th.
- 2007 Nexus Conference *New Notes Towards the Definition of Western Culture. Part II. What is an Educated Man?* With Larry Summers, Ronald Dawkins, Claus Offe and Professor Michael Sandel,. Amsterdam, Holland, September 9th.
- 2007 "School Buildings—The State of Affairs: a new Architecture for a New Education," Moderator at the Center for Architecture, February 23, 2007.
- 2007 Plenary Panel of the Core Knowledge Annual Meeting in Washington DC, February 22, 2007.
- 2007 Arts Education Partnership Forum in Los Angeles, California. January 30th and 31st 2007.
- 2006 "Moving Beyond the Basics: Why Reading, Math and Science are not Sufficient for a 21st Century Education" Presenter at the launch meeting of the Thomas Fordham Foundation, Washington DC, December 12, 2006.
- 2006 "The University and the High School" The Modern Language Association, Annual Meeting, plenary Session with incoming MLA President Gerald Graff and Deborah Meier, Philadelphia, December 29th.
- 2006 "Foreign Languages: The K-12 Challenge," Association of Departments of Foreign Languages, panel with Rosemary Feal and Michael Holquist, President, Modern Languages Association.
- 2005 "In Search of Learning" at the DaVinci Institute, September 2005.
- 2004 "Hannah Arendt Revisited: The Crisis in Educational Authority" at the American Philosophical Association Annual Meeting, Boston, December, 2004.
- 2004 "A Letter to my Father: Do the Humanities have a Future?" Keynote Address, Aspen Institute on the State of the Humanities, October, 2004.
- 2004 "Debate on Ed. Schools" with Professor Dan Butin, Progressive Policy Institute, Washington DC, July 2004.
- 2003 "Educating Judgment" College of Education, University of Washington, Seattle WA.
- 2003 "Preparing Teachers: Are American Schools of Education up to the Task" American Enterprise Institute and the Progressive Policy Institute, October 2003.
- 2002 "Mapping and Overcoming Barriers to Alternative Public School Leadership," with Chester Finn and others, Thomas B. Fordham Institute, Washington DC.
- 2002 "What next for school vouchers?" Respondent at the Conference on Vouchers in Education at the Kennedy School of Government, Harvard University, October, 2002.

- 2001 "The Future for Schools of Education," American Council of Trustees and Alumni (Decatur House, Washington DC).
- 2001 "Schools of Education: Reform or Abolition?" Panel member at the National Association of Scholars Annual Meeting, New York (with Chester Finn, and Sandra Stostky), January 2001.
- 2000 "African-American Educational Performance," National Conference on "African Americans at the Turn of the Century" (With Orlando Patterson and others, hosted by *Salmagundi*).
- 1999 "Professional Development as Key to Educational Reform," 7th German - Atlantic Dialogue, Bertelsmann Foundation, New York.
- 1999 "Teaching History in Secondary Schools," (Discussant) and "Professional Development for Teachers of Civics" (Presenter with Teresa Secules), American Education Research Association Annual Meeting, Montreal.
- 1998 "Democracy and Education." Public Address to the Pedagogical Institute of Georgia, Tbilisi, The Republic of Georgia.
- 1998 "Recent Developments in American Educational Reform: One Year Later." London, England (sponsored by *Politeia*).
- 1997 "Recent Developments in American Educational Reform," London, England (sponsored by *Politeia*)
- 1997 "Dewey, Democracy, and Artful Education," American Education Research Association Annual Meeting
- 1997 Paper panelist, Aspen Institute Conference on Education and Democracy, Aspen, Colorado
- 1996 Keynote speaker, Annual National Symposium, Opera America, Washington, D.C. 1996
- 1996 "Balkanization by Choice? Vouchers and Education Reform," Spencer Foundation Conference, Seattle Washington (with Paul Hill)
- 1995 "What You Are: Reflections on Teaching in America's Public Schools," Leonard Bernstein Center for Education in the Arts, New York and Nashville, 1995.
- 1995 "Questions and Institutions: Education for a 21st Century Democracy." Peabody College, Vanderbilt University.
- 1995 "Levinas and the Limits of Political Theory," and "Administering Education," (Chair) Roundtable with John Chubb and Benjamin Barber, both at the American Political Science Association Annual Meeting, Chicago.
- 1993 "Ethics, Postmodernism and Education," Spencer Foundation Fellow Conference, New Orleans.

- 1993 "Rethinking Democratic Education," Conference on 'Education: Renaissance or Retreat?' Vanderbilt University, Nashville.
- 1993 "Postmodernism and Political Theory," Jowett Society, Oxford University.
- 1993 "Methoria: Reflections on *Amour-Propre* in Rousseau," The Moral Sciences Club, Cambridge University.
- 1993 "Selling the Student Body," Conference on the Politics of the Body, Vanderbilt University.
- 1992 "Democratic Education, the Defense of an Ideal." The American Political Science Association, Annual Meeting, Chicago.
- 1992 "Choice and the Politics of Education," Faculty Colloquium, Yale University, also at Peabody College, Vanderbilt University.
- 1991 "Families and Education," Tampa: The Southern Political Science Association.
- 1991 "Beyond Pure Process: Towards a Theory of Democratic Education." Roundtable on 'Democracy and Citizenship,' American Political Science Association Annual Meeting, APSA sponsored roundtable, San Francisco.
- 1998 "Undergraduate Education at Harvard." The Core Curriculum Committee, Harvard University.
- 1997 "Rousseau's Geneva: A Communitarian Education?" Northeastern Political Science Association Annual Meeting, Philadelphia.

Academic Referee

- 1995-Present Princeton University Press, Political Theory, Educational Evaluation and Policy Analysis, American Political Science Review, University of Illinois Press, Polity Press, Westview Press.

Educational Consulting

- 2009 Grants Reviewer, National Endowment for the Humanities, Washington, DC.
- 2005-2007 Consultant Scholar, *The Core Knowledge Foundation*, Charlottesville, 2005-present. Advising the foundation on issues of teacher preparation.
- 2003-2006 Consultant, *National Center for Teacher Quality*, Washington D.C. Advising on research around issue of teacher preparation. 2003 – 2006.
- 2003-2005 Senior Consultant, *Deutsche Bank* (Appointed to the World Ethics Council, Institute for International Corporate Cultural Affairs, along with Professor Sam Huntingdon and others), advising the bank and a multinational consortium on ethics, education and cultural projects. 2003 – 2005.

- 1998-2002 Consultant, *Bertelsmann Foundation* (1998-Present, Frankfurt, Germany), advising the foundation on major initiatives in American Education.
- 1998-1999 Educational Commissioner, *Politeia* (1998-9, London, UK), worked on programs for comparative study of assessments in the United States, Europe, and the new independent states of the ex-USSR.
- 1997 Consultant Scholar: Goals 2000 Arts Education Partnership: Priorities for Arts Education Research. Washington D.C. 1997.
- 1995-1998 Consultant, then Resident Scholar at the *Leonard Bernstein Center for Education Through the Arts* contributed to the design, teaching, and evaluation of the Center's curricular designs. New York and Nashville, 1995-1998.
- 1996-1997 Consulting Scholar to the *National Civics Standards Board* (1996-7). Reviewed multiple drafts of the proposed civics standards, contributed revised materials, and provided critique of underlying concepts.
- 1997 Reviewer of Curricular and Assessment designs for the *Modern Red School House* (1997). Special focus on the relationship between Performance Statements, Standards, the "Hudson Units," and the "Individual Educational Compact."
- 1997-1999 Research Advisor to *Schools for Thought*, a federally funded program centered at the Peabody College of Education, Vanderbilt University (1997-1999). Designing multiple social-studies curricular units for multi-media applications and reviewing units in other subject domains.
- 1987-1989 Teaching Consultant, Harvard Danforth Teaching Center (1987-1989).

Education Consulting-Professional Development

- 2001-2006 Designed and Co-Directed Summer Content Institutes for the State of Massachusetts in the humanities. Led workshops on Shakespeare, Chaucer, and other major authors, incorporating multi-media teaching strategies, formative and summative assessment techniques, and writing evaluations.
- 1998 Consultant to the Nashville Metro School System (through the "Schools for Thought" initiative at Vanderbilt University). Preparing teachers for the adequate introduction and adaptation of E.D. Hirsch's "Core Curriculum."

Awards and Grants

- 2009 and 08 CUNY Award for Securing Major External Funding in the domain of Education, presented by Chancellor Matt Goldstein.
- 2008 Principal Investigator: Sidney E. Frank Foundation grant for program re-design at the Hunter College School of Education (\$300,000).

- 2007 Principal Investigator: AmeriCorps National Professional Corps grant (\$358,411 in program support and \$1.18 million in associated student tuition vouchers). Grant Agency: The Corporation for National and Community Service.
- 2006 Project Investigator: Video Interaction for Teaching and Learning Project: Early Childhood Mathematics Education with Support from the National Science Foundation (\$100,000).
- 2001-2004 Grant Director: "Preparing Tomorrow's Teachers to use Technology," U.S. Department of Education. (\$2.4 million over three years, of which \$1.1 million comes from the Department of Education. Beginning Fall 2001, for three years).
- 2000 Carnegie Foundation Grant for the Paideia Project, a new center for the study of fundamental educational values (with Alan Olson). The inaugural international conference was held in Vienna, Austria, with a keynote address from Dr. John Silber.
- 1999 Research Grant from the Bertelsmann Foundation of the Republic of Germany.**
- 1998 NPEAT Grant (National Partnership for Excellence and Accountability in Teaching), United States Department of Education. (\$333,000). With John Bransford, Susan Goldman, James Pellegrino, John Rakestraw, and Nancy Vie.
- 1998 United States IREX Center: Grant for lecturing visit to NIS countries.
- 1997-1999 The Ball Foundation (\$1.025 million). Grant for research on reforming K-12 education in the United States (grant team led by James Guthrie).
- 1997 Research Grant, "Schools for Thought." Peabody College, Vanderbilt University.
- 1996 Grant from the State of Arkansas for Study of State Level Education Reform.
- 1994 DAAD (German Cultural Academy) research grant for study at Cornell University.
- 1994 Provost's Grant for Interdisciplinary Teaching, Vanderbilt University (with Michael Rose).
- 1993-1994 Spencer Fellow, National Academy of Education Stanford University.
- 1991 Vanderbilt Faculty Research grant.
- 1990 Post-Doctoral Fellow, Murphy Institute of Political Economy, Tulane University.
- 1988-1989 Research Grant, Harvard-Danforth Center for Teaching, Harvard University.
- 1987 Richard D. Irwin Doctoral Fellowship.
- 1984-1986 Distinction in Teaching, Harvard University.

- 1985 Merit Award, and Fellow, Graduate School of Arts and Sciences, Harvard University.
- 1984 Naumann Foundation Fellowship, West Germany.

Professional Appointments and Trusteeships

- 2008 - Present Appointed to the Regents Work Group on Improving the Preparation of Teachers for Urban Schools, the New York State Education Department.
- 2008 Appointed to the CUNY University Working Group, designed to create strategy for generating effective math and science teachers needed in New York City public schools.
- 2008 Board of Trustees, Harlem Success Academy (Public Charter School, New York City).
- 2006 - Present Consultant for the Common Core Curriculum Project: Thomas B. Fordham Foundation, Washington D.C., and member of the Steering Committee.
- 2006 - Present Board of Trustees of the Core Knowledge National Advisory Committee, Charlottesville, Virginia.
- 2006-Present Member of the MLA National Initiative on the future of Liberal Arts Education, known as the Teagle Working Group. This group includes several college presidents, the current and the next president of the MLA, and several distinguished professors from Columbia, Yale, and the University of Virginia.
- 1980-1982 Assistant to the Director, International Division, S.G. Warburg & Co. Ltd. Also with Banque Paribas in Paris. Registered Representative, New York Stock Exchange. Specialization in Eurobond issues and new financial instruments (zero-sum bonds, fixed-rate variable rate debt swaps).
- 1978 Assistant in the Office of the Secretary of the Navy, United States Department of the Navy, Washington D.C. Worked directly with Assistant Secretary, then Secretary of the Navy, the Hon. Edward Hidalgo, on matters of upward-mobility and education for navy recruits. Also engaged in work in logistics.

Selected Press References

- 2008 "College and Charter Groups Team Up to Train Teachers" *Education Week*, (cover story) February 6, 2008.
- 2006 "An Apple for Fuhrman," *New York Sun Editorial*, May 10, 2006.
- 2006 Letter in Response to Nicholas, Kristoff's "Meryl Streep In the Classroom," *The New York Times* May 2, 2006.

- 2005 Baum, J. Ph.D. "New Dean of Hunter College School of Education Expands Intellectual Options," *Education Update Online*, Education update, Inc. September 2005.
- 2005 Jacobson, J., Schuman, J. & Walters, A. "Hunter College Names Education Dean; Departing Provost at U. of Wisconsin Rethinks Consulting Gig; College Association Names New Chief," *The Chronicle of Higher Education*, September 2, 2005
- 2005 Hartocollis, A. "Who Needs Education Schools?" *The New York Times*, July 31, 2005.
- 2004 Wolf, A. "The Education-School Alchemists," *The New York Sun*, February 6, 2004
- 2003 Keller, B. "Education School Courses Faulted As Intellectually Thin," *Education Week*, November 12, 2003.

Expert Testimony

- 2008 Before the New York State Board of Regents, Panel Hearing on "Teacher Preparation for Urban Public Schools" (Albany, New York).
- 2005 Before the New York City Council, Panel Hearing on "Teacher Training" (City Hall, New York City).

Languages

French (fluent), Latin, Greek.

References (by request)

Joel Klein, Chancellor, New York Public Schools

Dana Gioia, Chairman, National Endowment for the Arts

Michael Poliakoff, Vice President for Academic Affairs and Research, University of Colorado, Denver.

Chester E. Finn, President, Thomas Fordham Foundation

Vita Rabinowitz, Provost, Hunter College CUNY

JULY 13, 2009
ONTARIO TOWN BOARD MEETING AND PUBLIC HEARING

A regular meeting of the Ontario Town Board was called to order by Supervisor Kelsch at 7:00 PM in the Ontario Town Hall. Present were Supervisor Robert Kelsch, Council members: Jason Ruffell (left at 7:25 p.m.), Lori Eaton-Smith, James Switzer and Stephen Tobin, Superintendent of Highways Jerry Santangelo, Building Inspector/Code Enforcement Officer Edward Collins, Superintendent of Water Utilities Rodney Peets, Director of Recreation & Parks William Riddell, Accountant Scott Erdeli, Sole Assessor Christine Luteyn, Library Director Sandra Hysten, Associate Attorney for the Town Amy Reichhart and Town Clerk Debra DeMinck.

Absent: Dog Control Officer Mark Plyter
 7 residents and visitors were present at portions of the meeting.

Mr. Kelsch led the Pledge of Allegiance.

Mr. Kelsch expressed condolences on behalf of the Town Board to Councilman Jason Ruffell on the death of his grandfather, Clyde Briggs. Mr. Briggs served with distinction in WWII and was a lifelong member of the North Ontario Methodist Church.

Approval of the Agenda – A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **approve the agenda with the following additions: under appointment for Kyle Hanlon-add temporary position, no benefits and add-accept resignation of Bert Sanchez as member and chairman of the Recreation and Parks Advisory Board.** 5 Ayes 0 Nays MOTION CARRIED

The Legal Notice of Public Hearing to consider proposed Local Law No. 2 of 2009 of the Town of Ontario which would amend Chapter 150 Zoning of the Town Code was posted on the Town Clerk's bulletin board and published in the Wayne County Mail on June 25, 2009.

Mr. Kelsch opened the public hearing at 7:04 p.m.

Mr. Ruffell gave a presentation on the proposed changes being considered to Chapter 150 (Zoning) on the Town's new smart board in the town hall meeting room. These changes include the addition of enclosed storage and winery as new land uses, new and revised definitions, some added requirements for kennels and change of numerous land uses from special condition (SC) uses to special permit (SP).

Mr. Ruffell asked for public comment.

Mr. Herbert Barbehenn asked if there was any chance the 300 foot requirement for kennels could be greater. Mr. Ruffell responded by saying it could be considered.

A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **close the public hearing at 7:24 p.m.**

Mr. Ruffell left the meeting at 7:25 p.m.

Comments from the Public – None

Approval of Minutes - Mr. Kelsch asked for approval of the minutes of the June 22, 2009 Town Board meeting. A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **approve the minutes as presented.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

Correspondence – The Town Clerk received the following correspondence:

Notification that Wayne Central School District has appointed Mrs. Helen Jensen as the school tax collector for the 2009-2010 school year for the Town of Ontario in their school district.

Notification that the State of New York Department of Transportation will investigate traffic conditions on Ridge Road between address number 1400 and Slocum Road relative to the establishment of a lower speed limit.

A motion was made by Mr. Switzer, seconded by Mrs. Smith, to **accept and file the correspondence.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

Attorney for the Town Report – Ms. Reichhart reported that the Gullace tax certiorari trial is over and post-trial memorandums are due by September 1, 2009.

Department Head Reports -

Superintendent of Water Utilities – A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **accept the June 2009 report as presented.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

Superintendent of Highways – A motion was made by Mr. Kelsch, seconded by Mr. Tobin, to **accept the June 2009 report as presented.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

Building Inspector/Code Enforcement Officer – A motion was made by Mr. Kelsch, seconded by Mr. Switzer, to **accept the June 2009 report as presented.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

Director of Recreation & Parks – A motion was made by Mrs. Smith, seconded by Mr. Tobin, to **accept the June 2009 report as presented.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

Sole Assessor – A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **accept the June 2009 report as presented.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

Ontario Public Library - A motion was made by Mrs. Smith, seconded by Mr. Tobin, to **accept the June 2009 Library report as presented.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

Supervisor's Financial Statement - A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **accept the June 2009 Supervisor's Financial Statement as presented.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

Ontario Town Court – A motion was made by Mr. Tobin, seconded by Mrs. Smith, to **receive the June 2009 report as presented.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

Dog Control Officer – A motion was made by Mrs. Smith, seconded by Mr. Tobin, to **accept the June 2009 report as presented.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

Economic Development Department - A motion was made by Mr. Kelsch, seconded by Mr. Tobin, to **accept the June 2009 report as presented.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

New Business – A motion was made by Mr. Kelsch, seconded by Mr. Tobin, to **grant the Justice Court authorization to request up to the maximum amount available for the Justice Court Assistance Program (JCAP) Grant. All applications must be submitted by August 1, 2009.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **update the Water Utilities Department records for designation of sole source vendors to Badger Meter, Inc., Bin NO. 223, Milwaukee, WI,**

53288, JCI Jones Chemicals, Inc., PO 25035, Bradenton, Fl 34206, Holland Company, Inc., 153 Howland, Adams, MA 01220 and Buffalo Industrial Diving, 131 Industrial Dr., Grand Island, NY 14072 as recommended by the Superintendent of Water Utilities in memo #12-2009. 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **authorize the Sole Assessor to attend the NYSAA Seminar on Assessment Administration in Saratoga Springs, NY September 27-30, 2009 with all actual and necessary expenses to be a town charge.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

A motion was made by Mr. Switzer, seconded by Mrs. Smith, to **authorize the Supervisor to sign the July 7, 2009 Letter of Agreement between Timothy R. McGill and the Town of Ontario to provide services as Bond Counsel for the Landfill Closure Project with compensation as outlined in the agreement.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **adopt a**

BOND RESOLUTION DATED JULY 13, 2009 AUTHORIZING THE ISSUANCE OF
GENERAL OBLIGATION SERIAL BONDS OF THE TOWN OF ONTARIO,
WAYNE COUNTY, NEW YORK, TO FINANCE LANDFILL CLOSURE
IMPROVEMENTS, 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, pursuant to a duly promulgated consent order, the Department of Environmental Conservation has mandated that the Town of Ontario, New York (hereinafter referred to as the "Town") undertake work in connection with remediation and closure of the Town of Ontario landfill; and

WHEREAS, the Town has duly determined that the purpose hereinafter described constitutes a Type II action under the State Environmental Quality Review Act of the State of New York and the applicable regulations thereunder ("SEQRA") which will not have a significant impact on the environment and such purpose is not subject to any further environmental review under SEQRA; and

WHEREAS, the Town Board proposes to authorize the issuance and sale of bonds (and notes in anticipation thereof) to finance the costs of remediation and closure of the landfill; now therefore

BE IT RESOLVED by the Town Board of the Town of Ontario, New York, by the favorable vote of not less than two-thirds of all the members of such Board, as follows:

Section 1. The Town of Ontario shall undertake certain capital improvements consisting of the remediation and closure of the Town landfill, and site and other appurtenant or incidental improvements in connection therewith (hereinafter referred to as the "purpose"), and general obligation serial bonds in an aggregate principal amount not to exceed \$2,250,000 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 aggregate maximum cost of said purpose, including preliminary costs and costs appurtenant or incidental thereto and costs of the financing thereof, is estimated to be \$2,250,000 and said amount is hereby appropriated therefore. The plan for financing of said purpose is to provide all of said maximum cost by issuance of serial bonds and bond anticipation notes as herein authorized.

Section 3. It is hereby determined and declared that (a) said purpose is one of the class of objects or purposes described in Subdivision 6-b of Paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is twenty (20) years, (b) the proposed maximum maturity of said bonds authorized by this resolution will be in excess of five years, (c) prior to the issuance of the bonds or notes herein authorized there will be provided the appropriate amount of current funds required by Section 107.00 of the Local Finance Law, if any, (d) there are presently no outstanding bond anticipation notes issued in anticipation of the sale of said bonds, and (e) the notes herein authorized are not issued in anticipation of bonds for an assessable improvement.

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.

Section 5. It is hereby determined that the Town of Ontario 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 bond anticipation notes and to prescribe the terms, form and contents of said bonds and bond anticipation 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 and liquidity enhancements, if any, and to sell and deliver said bonds and bond anticipation notes subject to the provisions of this resolution and the provisions of the Local Finance Law, 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 any bonds and bond anticipation notes issued pursuant to this resolution, and are hereby authorized to affix to such bonds and bond anticipation notes the corporate seal of the Town of Ontario and to attest the same.

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 bond anticipation notes as the same respectively become due and payable. 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. There shall annually be levied on all taxable real property of said Town, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

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 and bond anticipation notes issued in anticipation of the sale of said serial 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. 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

A motion was made by Mr. Switzer, seconded by Mrs. Smith, to **authorize the Supervisor to sign the June 8, 2009 proposal between Municipal Solutions and the Town of Ontario for bond anticipation note borrowings in connection with the Town of Ontario's Landfill Closure Project.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

A motion was made by Mr. Kelsch, seconded by Mr. Tobin, to **award the lowest responsible bid for the purchase of a 2008 Caterpillar D4K LGP Bulldozer to Milton Cat, 4610 East Salle Dr., Batavia, NY 14020 for a cost not to exceed \$65,874.00 after a trade-in of a 1972 D7 Caterpillar Dozer (\$16,500) and a 1986 John Deere 450 ETC Bulldozer (\$8,500) with the funds to purchase the bulldozer split equally between the Highway Department and the Water Utilities Department as recommended by the Superintendent of Highways and the Superintendent of Water Utilities.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

A motion was made by Mr. Kelsch, seconded by Mr. Switzer, to **approve the Time Warner Internet Contracts for the Town Hall, Highway and Water Utilities Departments for a term of three years at a cost of \$350.00 each month, a savings of \$282.20 monthly.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

Budget Transfers/Adjustments – None

Appointments/Resignations –A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **appoint Kyle Hanlon to the temporary position of Laborer for the Water Utilities Department with an hourly wage of \$10.00, no benefits, effective June 29, 2009.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

A motion was made by Mrs. Smith, seconded by Mr. Switzer, to **accept, with regret, the resignation of Bert Sanchez as member and chairman of the Recreation and Parks Advisory Board, effective July 13, 2009.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

Reports by Town Board Members – Mr. Kelsch received an evaluation form to fill out from Wayne Central High School for his student intern, Brendon Johansson. July 13th was the first meeting of the Safe Workplace committee. They will meet the third Monday of every month. The consent order to close the landfill has been signed.

Approval of Claims - A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **approve the abstract of claims for July 13, including vouchers #1579 through #1735 (#1624 missing) with a grand total of \$142,791.43 and to authorize the Supervisor to issue payments for same.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

Comments from the Public – None

Adjourn - A motion was made by Mr. Tobin, seconded by Mrs. Smith, to **adjourn at 8:06 p.m.** 4 Ayes 0 Nays 1 Absent (Ruffell) MOTION CARRIED

Respectfully submitted,

Debra DeMinck
Ontario Town Clerk

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

JULY 27, 2009

ONTARIO TOWN BOARD MEETING

A regular meeting of the Ontario Town Board was called to order by Supervisor Robert Kelsch at 7:00 p.m. in the Ontario Town Hall. Present were Supervisor Robert Kelsch, Council members: Jason Ruffell, Lori Eaton-Smith, James Switzer, Stephen Tobin, Superintendent of Highways Jerry Santangelo, Superintendent of Water Utilities Rodney Peets, Director of Recreation & Parks William Riddell (entered 7:06 p.m.), Accountant Scott Erdeli, Associate Attorney for the Town Amy Reichhart and Town Clerk Debra DeMinck.

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

Mr. Ruffell led the Pledge of Allegiance.

Revisions to the Agenda - A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **approve the agenda with one addition: under new business – add authorize the Town Clerk to post and publish legal notice for a second public hearing on Chapter 150 zoning.** 5 Ayes 0 Nays MOTION CARRIED

Comments From the Public – Ms. Virginia Molino and Mr. Chuck Newman both stated they have been unable to access the agenda on the web site for the last two weeks. Mrs. Smith suggested they ask the Supervisor's secretary to e-mail it to them.

Approval of Minutes – Mr. Kelsch asked for approval of the minutes of the July 13, 2009 Town Board meeting. A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **approve the minutes as presented.** 4 Ayes 0 Nays 1 Abstention (Ruffell) MOTION CARRIED

Mr. Riddell entered the meeting.

Correspondence – The Town Clerk received official notification that Tom's Original, Inc., 364 Route 104, Ontario, NY has filed application to renew their alcoholic beverage license.

A motion was made by Mr. Switzer, seconded by Mrs. Smith, to **accept and file the correspondence.** 5 Ayes
0 Nays MOTION CARRIED

Attorney for the Town Report – None

New Business – A motion was made by Mr. Kelsch, seconded by Mr. Switzer, to **accept the Watershed report for the month of July 2009 as presented.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Tobin, seconded by Mrs. Smith, to **authorize Dawn Yantch and Nancy Luke to attend the NYS Magistrates Association Annual Conference in Albany, October 4, 2009 through October 7, 2009 with all actual and necessary expenses to be a town charge.** 5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Tobin, seconded by Mr. Ruffell, to **adopt a**

RESOLUTION AUTHORIZING GRANT APPLICATION

RESOLVED, that Reginald P. Higgins II and Paul E. Sucher, Town Justices of the Town of Ontario, are

HEREBY authorized and directed to file an application for funds from the New York Justice Court Assistance Program L. 1999, c280, up to the maximum amount available and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Ontario Justice Court, and

BE IT FURTHER RESOLVED that the Town Supervisor is hereby authorized to execute and sign said application. 5 Ayes 0 Nays RESOLUTION ADOPTED

A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **adopt a**

CONSENT ORDER RESOLUTION FOR THE WASTEWATER TREATMENT FACILITY

WHEREAS, the Town of Ontario (the “Town”) operated a Wastewater Treatment Facility (the “Sewer Plant”) at 2200 Lake Road in the Town; and

WHEREAS, the New York State Department of Environmental Conservation (“DEC”) issued a State Pollution Discharge Elimination System (“SPDES”) permit (the “Permit”), effective March 1, 2006 through February 28, 2011, which allows the Sewer Plant to discharge treated wastewater to Bear Creek; and

WHEREAS, the Permit was modified on or about April 8, 2008 to set lower limits for discharge of various parameters, including copper (.013 mg/l) (a level 1% of the limit of 1.3 mg/l for drinking water) and ammonia (1.8 mg/l); and

WHEREAS, since that modification, there have been a number of exceedances of the copper and ammonia levels measured and reported to DEC on discharge monitoring reports; and

WHEREAS, on July 17, 2009, DEC again modified the Permit to set an interim level for copper of .04 mg/l for one year beginning August 1, 2009, after which time it will return to .013 mg/l, and to require the Town to submit an engineering study and progress reports to DEC; and

WHEREAS, DEC has indicated it will entertain an application for a further modification to the Permit provided it is supported by a sufficient engineering study; and

WHEREAS, the Town desires to resolve this issue and settle any dispute with DEC without further legal costs or the risk of large fines, and undertake study of the Sewer Plant and alternatives for the discharge and treatment in a manner satisfactory to DEC that will protect health and the environment; and

WHEREAS, DEC has prepared a draft Consent Order, which requires payment of a fine in the amount of \$1,500 for past violations of the Permit for discharge exceedances of copper and ammonia; and

WHEREAS, the Consent Order and required study of the Sewer Plant is a Type II action which does not require environmental review under the State Environmental Quality Review Act, since it fulfills the obligations of a civil enforcement action pursuant to an administrative order, pursuant to 6 N.Y.C.R.R. §617.5(c)(29);

NOW, THEREFORE, BE IT RESOLVED that the Town Supervisor is authorized and directed to execute the Consent Order in a form reasonably acceptable to the Town Supervisor and the Attorney for the Town; and it is further

RESOLVED, that the Town engage its Engineer, MRB Group, and its Attorneys, Knauf Shaw LLP, to work with the Water Utilities Department and the Supervisor to work to develop options to bring the Sewer Plant into compliance with the Permit or seek a further modification of the Permit, and to submit studies and reports required by the Permit. 5 Ayes 0 Nays Resolution Adopted

A motion was made by Mr. Kelsch, seconded by Mr. Tobin, to **authorize Scott Erdeli, Accountant for the Town, to attend the Office of the State Comptroller’s two governmental accounting training courses, Part 1 in the Village of Manlius, October 14-16, 2009 and Part 2 in the City of Binghamton, December 8-10, 2009, with all actual and necessary expenses to be a town charge as requested.** 5 Ayes 0 Nays MOTION CARRIED

Scott Erdeli, Accountant for the Town, would like to offer employees voluntary insurance products (Disability, Term Life, Accident and Cancer) from Colonial Voluntary Benefits (The Paul Revere Life Insurance Company) as an alternative/competitive selection to AFLAC. The cost of the insurance coverage would be the complete responsibility of the employee. Mr. Erdeli will present the information at the next board meeting on August 10, 2009.

A motion was made by Mr. Kelsch, seconded by Mr. Ruffell, to **accept the lowest responsible bid for the landfill soil barrier from Riccelli Enterprises, 6131 East Taft Road, Syracuse, NY 13212 for an amount not to exceed \$475,000.00. The bids were reviewed by the Attorney for the Town and MRB Group.**

5 Ayes 0 Nays MOTION CARRIED

A motion was made by Mr. Switzer, seconded by Mr. Ruffell, to **adopt the**

Resolution for the Draft GEIS for Commerce Center

WHEREAS, the Town of Ontario (the “Town”) has proposed to establish Commerce Center (the “Project”), which would be an industrial park located on approximately 354 acres of industrially-zoned area located north of State Route 104 between Dean Parkway and Lakeside Drive; and

WHEREAS, the Town intends to adopt a Master Plan for the Project, consistent with the existing Town Comprehensive Plan, which would provide a basis for development of the Project, including but not limited to extension of Timothy Lane, other road improvements, extension of water and sewer lines, construction of storm water management areas, subdivision of the existing lots, and construction of industrial facilities, as well as possible amendments to the Town Zoning Law (Town Code Chapter 150); and

WHEREAS, in accordance with the New York State Environmental Quality Review Act (“SEQRA”), and regulations adopted to implement SEQRA, the Town must undertake an environmental review of the Project, including the Master Plan and other necessary zoning amendments or approvals (together the “Action”); and

WHEREAS, the Town Board reviewed and accepted an environmental assessment form (“EAF”) for the Action prepared by Costich Engineering to evaluate the significance of potential environmental impacts of the Action; and

WHEREAS, the Town Board determined that the proposed Action is a “Type I Action” as defined by SEQRA, pursuant to 6 N.Y.C.R.R. §617.4(b); and

WHEREAS, on June 9, 2008, the Town Board passed a resolution indicating the intent of the Town to act as lead agency for the SEQRA review of the Action, pursuant to 6 N.Y.C.R.R. §617.6(b)(3); and

WHEREAS, on August 25, 2008, the Town Board passed a resolution declaring itself lead agency for the SEQRA review of the Action, pursuant to 6 N.Y.C.R.R. §617.6(b), finding that the Project may include the potential for at least one significant adverse environmental impact, so that a Positive Declaration was made, pursuant to 6 N.Y.C.R.R. §617.6(b), and deciding that a generic environmental impact statement (“GEIS”) was appropriate to evaluate the environmental impacts of the Project, since it will consist of a series of actions, and the Master Plan will define and restrict the range of future alternative policies or projects, pursuant to 6 N.Y.C.R.R. §617.10; and

WHEREAS, the Town notified all other involved agencies that the Town is lead agency, furnished them with a copy of the Positive Declaration, and arranged for publication of the notice of the Positive Declaration in the *Environmental Notice Bulletin* for publication; and

WHEREAS, that the Town Board elected to utilize the optional process for scoping, pursuant to 6 N.Y.C.R.R. §617.8 in order to devise a scope (the “Scope”) for the GEIS; and

WHEREAS, a Public Hearing on a draft Scope was held on October 27, 2008; and

WHEREAS, on October 27, 2008, the Town Board adopted a final written Scope; and

WHEREAS, the consultant for the Town, Costich Engineering (“Costich”), has prepared a Draft Generic Environmental Impact Statement (“DGEIS”) in accordance with the Scope and the requirements of SEQRA, which has been reviewed by Knauf Shaw LLP, attorneys for the Town; and

WHEREAS, in light of the degree of interest in the Project shown by the public or involved agencies, the potential environmental impacts, mitigation measures and alternatives that have been indentified, and the extent to which a public hearing can aid the Town Board’s decision-making processes by providing a forum for, or an efficient mechanism for, the collection of, public comment, a public hearing on the Project and the DGEIS would be desirable; and

WHEREAS, because part of the Project will take place within Wayne County Agricultural District No. 1, and the Project involves expenditure of public funds for infrastructure improvements to serve industrial or commercial facilities within an agricultural district, the Notice of Intent requirements under Agriculture and Markets Law §305(4) and 1 N.Y.C.R.R. Part 371 apply; and

WHEREAS, Costich has also prepared a Preliminary Notice of Intent to Undertake an Action within an Agricultural District (the “Preliminary Notice of Intent”), in accordance with Agriculture and Markets Law §305(4) and 1 N.Y.C.R.R. §371.6, which has been reviewed by Knauf Shaw LLP, Attorney for the Town;

NOW THEREFORE, IT IS RESOLVED, that the Town reaffirms and ratifies the Positive Declaration; and it is further

RESOLVED, that the Preliminary Notice of Intent is accepted, and shall be filed with the Commissioner of Agriculture and Markets, and the Wayne County Agricultural Development Board; and it is further

RESOLVED, that the Town accepts the DGEIS as adequate with respect to its scope and content for the purpose of commencing public review; and it is further

RESOLVED, that a Public Hearing shall be held before the Town Board concerning the Project and the DGEIS on August 24, 2009 at 7:00 PM; and it is further

RESOLVED, that the Town Board shall consider written comments on the DGEIS and the Project until September 3, 2009; and it is further

RESOLVED, that the Town shall prepare, file and publish a Notice of Completion and of the DGEIS and of Public Hearing, and file copies of the DGEIS in accordance with the requirements set forth in 6 N.Y.C.R.R. §617.12, including filing copies with the Supervisor, the Town Clerk, and all involved agencies and persons who have requested a copy; and it is further

RESOLVED, that the Notice of Completion of the DGEIS and of Public Hearing shall be published in the *Environmental Notice Bulletin* and posted on the Town web site; and it is further

RESOLVED, the Notice of Completion of the DGEIS and of Public Hearing shall be published in the in the *Wayne County Mail* on or before August 27, 2009, and the Town Clerk also caused a copy of that

Notice to be posted on the sign board of the Town maintained pursuant to Town Law §30(6) on or before August 28, 2009; and it is further

RESOLVED, that the DGEIS shall be posted on the Town's web site, pursuant to Environmental Conservation Law §8-0109(4). 5 Ayes 0 Nays RESOLUTION ADOPTED

A motion was made by Mr. Switzer, seconded by Mr. Ruffell, to **authorize the Town Clerk to post and publish a Legal Notice of Public Hearing to be held on August 24, 2009, at 7:00 p.m. at the Ontario Town Hall, 1850 Ridge Road, Ontario, to consider the Commerce Center project and the draft DGEIS.** 5 Ayes
0 Nays MOTION CARRIED

A motion was made by Mr. Ruffell, seconded by Mr. Tobin to **authorize the Town Clerk to post and publish a Legal Notice of Public Hearing to be held on August 10, 2009, at 7:00 p.m. at the Ontario Town Hall, 1850 Ridge Road, Ontario, to consider enactment of proposed Local Law #2 of 2009 to amend Chapter 150 (Zoning) of the Town Code.** 5 Ayes 0 Nays MOTION CARRIED

Budget Transfers/Adjustments – A motion was made by Mr. Switzer, seconded by Mr. Ruffell, to **approve the following budget transfer:**

Highway transfer \$350,000 from DA fund to HR-5 (Highway Equipment Reserve)
5 Ayes 0 Nays MOTION CARRIED

Policy Items – A motion was made by Mr. Switzer, seconded by Mr. Ruffell, to **adopt policy 4316.4 AR – Distribution Crew Chief for the Water Utilities Department.** 5 Ayes 0 Nays MOTION CARRIED

Appointments/Resignations – A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **appoint 36 seasonal employees to the Parks and Recreation Department according to dates and wages listed in memos dated July 8, 2009 and July 21, 2009 from the Director of Parks and Recreation.** 4 Ayes 0 Nays
1 Abstention (Smith) MOTION CARRIED

Reports by Town Board Members – Mr. Kelsch stated the Parks and Recreation Department will be hosting the Wayne County Olympics for the kid's day camp on July 29th. Nine towns will be attending. He also reported that Sustainable Energy Development Inc. of Ontario, NY was recognized as the largest distributor of wind energy in the state and the third largest in the country.

Mr. Switzer would like to recognize the residents that are helping to fix up the flowers and weed at Ridge Road and Furnace Road around the flagpole.

Approval of Claims – A motion was made by Mr. Switzer, seconded by Mr. Tobin, to **approve the abstract of claims for July 27, 2009 including vouchers #1736 through #1873 with a grand total of \$100,341.94 and to authorize the Supervisor to issue payments for same.** 5 Ayes 0 Nays MOTION CARRIED

Comments from the Public – None

Adjourn – A motion was made by Mrs. Smith, seconded by Mr. Tobin, to **adjourn at 8:05 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.