

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the October 17th, 2022 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
David Hess	Councilor
Eugene Young	Councilor
Ryan Pleskach	Councilor
Kevin Meaker	Councilor
Deborah Magaro-Dolan	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

None

OTHERS PRESENT:

Russ Mitchell, Planning Board Chairman; Hal Henty, Planning Board Member.

The meeting was called to order by Supervisor Ulatowski at 7:30 P.M. All present joined in the Pledge of Allegiance.

Approval of Minutes:

Councilor Hess made a motion to approve the minutes of the September 29th, 2022 Special Town Board meeting. Motion was seconded by Councilor Bick.

Ayes – 7 and Noes – 0. *Motion carried.*

Councilor Meaker made a motion to approve the minutes of the October 3rd, 2022 Town Board meeting. Motion was seconded by Councilor Pleskach.

Ayes – 6 and Noes – 0. *Motion carried. Councilor Hess abstaining due to his absence.*

Cancellation and/or requested adjournments:

NONE

Correspondence:

Supervisor Ulatowski announced the **Retirement of Jeffrey Luke**, effective October 13, 2022.

REGULAR MEETING:

Budget – (IH) – TENTATIVE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2023:

An informational hearing to consider the **TENTATIVE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2023** was opened by the Supervisor. He began by reading the attached Budget Message for the year 2023. Comptroller John Shehadi and Deputy Comptroller Paula Caron presented a power point presentation regarding the budget. Overall, the tax rate will remain the same as it has for the last three years. They explained how obtaining grant money and the revenue fund balance has offset the increases. They also produced a pie chart (attached), showing the tax bill and the small portion used for town services. As in years past, the greatest portion is used for school taxes. The next two largest portions going to County Taxes and County Sewers. Councilor Pleskach asked if the Town of Clay Administrative was under 2% of the total taxes and they are actually 1.73%. There being no more questions or comments; Supervisor Ulatowski **closed** the hearing.

LOCAL LAW NO. 5 OF THE YEAR 2022 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C (PH):

A public hearing to consider adding a proposed Local Law to be entitled “**LOCAL LAW NO. 5 OF THE YEAR 2022 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C,**” formerly Local Law No. 1 of the year 2023, to the code of the Town of Clay was opened by the Supervisor.

Supervisor Ulatowski explained that this is a precautionary measure that the Town takes during budget time in case the budget exceeds the Governors imposed 2% tax cap, placed by the previous administration. The Town of Clay has diligently worked to approve a budget below the cap, however, this is done procedurally to make allowances that may be necessary. He concluded, by adding that we have yet to exceed the cap and the Local Law will be rescinded once the budget is finalized and approved. He **closed** the public hearing.

LOCAL LAW NO. 3 of the YEAR 2022 repealing Chapter 80 and Chapter 81 replacing with new Chapter 80 entitled Building Code Administration:

A public hearing to consider proposed **LOCAL LAW NO. 3 OF THE YEAR 2022**, repealing the present **CHAPTER 80** entitled “Building Code Administration” and **CHAPTER 81** entitled “Building Construction,” and adding a new **CHAPTER 80** entitled “Building Code Administration” to the Code of the Town of Clay

~and~

LOCAL LAW NO. 4 of the YEAR 2022 amending CHAPTER 105 entitled Fees:

A public hearing to consider proposed **LOCAL LAW NO. 4 OF THE YEAR 2022**, to amend **CHAPTER 105** entitled “Fees” to the Code of the Town of Clay, were opened by the Supervisor.

Supervisor Ulatowski explained that Mark Territo, Commissioner of Planning and Development, would give a brief overview of this application. Mr. Territo said that Local Law No. 3 and Local Law No.4 go together and the purpose of both of these laws are to clean up language in the Town of Clay Code that is inconsistent with the NYS Building Code. Chapter 80 and Chapter 81 overlap. Local Law No. 4 will address the fee structure.

Councilor Magaro-Dolan asked if there would be additional fees; the Commissioner said there will not. Councilor Hess asked if this would make us completely aligned with the NYS Building Code; it will.

There being no additional questions or comments, Supervisor Ulatowski **closed** both the public hearings.

IQBAL-GEORGE Residence - Special Permit (PH/adj.) - Town Board Case #1174:

A public hearing to consider the application for a Special Permit pursuant to Section 230-13 A.(2)(e)[7] to allow for a two-family dwelling located at **8394 Maple Road, Tax Map No. 062.-02-16.0**, (Adjourned to this date and time from the October 3, 2022 Town Board Meeting) was opened by the Supervisor.

Melissa Cherbino began by giving a brief overview of what was discussed at the last meeting. The applicant is proposing a duplex on the 2.3-acre parcel divided and share a driveway. There would be water and sewers for both the 2.3-acre parcel as well as the 7-acre parcel. The engineer will connect to the neighbors line. The property owners have spoken with the neighbors and this is acceptable.

Councilor Young asked what the definition of a 2-family home is in the code adding “do they both need to be under 1 roof?” Commissioner Territo said that they must be attached.

Councilor Magaro-Dolan asked what the yellow lines were on the renderings. Ms. Cherbino said that that is where the trees will be and that they were written in at the Planning Board meeting. Councilor Young asked if they had been before the Planning Board. They have. Councilor Hess asked if they had gotten a favorable recommendation. They have. Supervisor Ulatowski asked if there were any additional questions or comments. A resident from the Farmstead development asked that if constructed, could they relocate the sewer line a little to the west, nearer to lot 8.

All questions and comments heard; Supervisor Ulatowski **closed** the public hearing.

Budget (CPH) – 2023 SPECIAL DISTRICTS BUDGET for the TOWN OF CLAY:

Councilor Meaker moved the adoption of a resolution calling a public hearing **November 9, 2022**, commencing at **7:35 p.m.**, local time, to consider the adoption of the proposed **2023 Special Districts Budget for the Town of Clay**. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 7 and Noes – 0. *Motion carried.*

Budget (CPH) – 2023 FIRE PROTECTION BUDGET for the TOWN OF CLAY:

Councilor Meaker moved the adoption of a resolution calling a public hearing **November 9, 2022**, commencing at **7:38 p.m.**, local time, to consider the adoption of the proposed **2023 Fire Protection Budget for the Town of Clay**. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 7 and Noes – 0. *Motion carried.*

Budget (CPH) – 2023 UNIFORM WATER BUDGET for the TOWN OF CLAY:

Councilor Meaker moved the adoption of a resolution calling a public hearing **November 9, 2022**, commencing at **7:41 p.m.**, local time, to consider the adoption of the proposed **2023 Uniform Water Budget for the Town of Clay**. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 7 and Noes – 0. *Motion carried.*

ADOPTION of the PROPOSED 2023 PRELIMINARY BUDGET for the TOWN OF CLAY (CPH):

Councilor Meaker moved the adoption of a resolution calling a public hearing **November 9, 2022**, commencing at **7:44 p.m.**, local time, to consider the adoption of the proposed **2023 Preliminary Budget for the Town of Clay**. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 7 and Noes – 0. *Motion carried.*

ZONE CHANGE (CPH) – Town Board Case #1175 – DELTA SONIC CAR WASH SYSTEMS INC.:

Councilor Hess moved the adoption of a resolution calling a public hearing **November 9, 2022**, commencing at **7:47 p.m.**, local time, to consider the application of Delta Sonic Car Wash Systems, Inc., for a Zone Change located on **3805 - 3809 State Route 31, Tax Map Nos. 020.-01-01.1, 020.-01-02.1 & 020.-01-02.2** from RA-100 to LuC-1 to allow for the construction of a car wash on +/-10.31 acres of land. Motion was seconded by Councilor Bick.

Ayes – 7 and Noes – 0. *Motion carried.*

TENTATIVE BUDGET as the 2023 TOWN OF CLAY PRELIMINARY BUDGET:

Councilor Magaro-Dolan moved the adoption of a resolution approving the **TENTATIVE BUDGET** as proposed or modified, for the Town of Clay for the year **2023** as the **TOWN OF CLAY PRELIMINARY BUDGET** for the fiscal year commencing **January 1, 2023**. Motion was seconded by Councilor Meaker.

Ayes – 7 and Noes – 0. *Motion carried.*

Appointment (A) – COURT BAILIFF:

Councilor Pleskach moved the adoption of a resolution appointing **Jeffrey Luke** as **Court Bailiff** effective October 17, 2022. Said term to expire **December 31, 2022**. Motion was seconded by Councilor Hess.

Ayes – 7 and Noes – 0. *Motion carried.*

Agreement/Authorization - CENTRAL NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS for DOG CONTROL SERVICES for the YEAR 2023:

Councilor Young moved the adoption of a resolution authorizing the Supervisor to enter into an agreement with **CENTRAL NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS TO PROVIDE DOG CONTROL SERVICES** for the year 2023 in the amount of \$21,000, for the year 2024 in the amount of \$22,000, and for the year 2025 in the amount of \$23,000 on behalf of the **TOWN OF CLAY**, and execute the necessary document therefore. Motion was seconded by Councilor Bick.

Ayes – 7 and Noes – 0. *Motion carried.*

Agreement/Authorization - CENTRAL NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS for CRUELTY SERVICES for the YEAR 2023:

Councilor Young moved the adoption of a resolution authorizing the Supervisor to enter into an agreement with **CENTRAL NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS FOR CRUELTY SERVICES** for the year 2023 in the amount of \$11,000, for the year 2024 in the amount of \$11,500, and for the year 2025 in the amount of \$12,000 for all services for the treatment of animals on behalf of the **TOWN OF CLAY**, and execute the necessary document therefore. Motion was seconded by Councilor Bick.

Ayes – 7 and Noes – 0. *Motion carried.*

IQBAL-GEORGE Residence - Special Permit (SEQR) - Town Board Case #1174:

Councilor Bick moved the adoption of a resolution that the application for a Special Permit pursuant to Section 230-13 A.(2)(e)[7] to allow for a two-family dwelling located at **8394 Maple Road, Tax Map No. 062.-02-16.0**, is an unlisted action with a completed EAF and involves no other permit granting agency outside the Town. The proposed project **will not** have a significant effect on the environment and therefore **does not** require the preparation of an EIS. Motion was seconded by Councilor Hess.

Ayes – 7 and Noes – 0. *Motion carried.*

IQBAL-GEORGE Residence - Special Permit (A) - Town Board Case #1174:

Councilor Bick moved the adoption of a resolution **approving** the application for a Special Permit pursuant to Section 230-13 A.(2)(e)[7] to allow for a two-family dwelling located at **8394 Maple Road, Tax Map No. 062.-02-16.0**. Motion seconded by Councilor Hess.

Ayes – 7 and Noes – 0. *Motion carried.*

AGREEMENT (A) BETWEEN THE COUNTY OF ONONDAGA AND TOWN OF CLAY FOR SNOW REMOVAL FOR OCTOBER 1, 2022 THROUGH MAY 31, 2024:

Councilor Young moved the adoption of a resolution approving the renewal of the **SNOW PLOW AGREEMENT BETWEEN THE COUNTY OF ONONDAGA AND TOWN OF CLAY** for the period from October 1, 2022 through May 31, 2024. The County shall pay a flat rate per mile of \$8,125.67 in the budget year 2023, thereafter such rate shall be increased by 3% in each subsequent year, whereby the County shall pay a flat per mile rate of \$8,369.44 in budget year 2024. One-half of the estimated compensation shall be paid to the town on January 31 of each contract year, and the reconciled balance shall be paid to the town by June 15 of said contract year. In addition, the town will receive an additional payment for any winter with above average snow and ice activity as determined by the New York State Department of Transportation severity factor for Onondaga County. And further, pursuant to any additional terms and conditions contained in the compensation paragraph and all other paragraphs of said Agreement and authorizing the Supervisor to execute same. This resolution is subject to approval as to form and content by the Town Attorney. Motion was seconded by Councilor Hess.

Ayes – 7 and Noes – 0. *Motion carried.*

Adjournment:

The meeting was adjourned at 7:59 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

Ayes – 7 and Noes – 0. *Motion carried.*


Jill Hageman-Clark RMC / Town Clerk