

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the November 18, 2024, at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
Eugene Young	Councilor
Ryan Pleskach	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:

David Hess	Councilor
Luella Miller	Councilor

OTHERS PRESENT:

Russ Mitchell, Chairman of the Planning Board; Hal Henty and Paul Graves, Members of the Planning Board were present.

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 Bick made a motion to approve the minutes of the November 6, 2024, Regular Town Board Minutes. Councilor Magaro-Dolan seconded the motion.

Ayes – 5 and Noes – 0. *Motion carried.*

Cancellations and/or requested adjournments:

Supervisor Ulatowski said that Town Board Cases #1212 and #1213 would not be heard as the applicant requested an adjournment.

Correspondence:

No one wished to address the Board.

REGULAR MEETING

LOCAL LAW No. 3 of the YEAR 2024 (f/k/a/ LOCAL LAW No. 4 of the year 2024) (PH) to amend Section 154-4 H – Prohibited Noise:

Councilor Bick moved the adoption of a resolution that **LOCAL LAW NO. 3 OF THE YEAR 2024 (f/k/a Local Law No. 4 of the year 2024)**, to amend Section 154-4 H. – Prohibited Noises, to add: Noise from construction and demolition activity in Industrial 2 (I-2) Districts is exempt from this section, 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 Young.

Ayes – 5 and Noes – 0. *Motion carried.*

LOCAL LAW No. 3 of the YEAR 2024 (f/k/a/ LOCAL LAW No. 4 of the year 2024) (PH) to amend Section 154-4 H – Prohibited Noise:

Councilor Bick moved the adoption of a resolution **approving LOCAL LAW NO. 3 OF THE YEAR 2024 (f/k/a Local Law No. 4 of the year 2024)**, to amend Section 154-4 H. – Prohibited Noises, to add: Noise from construction and demolition activity in Industrial 2 (I-2) Districts is exempt from this section. Motion was seconded by Councilor Young.

Ayes – 5 and Noes – 0. *Motion carried.*

SPECIAL PERMIT (PH) – Town Board case # 1212 - MIRABITO ENERGY PROJECTS/KELLY-TOBIN DEVELOPMENT CORP.:

Councilor Pleskach made a motion to adjourn the public hearing to the **December 16, 2024 at 7:35 PM** meeting, at the request of the applicant. Motion was seconded by Councilor Young.

Ayes – 5 and Noes – 0. *Motion carried.*

SPECIAL PERMIT (PH) – Town Board case # 1213 - MIRABITO ENERGY PROJECTS/KELLY-TOBIN DEVELOPMENT CORP.:

Councilor Pleskach made a motion to adjourn the public hearing to the

December 16, 2024 at 7:38 PM meeting, at the request of the applicant.
Motion was seconded by Councilor Young.

Ayes – 5 and Noes – 0. *Motion carried.*

TOWN BOARD CASE # 1216 (CPH) - THE SUMMIT FEDERAL CREDIT UNION TAFT ROAD BRANCH:

A public hearing to consider the application of **Town Board Case #1216: THE SUMMIT FEDERAL CREDIT UNION TAFT ROAD BRANCH** to consider a Zone Change from R-APT Apartment District and R-10 One-Family Residential District to NC-1 Neighborhood Commercial District and R-APT Apartment District to allow for construction of a Summit Federal Credit Union on land located at **5047 West Taft Road, Tax Map No. 107.-12-59.0 & West Taft Road, Tax Map No. 107.-12-60.1**, consisting of +/- 1.862 acres of land. (ADJOURNED FROM THE 11/06/2024 TOWN BOARD MEETING) was opened by the Supervisor.

Ben Wolfling was present on behalf of the applicant. He began by distributing an updated color-coded map delineating the portion on which they are proposing for the construction of the credit union.

Supervisor Ulatowski asked how large the parcel is. It is 1.6 acres. He asked about the two small remaining lots and why the applicant does not include these in the new parcel? Mr. Wolfling said that they are only using the minimum amount of land. The remainder will remain as zoned. Councilor Young said that he did not understand the wording and after a lengthy discussion the applicant said that he would amend the application for clarification.

Councilor Young moved the adoption of a resolution to **amend** the application to **remove the words *and R-APT Apartment District***, and to appear as:

Town Board Case #1216: THE SUMMIT FEDERAL CREDIT UNION TAFT ROAD BRANCH to consider a Zone Change from R-APT Apartment District and R-10 One-Family Residential District to NC-1 Neighborhood Commercial District ~~and R-APT Apartment District~~ to allow for construction of a Summit Federal Credit Union on land located at **5047 West Taft Road, Tax Map No. 107.-12-59.0 & West Taft Road, Tax Map No.**

107.-12-60.1, consisting of +/- 1.862 acres of land. Motion was seconded by Councilor Pleskach.

Ayes – 5 and Noes – 0. *Motion carried.*

Supervisor Ulatowski said that he will refer this to the Planning Board for review and recommendation.

ARPA) (A) – General Capital Fund:

Councilor Pleskach moved the adoption of a resolution authorizing the Supervisor to transfer **American Rescue Plan Act (ARPA)** funding in the amount of \$80,503.75 to the General Capital Fund for Municipity Software Upgrade and transfer funding in the amount of \$139,348.91 to the General Capital Fund for the Town Land Use Study and transfer funding in the amount of \$457,212.50 to the Highway Capital Fund for Highway Equipment. Motion was seconded by Councilor Young.

Ayes – 5 and Noes – 0. *Motion carried.*

EASEMENT (relocation/partial abandonment) - Agreement – EMERALD MANAGEMENT BEAR ROAD, LLC:

Councilor Pleskach moved the adoption of a resolution authorizing the Supervisor to enter into an Agreement on behalf of the **TOWN OF CLAY** with **EMERALD MANAGEMENT BEAR ROAD LLC.**, to allow for relocation of right of way and easement including partial abandonment of existing easement for drainage for property located at 7711 Henry Clay Boulevard as approved by the Town Planning Board (Case#2017-007) on July 12, 2027 and further authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried.*

BID ADVERTISEMENT - COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 2, 3, AND 4:

Councilor Magaro-Dolan moved the adoption of a resolution awarding a contract for **COLLECTION AND DISPOSAL OF BRUSH FOR CLAY**

BRUSH REMOVAL DISTRICT NOS. 2, 3 AND 4 within the Town of Clay to **CHUCK IT** for a period of **3 YEARS** having a pick-up frequency of **WEEKLY** being the low bid of **\$670,184.00**; said amount being the lowest responsible bid, and further authorizing the Supervisor to execute any and all documents therefore. Motion was seconded by Councilor Young.

Ayes – 5 and Noes – 0. *Motion carried.*

BID ADVERTISEMENT - COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 5, 7, AND 8:

Councilor Magaro-Dolan moved the adoption of a resolution awarding a contract for **COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 5, 7, AND 8** within the Town of Clay to **CHUCK IT** for a period of **3 YEARS** having a pick-up frequency of **WEEKLY** being the low bid of **\$694,529.00**; said amount being the lowest responsible bid, and further authorizing the Supervisor to execute any and all documents therefore. Motion was seconded by Councilor Young.

Ayes – 5 and Noes – 0. *Motion carried.*

Certiorari - RUHLE & KERR - 7475 Henry Clay Blvd:

Councilor Young moved the adoption of a resolution authorizing and approving the settlement of the New York State Supreme Court Tax Certiorari (Article 7 of the RPTL) action Ruhle & Kerr Associates v. Town of Clay.

WHEREAS, Ruhle & Kerr Associates (“Petitioner”) commenced a real property tax assessment review proceedings pursuant to Article 7 of the Real Property Tax Law in July of 2024, challenging the assessment on two properties it owns in the Town of Clay with a street address of 7475 Henry Clay Blvd., identified as tax parcel number 105.-02-04.0 and 105.-02-02.2 (the “Property”), and,

WHEREAS, the Town negotiated and arrived at a settlement offer, to resolve the case; and the Town attorney has reviewed and analyzed the settlement offer and believes that settlement in accordance with the proposed terms of the offer, is in the best interest of the Town,

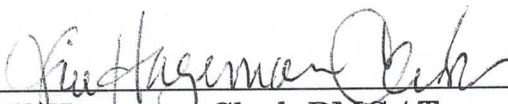
NOW, THEREFORE, BE IT RESOLVED the Town of Clay hereby settles the case by reducing the assessed value of the Property identified as tax parcel number 105.-02-04.0 from \$108,224 to \$99,095 for the 2024, 2025, 2026, 2027 tax years. Additionally, as part of the settlement offer, the assessed value of the Property identified as tax parcel number 105.-02-02.2 would remain unchanged at \$8,146. The Town would not have to pay any refunds in connection with the proposed settlement. This resolution authorizing the Supervisor and the Town Attorney to execute any and all documents necessary to complete this matter. This resolution shall take effect immediately. Motion was seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*

Adjournment:

The meeting was adjourned at 7:58 P.M. upon motion by Councilor Young and seconded by Councilor Magaro-Dolan.

Ayes – 5 and Noes – 0. *Motion carried.*



Jill Hageman-Clark RMC / Town Clerk