

Approved

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 15th of October, 2018 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
David Hess	Councilor
Eugene Young	Councilor
Brian Hall	Councilor
Ryan Pleskach	Councilor
Kevin Meaker	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; Chairman of the Planning Board, Hal Henty; Member of the Planning Board, Jim Rowley; Onondaga County Legislator and Dorothy Heller; Town Historian.

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 October 1st, 2018 meeting. Motion was seconded by Councilor Hall

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that he knew of no requests for adjournments. He continued that at this time he would like to recognize Legislator Rowley who is present to update the residents on things happening at the County level.

Mr. Rowley began by explaining that Ryan McMahon will be assuming the responsibilities of County Executive commencing November 1, 2018. He continued that the County Budget is increasing by 2.7% and there is no fund balance. The

sewer unit charge will increase by \$25.00. However, the Severity budget has been amended to compensate for the oppressive winters for the 2015-2016, 2016-2017 and 2017-2018 years and the Town of Clay will be issued a refund of \$310,036.00. Councilor Young asked if there had been any discussion about retaining the towns' portion of the sales tax; there had not. Councilor Bick suggested that perhaps the refund to the Town could be used to help offset the sewer charge increase. Mr. Rowley said that he would look into it.

Correspondence:

Supervisor Ulatowski asked if anyone wished to address the Board on any items not on the agenda.

Mike LaPoint asked if perhaps some of the money refunded to the Town could be used to repairing/ repaving the parking lot for the park on Wetzel Road. Supervisor Ulatowski said that he'd look into it. Mr. LaPoint said he'd be back and will continue to ask for the lot to be fixed.

ZONE CHANGE - (SEQR) Town Board Case # 1135 – RED BARN COUNTRY LLC/ LANDS of TROMBLEY:

Councilor Hall moved the adoption of a resolution that the application for **RED BARN COUNTRY, LLC, KEITH W. FOX AS TRUSTEE OF THE LINDA TROMBLEY IRREVOCABLE TRUST and LAND YACHTS, LLC for a ZONE CHANGE** from **R-10 One-Family Residential District** to **HC-1 Highway Commercial** on two (2) smaller parcels in order to combine with a larger project (Red Barn Acres), on land located at **110 Red Barn Circle and lands adjacent to Red Barn Acres, Tax Map No. 117.-01-11.0 & part of 8.1**, consisting of approximately 0.907± acres of land, 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 – 7 and Noes – 0. *Motion carried.*

ZONE CHANGE - (A) Town Board Case # 1135 – RED BARN COUNTRY LLC/ LANDS of TROMBLEY:

Councilor Hall moved the adoption of a resolution **approving** the application of **RED BARN COUNTRY, LLC, KEITH W. FOX AS TRUSTEE OF THE LINDA TROMBLEY IRREVOCABLE TRUST AND LAND YACHTS, LLC FOR A ZONE CHANGE** from **R-10 One-Family Residential District** to **HC-1 Highway Commercial** on two (2) smaller parcels in order to combine with a larger project (Red Barn Acres), on land located at **110 Red Barn Circle and lands adjacent to**

Red Barn Acres, Tax Map No. 117.-01-11.0 & part of 8.1, consisting of approximately 0.907± acres of land. Motion was seconded by Councilor Young.

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

Ordinance 2018-03 (SEQR) (amending) CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE, §211-29 entitled “Parking of certain motor vehicles and trailers prohibited in residential districts”:

Councilor Pleskach moved the adoption of a resolution that proposed **Ordinance 2018-03** amending **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **§211-29** entitled “**Parking of certain motor vehicles and trailers prohibited in residential districts**” by repealing subparagraphs A. through D. and replacing with new subparagraphs A. through F. of 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 Bick .

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

Ordinance 2018-03 (A) (amending) CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE, §211-29 entitled “Parking of certain motor vehicles and trailers prohibited in residential districts”:

Councilor Pleskach moved the adoption of a resolution **approving** proposed **Ordinance 2018-03** amending **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **§211-29** entitled “**Parking of certain motor vehicles and trailers prohibited in residential districts**” by repealing subparagraphs A. through D. and replacing with new subparagraphs A. through F. of this section. Motion was seconded by Councilor Bick.

Ayes – 6 and Noes – 1. *Motion carried. Councilor Meaker voting no.*

ZONE CHANGE – (CLARIFICATION) Town Board Case # 1134 THOMAS POTTER (SONBYRNE SALES, INC.) AND CHRISTIAN BRUNELLE:

Councilor Hess moved the adoption of a resolution clarifying the resolution for **THOMAS POTTER (SONBYRNE SALES, INC.) AND CHRISTIAN BRUNELLE FOR A ZONE CHANGE FROM HC-1 Highway Commercial District to LUC-1 Limited Use for Gasoline Services** to allow for the construction of a Byrne Dairy retail store, fueling facility without car wash on vacant land located at **4739 Buckley Road** that is part of **Tax Map No. 088.-01-17.2** and consists of *approximately 2.906± acres of land, where the remainder will stay*

HC-1 Highway Commercial District. Motion was seconded by Councilor Pleskach.

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

TENTATIVE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2019 (IH):

An informational hearing to consider the **TENTATIVE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2019** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski began by reading the 2019 Budget Message (see attachment). John Shehadi, Comptroller for the Town of Clay began by explaining that the budget will increase \$6.20 per a \$100,00.00 home within the Town of Clay. He continued that though the Town of Clay has a Local Law to exceed or override the imposed Tax Cap, they will work diligently to not exceed it as in the past years since the Tax Cap was established.

Supervisor Ulatowski asked if anyone wished to address the Town Board or Mr. Shehadi regarding the budget. Since there were no questions or comments, Supervisor Ulatowski **closed** the public hearing.

LOCAL LAW NO. 1 of the YEAR 2018 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C (PH):

A public hearing to consider proposed Local Law to be entitled “**LOCAL LAW NO. 1 of the YEAR 2018 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C**” to the code of the Town of Clay.

Supervisor Ulatowski reiterated that the Town of Clay will again work diligently to operate under the Tax Cap as done in years past, adding that this is a precautionary measure. Again, he asked if there were any questions or comments; hearing none, he **closed** the public hearing.

Supervisor Ulatowski said that he would open the next two public hearings together.

Project (sewer)(PH) – NORTH END COMMONS SEWER DISTRICT, CONTRACT NO. 1:

A public hearing to consider a Petition for the creation of a sewer district within the Town of Clay to be known as “**NORTH END COMMONS SEWER DISTRICT, CONTRACT NO. 1**” and for the construction of a sewer system therein to be designated and known as “**NORTH END COMMONS SEWER DISTRICT,**

CONTRACT NO. 1.” (North End Commons) was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Project (drainage)(PH) – NORTH END COMMONS DRAINAGE DISTRICT, CONTRACT NO. 1:

A public hearing to consider a Petition for the creation of a drainage district within the Town of Clay to be known as “**NORTH END COMMONS DRAINAGE DISTRICT, CONTRACT NO. 1”** and for the construction of a drainage system therein to be designated and known as “**NORTH END COMMONS DRAINAGE DISTRICT, CONTRACT NO. 1.”** (North End Commons) was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Rudy Zona, Engineer for the applicant began by explaining that the area in question is adjacent to the Lowes store. He showed on the map to orient the public. He continued that the drainage encompasses the entire parcel and the wetlands.

The sewer will intake all four retail units into one forced main sewer.

Each retail unit owns a pump station and it will all be forced to one manhole where it will continue by gravity. There was some discussion regarding why it will be completed this way. Ron DeTota said that this method will limit the liability to the Town. Councilor Meaker asked why gravity could not be used for the entire sewer. Mr. DeTota explained that gravity would not be effective due to distance and point of discharge.

Mr. Rowley asked if the parcel is under construction now. Mr. Zona said that they have begun clearing. Supervisor Ulatowski asked if there were any more questions or comments; hearing none he **closed** the public hearings.

Project (sewer)(A) – NORTH END COMMONS SEWER DISTRICT, CONTRACT NO. 1:

Councilor Meaker moved the adoption of a resolution **approving** the creation of a sewer district within the Town of Clay to be designated and known as “**NORTH END COMMONS SEWER DISTRICT, CONTRACT NO. 1.”** Motion was seconded by Councilor Hall.

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

Project (drainage)(A) – NORTH END COMMONS DRAINAGE DISTRICT, CONTRACT NO. 1:

Councilor Meaker moved the adoption of a resolution **approving** the creation of a

drainage district within the Town of Clay to be designated and known as “**NORTH END COMMONS DRAINAGE DISTRICT, CONTRACT NO. 1.**” Motion was seconded by Councilor Hall.

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

Project (acquire public facilities) – NORTH END COMMONS:

Councilor Meaker moved the adoption of a resolution that it is in the public interest that the Town of Clay approve the construction and acquire the public facilities located within **NORTH END COMMONS** (North End Commons Sewer District, Contract No. 1 & North End Commons Drainage District, Contract No. 1) in accordance with the terms and conditions of a certain Agreement to be entered into between the Town of Clay and **MJL Clay, LLC**, (“**MJL**”), **Kerry Ventures Clay, LLC**, (“**Kerry**”) and **ABR Ventures Clay, LLC**, (“**ABR**”) as “**Tenants in Common**”, for the construction of **NORTH END COMMONS**. Motion was seconded by Councilor Pleskach.

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

TENTATIVE BUDGET 2019 as the TOWN of CLAY PRELIMINARY BUDGET (A):

Councilor Bick moved the adoption of a resolution approving the **TENTATIVE BUDGET** as proposed or modified, for the Town of Clay for the year **2019** as the **TOWN OF CLAY PRELIMINARY BUDGET** for the fiscal year commencing January 1, 2019. Motion was seconded by Councilor Hess.

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

Appointment – CLAY VOLUNTEER FIRE DEPARTMENT:

Councilor Young moved the adoption of a resolution approving the appointment of **Robert LaBree** as a member of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Bick.

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

Fire Hydrants (2) North Central Church:

Councilor Young moved the adoption of a resolution **approving** the installation of two (2) fire hydrants at North Central Church, and authorizing the Supervisor to execute the OCWA fire hydrant application. **Fire Hydrant Nos. 14406 & 14407,**

OCWA Project No. 9003953. (North Central Church, Developer). Motion was seconded by Councilor Bick.

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

Street Light – Fortuna Parkway:

Councilor Bick moved the adoption of a resolution authorizing the installation of one (1) 100w high pressure fixture to be installed on 16’ fiberglass embedded pole using 100w fixtures to help illuminate a lighting void in the area around **5317/5318 Fortuna Parkway** and to elevate the lighting. The estimated annual cost for the underground lighting fixture is **\$349.74**. Motion was seconded by Councilor Young.

Ayes – 6 and Noes – 0. *Motion carried. Councilor Hess abstaining.*

Project (sewer) (Bond) – Fox Widewaters Sewer District:

Councilor Young moved the adoption of a resolution that the application to Audit and Control (New York State Comptroller’s Office) for permission to establish the proposed Fox Widewaters Sewer District was prepared at the direction of the Town Board; that the Board believes the contents of the application to be accurate; that the Board has determined that the improvement, district, extension and expenditure for which permission is sought is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof; and if the cost of the proposed improvements is to be assessed in whole or in part against the benefited area, that all real property to be assessed will be benefited by the proposed improvements and that no benefited property has been excluded. Motion was seconded by Councilor Hess.

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

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

Councilor Hess moved the adoption of a resolution authorizing the advertisement of bids for the **COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 2, 3, AND 4** within the Town of Clay. Said Bids to be received until **October 30, 2018 at 11 A.M.**, local time. Motion was seconded by Councilor Bick.

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

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

Councilor Hess moved the adoption of a resolution authorizing the advertisement of bids for the **COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 5, 7, AND 8** within the Town of Clay. Said Bids to be received until **October 30, 2018 at 11 A.M.**, local time. Motion was seconded by Councilor Bick.

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

Meeting Date Change:

Councilor Hall moved the adoption of a resolution **cancelling** the **November 5, 2018 Town Board Meeting** and rescheduling same for **Wednesday, November 7, 2018**, due to accommodating the Onondaga County Board of Elections, in setting up for **Election Day, November 6, 2018**. Motion was seconded by Councilor Bick.

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

2019 Special Districts Budget for the Town of Clay (CPH):

Councilor Meaker moved the adoption of a resolution calling a public hearing **November 7, 2018**, commencing at **7:35 p.m.**, local time, to consider the adoption of the proposed **2019 Special Districts Budget for the Town of Clay**. Motion was seconded by Councilor Hess.

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

2019 Fire Protection Budget for the Town of Clay (CPH):

Councilor Meaker moved the adoption of a resolution calling a public hearing **November 7, 2018**, commencing at **7:38 p.m.**, local time, to consider the adoption of the proposed **2019 Fire Protection Budget for the Town of Clay**. Motion was seconded by Councilor Young.

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

2019 Uniform Water Budget for the Town of Clay (CPH):

Councilor Pleskach moved the adoption of a resolution calling a public hearing **November 7, 2018**, commencing at **7:41 p.m.**, local time, to consider the adoption of the proposed **2019 Uniform Water Budget for the Town of Clay**. Motion was seconded by Councilor Hess.

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

2019 Preliminary Budget for the Town of Clay, as the 2019 ANNUAL BUDGET (CPH):

Councilor Pleskach moved the adoption of a resolution calling a public hearing **November 7, 2018**, commencing at **7:44 p.m.**, local time, to consider the adoption of the proposed **2019 Preliminary Budget for the Town of Clay**, as the annual budget. Motion was seconded by Councilor Hess.

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

Traffic & Vehicles – STOP Sign(s)(CPH) – Capricorn Drive and Libra Lane:

Councilor Hess moved the adoption of a resolution calling a public hearing **November 7, 2018**, commencing at **7:47 p.m.**, local time, to consider the amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to designate and provide for **TWO (2) ADDITIONAL STOP SIGNS** to be installed at the intersection of Capricorn Drive and Libra Lane to make a three-way stop; and the installation of the necessary signs therefore. Motion was seconded by Councilor Bick.

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

Project (sewer) (CPH) - GABOR SEWER DISTRICT, CONTRACT NO. 1.:

Councilor Hall moved the adoption of a resolution calling a public hearing **November 7, 2018**, commencing at **7:50 P.M.**, local time to consider a Petition for the creation of a sewer district within the Town of Clay to be known as **“GABOR SEWER DISTRICT”** and for the construction and acquisition of a sewer system therein to be designated and known as **“GABOR SEWER DISTRICT, CONTRACT NO. 1.”** Motion was seconded by Councilor Young.

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

ADDITIONAL AGENDA

Appointment – Board of Assessment Review:

Councilor Hess moved the adoption of a resolution re-appointing Cranston Gates to the **Board of Assessment Review** for a term of five years. Said term to expire **September 30, 2023**. Motion was seconded by Councilor Bick.

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

Adjournment:

The meeting was adjourned at 8:07 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