

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 16<sup>th</sup> of December, 2013 at 7:30 P.M., there were:

**PRESENT:**

Damian Ulatowski	Supervisor
Robert L. Edick	Deputy Supervisor/Councilor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Joseph A. Bick	Councilor
Bruce N. Johnson	Councilor
Eugene Young	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

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 Weaver moved the adoption of a resolution to **Approve** the Minutes of the December 2<sup>nd</sup>, 2013 Town Board Meeting. Motion was seconded by Councilor Bick.

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

**Cancellation and/or requested adjournments.**

None

**Correspondence:**

**REGULAR MEETING:**

**ABANDONMENT (A/D) - OPAL DRIVE:**

**No Action**

**TRAFFIC & VEHICLES (PH) Amendment to Traffic & Vehicle Ordinance  
Chapter 211 Sections 211-30, 211-30B, 211-31 and 211-32:**

A public hearing to consider amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-30 “AUTHORITY TO IMPOUND VEHICLES,”** by deleting the words “under the direction of the Commissioner of Public Safety,” and replacing with “under the direction of the Commissioner of Planning and Development or the Town Constable,” and further adding to **SECTION 211-30B** “where said vehicle constitutes an obstruction to traffic” to include “or obstructs a fire hydrant, driveway or residential mailbox” to the Town Code of the Town of Clay, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

This Ordinance will also amend **SECTION 211-31 “STORAGE AND CHARGES”** and **SECTION 211-32 “NOTICE OF REMOVAL,”** by deleting “Department of Public Safety” and replacing with “Department of Planning and Development” to the Town of Clay Municipal Code; and to designate and provide for the installation of necessary **“Tow-Away”** signs therefore within the Town of Clay.

Supervisor Ulatowski began by reading a letter sent to the residents affected by this; a few residents said that they had not received the letter. Supervisor Ulatowski explained that some had been returned and provided letters to those that had not received them by mail. He apologized for the letters returned and explained that the Town had made an honest effort to make each resident aware of the public hearing. Supervisor Ulatowski distributed the extra copies that he had.

Theresa Pizzuti of 5479 Trastevere Road said that her mailbox had been blocked a few times but that it had not been a significant problem with the delivery of her mail. She continued that she had no indication that this would become a “*No Parking*” area and feels that the pending “*Tow Away*” zone is overkill. She asked the Board to reconsider and perhaps restrict the “no parking” from 9 A.M. to 4 P.M. Monday through Saturday. She added that people are afraid to park now because the police showed up as soon as the signs went up. Lou Pizzuti added that it is difficult to shuffle cars.

Daryl Wilkie of 5513 Trastevere Road was upset that only 15 of 50 residents on that road signed a petition and asked the Town Board not to act hastily. He stated that parents picking their children up from daycare on the street have difficulty parking. He added that only one neighbor complained about the parking situation.

Linda Hepp of 5509 Trastevere Road said that she signed the petition but was misinformed. Supervisor Ulatowski pointed out that it clearly stated on the top of the petition that it was for “*No Parking anytime blocking mailboxes on Trastevere*”.

Nicole Hourihan suggested that since there is a vacant lot across from her townhouse, located at 5515 Trastevere and there are no mailboxes, parking could be allowed there.

Dawn Brooks of 5487 Trastevere Road stated that she is retired and no one approached her to sign the petition. She said that there are out of town landlords. She continued that this is a hardship for elderly people. She added that she was “mad” that the Town never let them know. Ms. Brooks said that “she certainly doesn’t visit the Town of Clay website and few people read the paper anymore”. She ended by stating that “you handled this thing very badly”.

Chuck Salzman of 5481 Trastevere Road, said that he is home 99% of the time and has only parked in front of his own home and does not feel that this is a problem.

John Norderhus said that his daughter lives on Trastevere Road and that he is concerned with the safety involved with residents parking on the street. He added that this is a narrow road and there is a safety issue if the Emergency vehicles can not get down the street. Mr. Norderhus continued that there was a garage fire and the fire department couldn’t get down the street.

Other residents began making suggestions such as odd/even parking with ticketing or towing in front of mailboxes.

Steve Kennedy of 5497 Trastevere Road explained that he is a homeowner and landlord and that most of the townhomes are rented and felt that the Town is picking on homeowners for a few bad apples. Mr. Kennedy continued that there are issues on the street other than parking such as the speed limit and no place for the children to play. He added that the school bus drives too fast and that the speed limit should be reduced to 15 MPH. He also asked about children at play signs. Mr. Kennedy said that the mail does get delivered and this is “ludicrous, Merry Christmas”.

One resident said that he had in the past parked his tractor trailer on the road and that the ambulance fit. He did say that he had seen cars parked in front of mailboxes on occasion.

Several residents mentioned the cost to the taxpayers for the signage. Other residents said that they didn’t feel that 15 signatures on the petition was a fair representation of the street.

Another resident said that in fact, no one reads the Newspaper or the Town Website and while she agrees that there should not be parking in front of the mailboxes, she should be able to park in front of her home. She said that they were not adequately notified that this law would take effect.

Marge Luther of 5488 Trastevere Road, said that she has never had a problem; that she always gets her mail however she has seen people double park on the road.

Supervisor Ulatowski said that there are many things for the Town Board to consider. He added that he would like to try to resolve this. He said that the Board has followed procedures, followed the laws to communicate the towns concerns and intentions with the residents. He said that the petition had a fair number of signatures to represent the street.

The Supervisor said that he had a letter from January of 2013, from the post office and added that the Highway Superintendent and the Constable had also researched this and agreed with the *NO PARKING* determination. The Supervisor said that the Town Board has not taken this lightly and that the neighbors should work together to resolve these issues.

Councilor Bick asked about the possibility of parking in the areas without mailboxes. Robert Germain, legal counsel for the Town, explained that it is already illegal to park so that they would have to re-advertise to amend it. Several residents agreed that if cars are parked in front of mailboxes that they should be towed. Mr. Germain said that the Town will move forward with a tow-away zone for vehicles parked in front of mailboxes. He said that he Town Board should close the public hearing and re-advertise a broader spectrum, adding that he would like to see the towing exist beyond Trastevere Road.

Councilor Bray made a motion to **close** the public hearing. Councilor Edick seconded the motion.

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

#### **Release of Securities(A) – HYLAND GARDENS SUBDIVISION:**

Councilor Young moved the adoption of a resolution, pursuant to the written recommendation of the Town Engineers in their letter dated **December 10, 2013**, authorizing the **release of the securities** withheld for **HYLAND GARDENS SUBDIVISION** as follows **\$5,552 to \$0** security posted for the repair and maintenance; Fay Road Sewer District Contract No. 3 – Lateral **\$4,270 to \$0** security posted for the repair and maintenance; Hyland Gardens Drainage District Contract No. 1 to the Developer, **RED BARN ACRES, LLC**. Motion was seconded by Councilor Edick.

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

**Authorization – Transfer of Appropriations:**

Councilor Johnson moved the adoption of a resolution authorizing transfer of appropriations and amending the 2013 Town of Clay Budget in various funds to provide monies for 2013 expenditures. Motion was seconded by Councilor Bick.

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

*Supervisor Ulatowski explained that this resolution is done routinely at year end to accommodate certiorari actions and payroll expenses etc.*

**Appointment (A) Secretary to the Town Attorney:**

Councilor Bick moved the adoption of a resolution for Civil Service clarification and compliance appointing **Lisa Vincitore** to the position of **Secretary** to the **Town Attorney**. Motion was seconded by Councilor Edick.

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

**Assessment & Taxation/Certiorari - PACKAGING CORPORATION OF AMERICA:**

Councilor Edick moved the adoption of a resolution authorizing and approving the settlement of the certiorari action entitled **PACKAGING CORPORATION OF AMERICA vs. THE ASSESSOR OF THE TOWN OF CLAY, et al**, Tax Map No. 114.-02-21.0 on property located at **4471 Steelway Boulevard, Clay, NY**, reducing the Assessment from **\$3,809,195.00** to **\$3,200,000.00**, with refund and without interest for **Tax Years 2013/2014, Index No. 2013-EF160**. Motion was seconded by Councilor Johnson.

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

**Bid Advertisement - PHONE SYSTEM SERVICES IN THE TOWN OF CLAY TOWN HALL:**

Councilor Bray moved the adoption of a resolution authorizing the advertisement of bids for **PHONE SYSTEM SERVICES IN THE TOWN OF CLAY TOWN HALL**. Said bids to be received at the office of the Purchasing Director, County of Onondaga, 421 Montgomery Street, Syracuse, New York 13202, until two (2) o'clock P.M., local time, on **Tuesday February 18, 2014**. Motion was seconded by Councilor Weaver.

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

**Bid Advertisement - ROOF REPAIR TO THE EUCLID STORAGE BUILDING IN THE TOWN OF CLAY:**

Councilor Weaver moved the adoption of a resolution authorizing the advertisement of bids for **ROOF REPAIR TO THE EUCLID STORAGE BUILDING IN THE TOWN OF CLAY**. Said bids to be received at the office of the Purchasing Director, County of Onondaga, 421 Montgomery Street, Syracuse, New York 13202, until two (2) o'clock P.M., local time, on **Tuesday February 18, 2014**. Motion was seconded by Councilor Bray.

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

**Release of Securities - RED BARN COUNTRY, LLC for HYLAND GARDENS, SUBDIVISION:**

Councilor Young moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **75%** of the original amount posted for Highway Construction Guarantee by **RED BARN COUNTRY, LLC** for **HYLAND GARDENS, SUBDIVISION (Hyland Drive, 873 lf)**. Gravel, gutters, binder and top are in place in accordance with Town Highway Specifications. Motion was seconded by Councilor Weaver.

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

**Release of Securities - GROUP ONE DEVELOPMENT, LLC for COUNTRY MEADOW SUBDIVISION, SECTION D:**

Councilor Bick moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **100%** of the original amount posted for Highway Construction Guarantee by **GROUP ONE DEVELOPMENT, LLC** for **COUNTRY MEADOW SUBDIVISION, SECTION D (Oak Brown Way, 170 lf and Justin Drive, 1385 lf)**. The roads have been completed in accordance with Town Highway Specifications. Motion was seconded by Councilor Edick.

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

**Release of Securities - GROUP ONE DEVELOPMENT, LLC for COUNTRY MEADOW SUBDIVISION, SECTION E:**

Councilor Bray moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **100%** of the original amount posted for Highway Construction Guarantee by **GROUP ONE DEVELOPMENT, LLC** for **COUNTRY MEADOW SUBDIVISION,**

**SECTION E (Lona Lane, 282 lf; Lyle Drive, 1661; Fuchsia Path, 560 lf and Justin Drive, 345 lf).** The roads have been completed in accordance with Town Highway Specifications. Motion was seconded by Councilor Weaver.

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

**Release of Securities - GROUP ONE DEVELOPMENT, LLC for COUNTRY MEADOW SUBDIVISION, SECTION F:**

Councilor Edick moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **100%** of the original amount posted for Highway Construction Guarantee by **GROUP ONE DEVELOPMENT, LLC for COUNTRY MEADOW SUBDIVISION, SECTION F (Lona Lane, 1173 lf; Lyle Drive, 925 and Lola Drive, 1003.2 lf).** The roads have been completed in accordance with Town Highway Specifications. Motion was seconded by Councilor Bick.

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

**Release of Securities - GROUP ONE DEVELOPMENT, LLC for COUNTRY MEADOW SUBDIVISION, SECTION G:**

Councilor Weaver moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **75%** of the original amount posted for Highway Construction Guarantee by **GROUP ONE DEVELOPMENT, LLC for COUNTRY MEADOW SUBDIVISION, SECTION G (Lilith Lane, 1622 lf).** Gravel, gutters, binder and top are in place in accordance with Town Highway Specifications. Motion was seconded by Councilor Weaver.

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

**Release of Securities - ALBERICI GENERAL CONTRACTORS, INC. for LIGHTHOUSE VILLAGE SUBDIVISION:**

Councilor Johnson moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **100%** of the original amount posted for Highway Construction Guarantee by **ALBERICI GENERAL CONTRACTORS, INC. for LIGHTHOUSE VILLAGE SUBDIVISION (Lighthouse Village Circle, 2359 lf).** The roads have been completed in accordance with Town Highway Specifications. Motion was seconded by Councilor Bick.

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

**Release of Securities - J.ALBERICI & SONS, INC. for MISTRALL KNOLL SUBDIVISION:**

Councilor Young moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **100%** of the original amount posted for Highway Construction Guarantee by **J. ALBERICI & SONS, INC. for MISTRALL KNOLL SUBDIVISION (Mistral Circle, 828 lf)**. The roads have been completed in accordance with Town Highway Specifications. Motion was seconded by Councilor Bray.

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

**Adjournment:**

The meeting was adjourned at 8:47 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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

Supervisor Ulatowski thanked Councilor Johnson for his service on the Town Board adding that he will be missed and good luck to him in his retirement. Councilor Bray added a fond farewell, Merry Christmas and Happy New Year.