

**Approved**

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 1<sup>st</sup> of February, 2016 at 7:30 P.M., there were:

**PRESENT:**

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Jim Rowley	Councilor
Eugene Young	Councilor
David Hess	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
John Marzocchi	Town Attorney
Ron DeTota	Town Engineer

**ABSENT:**

Robert Germain	Town Attorney
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**OTHERS PRESENT:**

Russ Mitchell and Hal Henty; members of the Planning Board, Rob Bick; Assessor, Joe Grispingo; Code Enforcement Officer, Several Members of both MCFD and CVFD, 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.

**REGULAR MEETING:**

**Approval of Minutes:**

Councilor Hess made a motion to approve the minutes of the January 20, 2016 meeting. Motion was seconded by Councilor Rowley.

Ayes – 6 and Noes – 0. *Motion carried. Councilor Bray abstained due to her absence at that meeting.*

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski said that items 7, 8, 9, 10 and 11 on the regular agenda and 5 on the additional agenda will not be heard tonight.

**Correspondence:**

Supervisor Ulatowski asked if anyone wished to address the Board on any items not on the agenda. There were no comments.

**Local Law No. 2 of the Year 2016 amending Chapter 230 “ZONING” (PH):**

A public hearing to consider proposed **Local Law No. 2 of the Year 2016** amending **CHAPTER 230 “ZONING”** of the Town Code to amend **§230-22 Signs** by adding to **§230-22 B.** two new definitions and replacing the definition of Electronic Message Boards, and adding **§230-22C.(1)(c) Special Permit Uses** and to be included in the Town of Clay Municipal Code was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Mark Territo gave a brief presentation regarding the electronic message boards and if approved, what they would and would not allow. A movie or ongoing video for example would not be allowed however changing words would be allowed. They also discussed what would be best and not be disruptive to motorists. The size of the sign was discussed and it will need to comply with the existing sizes outlined in the current zoning code.

Supervisor Ulatowski said that he would leave the public hearing open and adjourn to **March 7, 2016 at 8:05 P.M.**

**Local Law No. 3 of the Year 2016 amending Chapter 230 “ZONING” (PH):**

No Action.

Councilor Bick made a motion to adjourn the public hearing to **March 7, 2016 at 7:47 P.M.** Motion was seconded by Councilor Bray.

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

**Local Law No. 4 of the Year 2016 amending Chapter 69 “ANIMALS” (PH):**

No Action.

Councilor Bick made a motion to adjourn the public hearing to **March 7, 2016 at 7:50 P.M.** Motion was seconded by Councilor Bray.

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

**Ordinance 2016-01 amending Chapter 78 “BRUSH, GRASS, RUBBISH and WEEDS” (PH):**

No Action.

Councilor Bick made a motion to adjourn the public hearing to **March 7, 2016 at 7:53 P.M.** Motion was seconded by Councilor Bray.

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

**Ordinance 2016-02 amending Chapter 216 “VEHICLES ABANDONED, JUNKED or INOPERATIVE” (PH):**

No Action.

Councilor Bick made a motion to adjourn the public hearing to **March 7, 2016 at 7:56 P.M.** Motion was seconded by Councilor Bray.

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

**Ordinance 2016-03 amending Chapter 217 “VEHICLES for SALE” (PH):**

No Action.

Councilor Bick made a motion to adjourn the public hearing to **March 7, 2016 at 7:59 P.M.** Motion was seconded by Councilor Bray.

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

**SPECIAL PERMIT (Utility Substation)(PH) Town Board Case # 1092 - SYRACUSE SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS:**

A public hearing to consider the application of **SYRACUSE SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS** for a **UTILITY SUBSTATION SPECIAL PERMIT** pursuant to Section No. 230-27 I. (2) (e) of the Town Code to allow for a 27' wireless communications tower and associated improvements on property located at **1136 Vine Street, Tax Map No. 115.-02-04.0**, currently zoned **R-APT** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

A representative from Verizon spoke about this application. He began by explaining that the cell tower would be a 6' by 6' roof top antenna type tower. There will be minimal impact by this application. An occasional technician will visit the site.

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

Councilor Hess made a motion to adjourn the public hearing to **March 7, 2016 at 8:08 P.M.** Motion was seconded by Councilor Bray.

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

**WOODSIDE COMMERCIAL, LLC TO AMEND INVERNESS GARDENS PDD LANGUAGE(PH):**

A public hearing to consider the application of **WOODSIDE COMMERCIAL, LLC TO AMEND INVERNESS GARDENS PDD LANGUAGE TO AMEND THE PROJECT PLAN** for commercial use on proposed lot C-2 to allow for motor vehicle services on land located at **4938 West Taft Road, Tax Map No. 116.1-01-01.1;** consisting of approximately 1.2 ± acres of land. (Adjourned to this date and time from the January 20, 2016 Town Board Meeting).

Mike Bragman Sr. and Jr. were present for this application. Mr. Bragman Sr. began by going over what was discussed at the previous meeting. He added that the County DOT would not allow the second full access onto Taft Road. He added that they were willing to place the entrance from the commercial access road wherever the Town Board would like based upon the comments from the residents.

Again the residents vigorously explained that they do not want this business in the PDD. Many of the same comments and concerns were echoed at this meeting from previous meetings, the primary concerns were for the increase in traffic and the decrease of property values. One resident asked the Supervisor how long the meetings would go on. He explained that he would be closing the public hearing. Another resident asked if the residents would vote on this. Supervisor Ulatowski explained that the public hearing would be closed and a decision would be made by the Town Board members based on the information at the hearing as well as the input from the residents. Supervisor Ulatowski then **closed** the public hearing.

**R-16-51 ONONDAGA COUNTY COMMUNITY DEVELOPMENT 2016 – Authorization:**

Councilor Hess moved the adoption of a resolution authorizing the application to **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2016**. Motion was seconded by Councilor Bray.

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

**R-16-52 Project – Drainage (A) ASSOCIATED GROUP DRAINAGE DISTRICT:**

Councilor Young moved the adoption of a resolution approving the creation of a drainage district within the Town of Clay to be designated and known as “**ASSOCIATED GROUP DRAINAGE DISTRICT**” and for the construction and acquisition of a drainage system therein to be known as “**ASSOCIATED GROUP DRAINAGE DISTRICT, EXTENSION NO. 1**” (Davidson Subdivision). Motion was seconded by Councilor Weaver.

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

**R-16-53 Project – Sewer (A) GASKIN ROAD SEWER DISTRICT, EXTENSION NO. 1:**

Councilor Bick moved the adoption of a resolution approving the construction of a lateral sewer system within the **GASKIN ROAD SEWER DISTRICT, EXTENSION NO. 1** to be designated and known as “**GASKIN ROAD SEWER DISTRICT, EXTENSION NO. 1, CONTRACT NO. 22 – LATERAL.**” (Davidson Subdivision). Motion was seconded by Councilor Bray.

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

**R-16-54 Hydrants (A) GASKIN ROAD WATER SUPPLY DISTRICT:**

Councilor Hess moved the adoption of a resolution authorizing the installation of three (3) fire hydrants in the **Gaskin Road Water Supply District** and authorizing the Supervisor to execute the OCWA Fire hydrant application. (Davidson Auto Group). Motion was seconded by Councilor Rowley.

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

**R-16-55 Bid Advertisement CONSTRUCTION OF SEWER SYSTEMS, SERVICE INSTALLATIONS & REPAIRS FOR SEWER & DRAINAGE DISTRICTS WITHIN THE TOWN OF CLAY:**

Councilor Rowley moved the adoption of a resolution authorizing the advertisement of bids for the **CONSTRUCTION OF SEWER SYSTEMS, SERVICE INSTALLATIONS & REPAIRS FOR SEWER & DRAINAGE DISTRICTS WITHIN THE TOWN OF CLAY**. Said Bids to be received until **February 19, 2016 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bick.

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

**R-16-56 Bid Advertisement CONSTRUCTION OF WATER SYSTEMS, SERVICE INSTALLATIONS & REPAIRS FOR WATER DISTRICTS WITHIN THE TOWN OF CLAY:**

Councilor Rowley moved the adoption of a resolution authorizing the advertisement of bids for the **CONSTRUCTION OF WATER SYSTEMS, SERVICE INSTALLATIONS & REPAIRS FOR WATER DISTRICTS WITHIN THE TOWN OF CLAY**. Said Bids to be receive until **February 19, 2016 at 11:00 A.M.**, local time. Motion was seconded by Councilor Hess.

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

**R-16-57 ONONDAGA COUNTY COMMUNITY DEVELOPMENT FUNDS - 2016 (CPH).**

Councilor Bray moved the adoption of a resolution calling a public hearing **March 7, 2015**, commencing at **7:44 P.M.**, local time, to solicit from Town of Clay residents, their comments and input regarding the use of funds by the Town of Clay with respect to the applications for funding filed with **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2016**. Motion was seconded by Councilor Weaver.

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

**R-16-58 Policy – Fire Departments (Rescinding Resolution – Bunk-In Program):**

Councilor Young moved the adoption of a resolution rescinding the resolution of the previous resolution of the Town Board dated December 21, 2015 instituting a policy with regard to out of district firefighters participating in “bunk in” programs in the Town of Clay. Motion was seconded by Councilor Bick.

Ayes – 6 and Noes – 0. *Motion carried. Councilor Bray abstained due to her absence at that meeting.*

**R-16-59 Policy – Fire Departments (Misc.):**

Councilor Young moved the adoption of a resolution creating a new policy effective immediately requiring all fire departments within the Town of Clay to register any out of district volunteer firefighters for participation in fire/emergency services in Clay with the Town of Clay Town Board prior to their acceptance into any program or service in clay. This resolution prohibits fire chiefs and departments from approving or accepting service from any out of district firefighters without the express permission of the Town of Clay Town Board and addition of the individual to the appropriate compensation insurance coverage. Prior to acceptance into any bunk

in program or service, the chief or department shall submit the name and address of any individual to the Town Board for consideration of acceptance and addition to appropriate insurance coverage. If accepted by the Town, the Town must adopt a resolution for any individual seeking acceptance/service in a form substantially as follows: Motion was seconded by Councilor Bick.

Ayes – 7 and Noes – 0. *Motion carried. (Sample Resolution attached at the request of the Town Board)*

**SAMPLE TOWN OF CLAY  
RESOLUTIONS AUTHORIZING OUTSIDE SERVICE  
PURSUANT TO GML 209-i (1-a)**

**WHEREAS**, Section 209-I (1-a) of the General Municipal Law authorizes the Town Board of the Town of Clay (“Town Board”) to accept the services of a volunteer firefighter who, because of such firefighter's residence or usual occupation, is regularly in the area served by a volunteer fire department of which such firefighter is not a member, such firefighter may nevertheless volunteer their services on an on-going basis to assist such fire department for the purpose of assisting such fire department at a fire or other emergency scene and for the purpose of training with such fire department, and

**WHEREAS**, \_\_\_\_\_ is a volunteer firefighter who, because of such firefighter's usual occupation or residence, namely residing within the Town of Clay (“Town”) while attending schooling, is regularly in the area served the fire department under the jurisdiction of the Town, of which such firefighter is not a member, desires to volunteer his services on an on-going basis to the fire department under the jurisdiction of the Town for the purpose of assisting such fire department at a fire or other emergency scene and for the purpose of training with such fire department, and

**WHEREAS**, the Town Board desires to authorize and direct the Fire Chief of the fire department under the jurisdiction of the Town to so accept the services of \_\_\_\_\_, a volunteer firefighter, for the purpose of assisting such fire department at a fire or other emergency scene and for the purpose of training with such fire department, subject to certain conditions and requirements, and

**WHEREAS**, \_\_\_\_\_ has provided written documentation in a form acceptable to the Fire Chief and the Town Board that \_\_\_\_\_ is a volunteer firefighter member of the \_\_\_\_\_ Fire Department (his home fire department).

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board does hereby authorize and direct the Fire Chief of the fire department under the jurisdiction of the Town to so accept the services of \_\_\_\_\_, a volunteer firefighter, for the purpose of assisting such fire department at a fire or other emergency scene and for the purpose of training with such fire department, and it is further

**RESOLVED**, that such appointment shall continue as long as \_\_\_\_\_ meets the minimum requirements as established by the fire department under the jurisdiction of the Town; and it is further

**RESOLVED**, that while this appointment remains in effect that \_\_\_\_\_ shall be entitled to all powers, rights, privileges and immunities granted by law to volunteer firefighters during the time such services are rendered, in the same manner and to the same extent as if such firefighter were a volunteer member of the fire department under the jurisdiction of the Town which such firefighter is assisting, including benefits under the volunteer firefighters' benefit law, all pursuant to General Municipal Law 209-i and , and it is further

**RESOLVED**, that the Town Board does hereby appoint \_\_\_\_\_ pursuant to these Resolutions, effective immediately, and it is further

**RESOLVED**, that these Resolutions shall remain in effect unless otherwise modified or terminated by the further resolution of the Town Board.

Adopted at a meeting of the Town Board of the Town of Clay on the 1<sup>st</sup> day of February, 2016.

**R-16-60 Release of Highway Securities (75%) - SOUTHWEST BUCKLEY PROPERTIES, LLC for RED BARN ACRES SUBDIVISION:**

Councilor Hess 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 **SOUTHWEST BUCKLEY PROPERTIES, LLC for RED BARN ACRES SUBDIVISION (Red Barn Circle, 1524 lf; Mann Drive, 284 lf & “Future Street” 165 lf)**. Gravel, gutters, binder are in place in accordance with Town Highway Specifications. Motion was seconded by Councilor Rowley.

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

**R-16-61 Release of Securities - RED BARN ACRES SUBDIVISION:**

Councilor Hess moved the adoption of a resolution pursuant to the written recommendation if the Town Engineers in their letter dated **January 29, 2016**, authorizing the release of securities withheld for **Red Barn Acres Subdivision** as follows:

- Red Barn Acres Drainage District, Contract No. 1; from **\$13,200.00 to \$0.**
- Bear Road Sewer District, Contract No. 33 - Lateral; from **\$13,463.00 to \$0.**

Motion was seconded by Councilor Rowley.

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

**Amendment to NYS – SAC – Maider Road Waterfront Project:**

Supervisor Ulatowski said that he would table this pending more information. Councilor Bick made a motion to adjourn this to **March 7, 2016 at 8:02 P.M.** Motion was seconded by Councilor Bray.

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

**Adjournment:**

The meeting was adjourned at 9:53 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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

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Jill Hageman-Clark, RMC Town Clerk