

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the July 18th, 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 June 27, 2022 Town Board meeting. Motion was seconded by Councilor Bick.

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

Cancellation and/or requested adjournments:

None.

Correspondence:

There was no correspondence.

REGULAR MEETING:

Zone Change (PH/Adj.) – Town Board Case #1173 FIRE DETECTION SYSTEMS INC.:

A public hearing to consider the application of **FIRE DETECTION SYSTEMS, INC.**, for a Zone Change for **ALLEN ROAD, Tax Map No. 112.-07-11.5** from R-10 to O-1 to allow for a non-retail office on +/-1.53 acres of land, adjourned at the June 27, 2022 meeting. Supervisor Ulatowski opened the public hearing and asked if there was anyone to speak on behalf of the applicant. There being none, he **closed** the public hearing.

Authorization/Contract (A) – NetManageIT:

Councilor Pleskach moved the adoption of a resolution allowing the Supervisor to approve a month to month extension with **NetManageIT** for all Information Technology Services, Software Operating Systems, and Managed Print Services at the Town of Clay Town Hall Building and Highway Department Facility. Said extension will be under the same terms and conditions. Motion was seconded by Councilor Magaro-Dolan.

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

Intermunicipal Exemption Agreement - Town of Clay and County of Onondaga (A):

Councilor Meaker moved the adoption of a resolution approving and authorizing the Supervisor to enter into an **Intermunicipal Exemption Agreement** on behalf of the **Town of Clay** with the **County of Onondaga** for a five (5) year period and authorizing the Supervisor to execute the necessary documents therefore. *Proposed agreement would waive Onondaga County Planning Board referrals where there is no inter-community or county-wide impact.* Motion was seconded by Councilor Hess.

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

Release of Securities - MAPLE ROAD ASSOCIATES, INC. for THE FARMSTEAD SUBDIVISION SECTION 4:

Councilor Hess 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 **MAPLE ROAD ASSOCIATES, INC.** for **THE FARMSTEAD SUBDIVISION SECTION 4 (Weller Hall Place 365 lf, Weller Hall Place 367 lf, Alice’s Kitchen Place 590**

lf). The roads have been completed in accordance with Town Highway Specifications and are officially accepted into the Town of Clay Highway inventory. Motion was seconded by Councilor Meaker.

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

Release of Securities - RIVERWALK ASSOCIATES, INC. for RIVERWALK SUBDIVISION SECTION 3 & 4:

Councilor Hess 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 **RIVERWALK ASSOCIATES, INC. for RIVERWALK SUBDIVISION SECTION 3 & 4 (Beaver Watch Path 1746 lf, Spotted Turtle Run 143 lf, Wood Duck Path 681 lf, Wood Duck Path 497 lf).** The roads have been completed in accordance with Town Highway Specifications and are officially accepted into the Town of Clay Highway inventory. Motion was seconded by Councilor Magaro-Dolan.

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

Resolution Re: Gaskin Road (repairs/remediate erosion damage) (SEQR):

Councilor Meaker read the following resolution:

WHEREAS, the Town Board of the Town of Clay (hereinafter referred to as Town Board) has approved repairs and re-construction of approximately 500 feet of Gaskin Road in the Town to remediate erosion damage according to a plan issued by C&S Engineers,

NOW, THEREFORE, BE IT RESOLVED, the Town Board does hereby classify the above referenced action to be a Type II Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations;

and **BE IT FURTHER RESOLVED,** Type II Actions are not subject to further review under Part 617 of the SEQR Regulations;

and **BE IT FINALLY RESOLVED,** the Town Board in making this classification has satisfied the procedural requirements under SEQR and directs this Resolution to be placed in the file on this Action.

Motion was seconded by Councilor Magaro-Dolan.

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

Project (sewer)(CPH) - GATEWOOD SEWER DISTRICT EXTENSION:

Councilor Magaro-Dolan moved the adoption of a resolution calling a public hearing **August 15th, 2022**, commencing at **7:38 P.M.**, local time, to consider a Petition for the creation of a sewer district within the Town of Clay to be designated and known as "**GATEWOOD SEWER DISTRICT EXTENSION**" and for the construction and acquisition of a sewer system therein to be designated and known as "**GATEWOOD SEWER DISTRICT EXTENSION, CONTRACT NO. 1.**" Motion was seconded by Councilor Pleskach.

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

Assessment/Certiorari (A) - KINDERCARE EDUCATION LLC #070955:

Councilor Meaker moved the adoption of a resolution approving the settlement of the New York State Supreme Court Tax Certiorari action Index No. 006394-2021 entitled **KINDERCARE EDUCATION LLC #070955 v. TOWN OF CLAY, 3787 Canvasback Drive** bearing **Tax Map No. 054.-01-02.2** in the Town by reducing the assessment of the parcel pursuant to the proposed Stipulation of Settlement and Judicial Order, to \$60,000 for the 2022, 2023 and 2024 assessment roll years. Real Property Tax Law Section 727 shall apply to this settlement. No refunds shall be paid by the Town Respondents in connection with this settlement. Authorization shall be granted to the Supervisor and Town Attorney to execute any and all documents necessary to complete this matter. Motion was seconded by Councilor Young.

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

Assessment/Certiorari (A) - WAL-MART REAL ESTATE TRUST #1832:

Councilor Meaker moved the adoption of a resolution approving the settlement of the New York State Supreme Court Tax Certiorari action Index No. 2017EF2959, 006750/2018, 006248/2019, 004335/2020, 006312/2021 entitled **WAL-MART REAL ESTATE TRUST #1832 v. TOWN OF CLAY, 8770 Dell Center Drive** bearing **Tax Map No. 021.-01-03.3** in the Town by reducing the assessment of the parcel pursuant to the proposed Stipulation of Settlement and Judicial Order, to \$344,081 for the 2022, 2023 and 2024 assessment roll years. Real Property Tax Law Section 727 shall apply to this settlement. No refunds shall be paid by the Town Respondents in connection with this settlement. Authorization shall be granted to

the Supervisor and Town Attorney to execute any and all documents necessary to complete this matter. Motion was seconded by Councilor Young.

Councilor Pleskach asked legal counsel to explain why the Town of Clay is settling with Walmart. Robert Germain explained that the Board of Assessment Review and the Assessor for the Town of Clay said that the reduction of the assessment is warranted based on the square footage of this store based upon similar stores.

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

Adjournment:

The meeting was adjourned at 7:40 P.M. upon motion by Councilor Young and seconded by Councilor Pleskach.

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

Jill Hageman-Clark RMC / Town Clerk