

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 17<sup>th</sup> of August, 2020 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
John Marzocchi	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

OTHERS PRESENT:

Russ Mitchell; Planning Board Chairman and Hal Henty; Planning Board Member 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 July 20, 2020 meeting. Motion was seconded by Councilor Hall.

Ayes – 6 and Noes – 0. *Motion carried. Councilor Bick abstained due to his absence.*

**Cancellation and/or requested adjournments.**

There were no cancellations or adjournments

**Correspondence:**

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

No one responded.

**REGULAR MEETING:**

**Special Permit (PH) – Town Board Case # 1145 - OMNI NAVITAS HOLDINGS, LLC AND GEORGE YOUNG:**

A public hearing to consider the application of **OMNI NAVITAS HOLDINGS, LLC AND GEORGE YOUNG FOR A UTILITY SUBSTATION SPECIAL PERMIT** pursuant to **Section 230-27 I. (2) (E)** to allow for a solar farm on land located at **9177 Caughdenoy Road, Tax Map No. 043.-01-01.0.** was opened by the Supervisor.

Joseph Middleton of Omni Navitis and Matt Kirwin of Barclay Damon Law Firm were present on behalf of the applicant. Mr. Mendelsohn began by explaining that this application had been before the Town Board in 2019. They have made some changes to the site and have requested that this be reopened.

Some of the arrays have been moved north on the property due to the wetlands. They have increased the vegetation screening from the adjoining parcels. The trees will be staggered eventually filling in and there will also be a fence. The applicant sent a letter June 23, 2020 with a summary of changes. Mr. Mendelsohn surmised that this use complies with the Code and would have minimal impact.

Councilor Meaker asked if the shift in the plan will bring the arrays closer to the neighbor(s). The new plan would bring them 250-300' closer; the distance from the property line is greater than 600'.

Supervisor Ulatowski asked if any of the residents wished to address the applicant.

David Burdick in the adjoining parcel thanked the Board members that came and sat in his driveway to observe the property. He continued that while he is in favor of solar projects this is not the right place for it. He added that there are bikers and joggers and walkers and feels that the installation equipment will cause undue stress on this already busy road. In addition his wife has a pacemaker and her cardiologist said that she should not be near solar energy. He asked if they might make a decision tonight.

Jessica Kawecki explained that she is married with children and is concerned about the effect this could have on the wildlife adding that she doesn't want to have to explain to her children. She said that this area is residential, there are runners and bikers and she does not care for this, that it would negatively impact her life.

Councilor Bick asked how many residential homes could be constructed on this 109 acres of RA-100 zoned property. Mr. Mendelsohn responded, approximately 50 homes as Mr. Young plans to continue to use some of the parcel for cattle. Mr. Young is trying to supplement his income as farming has been a declining industry for generations due to trade war, climate change and political polarization. Steve Carlisle was present to speak on behalf of his sister and brother-in-law who are active military. He began by explaining that his family had been on the property

for 200 years. He suggested that there are beaver dams and that could affect the substation. He continued that he is a Carlisle, a trustee for Pine Plains Cometary and deeply entrenched in the community. He had a short discussion with the Town Historian.

Lyle Young explained that his family has owned the property since 1810, so they are not exactly newcomers and he plans on staying. He explained that people are buying agricultural parcels and destroying the farms. He reiterated that he continues to cattle farm and keep a pasture all the way around it.

Matt Kirwin said that he would like to respond to some of the comments made. He explained that the construction phase would be temporary; six months and occurring during regular business hours. The impact would be short term. There would be no personnel, minor traffic. No noise or odor and would disturb only a little over one acre; there will be no decrease to property values and a landscape buffer will block the arrays from view. He continued that in 2019 a negative SEQR was declared and the property is not a historic site. They have submitted a design improvement and the application complies with the Town Code.

All residents having been heard, the Supervisor **closed** the public hearing.

**Appointment – CLAY VOLUNTEER FIRE DEPARTMENT:**

Councilor Young moved the adoption of a resolution approving the appointments of **James Boehmer, Vedad Busuladzic, Holvin Capeles, Taylor Cerio, Jacob Clintsman, Andres Perez, Charles Sims, Luke Romanick** as members of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Hess.

*Ayes – 7 and Noes – 0. Motion carried. Supervisor Ulatowski commended the Clay Volunteer Fire Department on their great recruiting of volunteers.*

**Sanitary Sewer Connection (A) Romer Rodriguez Ortiz:**

Councilor Hess moved the adoption of a resolution authorizing a sanitary sewer connection, pursuant to the written request of Romer Rodriguez Ortiz, (the property owner), to the existing public sewers located adjacent to 4470 State Route 31, (Tax Map No. 059.-01-19.1). The associated construction will be at no cost to the Town of Clay. The property owner agrees to pay all costs (Town and private) associated with the sanitary sewer lateral connection as well as the Town of Clay Operation and Maintenance charges annually assessed for one unit (residential use) and the County Sanitary District charges. The property owner further agrees to pay all annual Town and County charges thereafter. Motion was seconded by Councilor Bick.

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

**License Agreement - Bell Atlantic Mobile Systems, LLC, d/b/a Verizon Wireless:**

Councilor Pleskach moved to **ADJOURN** the adoption of a resolution approving and authorizing the Supervisor to execute the **Small Cell Wireless Facility Right-of-Way License Agreement** between the **Town of Clay and Bell Atlantic Mobile Systems, LLC, d/b/a Verizon Wireless**, to construct, install and maintain such Small Cell Wireless Facilities and Poles within the public right of way, subject to the terms and conditions set forth in the agreement and approved as to form and content by the Town Attorney.

**\*\*The Town Clerk called a Roll Call vote and it went as follows:\*\***

Councilor Meaker – Aye      Councilor Young – Aye  
Supervisor Ulatowski – Aye      Councilor Hall – Aye  
Councilor Bick – Aye      Councilor Hess – Aye  
Councilor Pleskach – Aye

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

**Retention Schedule (A) LGS-1:**

Councilor Hall moved the adoption of a resolution that the Town Board of the Town of Clay adopts the revised Retention and Disposal Schedule for New York Local Government Records (LGS-1) replacing the MU-1, pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention records for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

**FURTHER RESOLVED**, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention period described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

This will be reflected in the Town Code of the Town of Clay §48-17, §48-18 and §48-19.

Supervisor Ulatowski asked the Town Clerk to give an overview. She explained that the purpose of this Resolution is to approve the adoption of a new retention schedule for the Town of Clay and other Government Entities.

LGS-1 will replace the current retention schedule, the MU-1 for Local Government and combine it with the CO-2 for County Government, ED-1 for School Districts, BOCES and other Educational Government and the MI-1 for all Miscellaneous Government.

The period in which this must happen is between August 1, 2020 and January 1, 2021. If this new schedule is not adopted prior to the expiration of the current retention schedules, records may not be disposed of regardless of age.

Motion was seconded by Councilor Meaker.

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

**Town Audit for the year 2019:**

Councilor Hess moved the adoption of a resolution accepting the Town Audit for the Fiscal Year ended December 31, 2019. Motion was seconded by Councilor Pleskach.

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

**Bid Advertisement (A) FOX WIDEWATERS SEWER DISTRICT:**

Councilor Meaker moved the adoption of a resolution authorizing the advertisement of bids on August 21, 2020, for the construction of the **Fox Widewaters Sewer District** sanitary sewer extension. The Project includes the construction of approximately 1,800 lineal feet of 10-inch diameter sanitary sewer main and appurtenances along the north side of NYS Route 31 in the Town of Clay. Sealed bids will be received by the Town of Clay, at the Office of the Town Clerk, located at 4401 State Route 31, Clay, New York, until **11:00 A.M.**, local time, on **September 8, 2020**, at which time they will be publicly opened and read aloud. Motion was seconded by Councilor Hess.

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

**Special Permit (CPH) – Town Board Case # 1151 - ROCKLYN COMMERCIAL, LLC AND WOODSIDE COMMERCIAL, LLC:**

Councilor Pleskach moved the adoption of a resolution calling a public hearing **September 9, 2020**, commencing at **7:35 P.M.**, local time, to consider the application of **ROCKLYN COMMERCIAL, LLC AND WOODSIDE COMMERCIAL, LLC FOR A SPECIAL PERMIT** pursuant to **Section 230-18 G. (2) (b)** to allow for the construction of a WellNOW Urgent Care (hospital/clinic) on vacant land located at **4938 West Taft Rd. and Wintersweet Dr., Tax Map No. 116.1-01-01.1**. Motion was seconded by Councilor Meaker.

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

**Special Permit (SEQR) – Town Board Case # 1145 - OMNI NAVITAS HOLDINGS, LLC AND GEORGE YOUNG:**

Councilor Meaker moved the adoption of a resolution that the application of **OMNI NAVITAS HOLDINGS, LLC AND GEORGE YOUNG FOR A UTILITY SUBSTATION SPECIAL PERMIT** pursuant to **Section 230-27 I. (2) (E)** to allow for a solar farm on land located at **9177 Caughdenoy Road, Tax Map No. 043.-01-01.0**, 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 Meaker.

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

**Special Permit (D) – Town Board Case # 1145 - OMNI NAVITAS HOLDINGS, LLC AND GEORGE YOUNG:**

Councilor Meaker moved the adoption of a resolution **denying** the application of **OMNI NAVITAS HOLDINGS, LLC AND GEORGE YOUNG FOR A UTILITY SUBSTATION SPECIAL PERMIT** pursuant to **Section 230-27 I. (2) (E)** to allow for a solar farm on land located at **9177 Caughdenoy Road, Tax Map No. 043.-01-01.0**. Motion was seconded by Councilor Pleskach.

**\*\*The Town Clerk called a Roll Call vote and it went as follows:\*\***

Councilor Meaker – Aye	Councilor Young – Aye
Supervisor Ulatowski – No	Councilor Hall – No
Councilor Bick – Aye	Councilor Hess – Aye
Councilor Pleskach – Aye	

Ayes – 5 and Noes – 2. *Motion carried. The application was denied.*

**Adjournment:**

The meeting was adjourned at 8:24 P.M. upon motion by Councilor Young and seconded by Councilor Hall.

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

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Jill Hageman-Clark RMC / Town Clerk