

At the Organizational and Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 7th of January, 2013 at 7:00 P.M., there were:

PRESENT:

Damian M. 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 B. Young	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert M. Germain	Town Attorney
Doug Wickman	Town Engineer

The meeting was called to order by Supervisor Ulatowski at 7:00 P.M. All present joined in the Pledge of Allegiance.

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ORGANIZATIONAL MEETING: 7:00 P.M.

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Official Rules of Procedure - Roberts Rules of Order:

Supervisor Ulatowski moved the adoption of a resolution that Roberts Rules of Order be the official rules of procedures at Town Board Meetings, subject to the Rules provided by the Town Law and like Statutes which shall prevail (except that there shall be no second reading of resolutions at Town Board Meetings unless the same is requested, and that there shall be no votes taken when the question of a pending resolution is called unless an objection is stated to voting upon such resolution forthwith). Motion was seconded by Councilor Edick.

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

Town Board Meeting Schedule:

Supervisor Ulatowski moved the adoption of a resolution establishing the **first and third Mondays** of each month as the meeting nights for **Town Board at 7:30 P.M.**, local time, as the hour of commencement. Motion was seconded by Councilor Bray.

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

Supervisor Ulatowski moved the adoption of a Resolution that the Town Hall will be closed on the following holidays in 2013: New Year’s Day - Tuesday January 1st; Martin Luther King, Jr., Day - Monday January 21st (observed) and canceling the Town Board Meeting and rescheduled same to Wednesday January 23rd, 2013; Presidents’ Day - Monday February 18th (observed) and canceling the Town Board Meeting; Good Friday - March 29th - Town Hall closes at 12:15 PM, Highway at 11:00 AM; Memorial Day Weekend – Friday May 24th and Monday May 27th (observed); Independence Day - Thursday July 4th ; Labor Day – Monday September 2nd, canceling Town Board Meeting and rescheduling same for Wednesday–September 4th ; Election Day – Tuesday November 5th; Veteran’s Day – Monday November 11th ; Thanksgiving -Thursday November 28th and Friday November 29th and Christmas Eve – Tuesday December 24th and Christmas Day – Wednesday December 25th. Motion was seconded by Councilor Bick.

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

Supervisor Ulatowski moved the adoption of a resolution canceling the Town Board Meeting July 1st and August 5th, 2013 Town Board Meeting. **NOTE: The Town Board will meet on July 15th and August 19th, 2013.** Motion was seconded by Councilor Edick.

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

GENERAL COMMITTEE appointment by the Supervisor:

Special Districts	Supervisor Ulatowski
Finance	Supervisor Ulatowski, Councilor(s) Edick & Johnson
Parks, Recreation & Human Resources	Councilor Bick
Public safety	Councilor Edick
Highway & Public Works	Councilor Weaver
Planning & Development	Councilor(s) Bray, Johnson & Young
Zoning Board of Appeals	Councilor(s) Bray, Johnson & Young
Personnel	Supervisor Ulatowski
Industrial Development	Supervisor Ulatowski & Councilor Edick
Building	Councilor(s) Edick & Weaver
Rec. Facilities & Grants Special Committee	Councilor Bick
Liaison North Syracuse School District	Councilor Edick
Liaison Liverpool School District	Councilor Young

Supervisor Ulatowski moved the adoption of a resolution that the annual salaries for the **Town Personnel** for **2013** be established as follows:

Supervisor.....	\$49,688
Deputy Supervisor.....	\$12,799
Councilors.....	\$11,567
Judges.....	\$37,234
Comm. of Parks, Recreation & Human Resources.....	\$60,025

Commissioner of Finance.....	\$30,154
Commissioner of Planning & Development.....	\$69,077
Town Clerk.....	\$50,927
Receiver of Taxes.....	\$50,927
Assessor.....	\$71,653
Highway Superintendent.....	\$81,308
Water Superintendent.....	\$62,981

Motion was seconded by Councilor Bick.

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

Appointments:

Supervisor Ulatowski appointed Councilor Edick as **Deputy Supervisor**.

Motion was seconded by Councilor Bick.

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

Councilor Bray also made note that the Meeting date of August 1, 2013 (as shown on the agenda) to be cancelled should be corrected to read August 5.

Councilor Bick moved the adoption of a resolution approving the **annual membership** of the Town of Clay in the **Association of Towns** and payment of the annual dues in the amount of \$1650.00. Motion was seconded by Councilor Edick.

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

Councilor Bick moved the adoption of a resolution appointing Councilor Edick **delegate** to the **Association of Towns**. Motion was seconded by Councilor Weaver.

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

Councilor Bick moved the adoption of a resolution appointing Supervisor Ulatowski **alternate delegate** to the **Association of Towns**. Motion was seconded by Councilor Bray.

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

Authorization - Check Signing:

Councilor Johnson moved the adoption of a resolution authorizing the **Deputy Supervisor** to sign checks drawn on Town funds in the absence of the Supervisor. Motion was seconded by Councilor Bick.

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

Town Engineers:

Councilor Weaver moved the adoption of a resolution that **C & S Engineers, Inc.**, be retained by the Town to perform such Special District services as the Town may require and authorizing the Supervisor to enter into an annual contract with said firm. Motion was seconded by Councilor Bray.

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

Councilor Weaver moved the adoption of a resolution authorizing the **Town Engineers** to update the "**Town of Clay Zoning Map**" annually, with payment for same to be authorized from the General Fund of the Town of Clay. Motion was seconded by Councilor Bray.

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

Town Attorneys:

Councilor Johnson moved the adoption of a resolution retaining Germain & Germain as attorney(s) for the Zoning Board of Appeals, to receive \$16,000.00 for the Zoning Board of Appeals work for the year **2013**. Motion was seconded by Councilor Bick.

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

Bank Designation:

Councilor Edick moved the adoption of a resolution designating the following as the official **2013** depository banks for the Town of Clay: **M & T Bank; JP Morgan Chase Bank; KeyBank National Association; Bank of America Bank; Alliance Bank, N.A.; Solvay Bank, RBS Citizens Bank, First Niagara Bank, NY CLASS and Pathfinder Bank**. Motion was seconded by Councilor Bick.

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

Newspaper Designation:

Councilor Edick moved the adoption of a resolution designating the **Syracuse Post Standard** as the official Town's newspaper for **2013** and designating the **Star News** and the **Liverpool-Salina Review** as alternate newspapers for the publication of legal notices. Motion was seconded by Councilor Bick.

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

Appointments - Town Officers:

Councilor Bray moved the adoption of a resolution appointing **James Palumbo** to the **Planning Board** for a term of seven years. Said term to expire **December 31st, 2019**. Motion was seconded by Councilor Weaver.

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

Councilor Bray moved the adoption of a resolution appointing **David Hess**, as **Chairman of the Planning Board** for the year **2013**. Motion was seconded by Councilor Weaver.

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

Councilor Edick moved the adoption of a resolution appointing **Mike Ploski** and **Jim Bowles** as **Dog/Animal Control Officers** for the year **2013**. Motion was seconded by Councilor Johnson.

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

Councilor Young moved the adoption of a resolution appointing **Charles Mangan**, as **Chairman of the Zoning Board of Appeals** for the year **2013**. Motion was seconded by Councilor Weaver.

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

Councilor Young moved the adoption of a resolution appointing **Arthur Fennhahn**, to the **Zoning Board of Appeals** for a term of five years. Said term to expire **December 31st, 2017**. Motion was seconded by Councilor Bray.

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

Councilor Bick moved the adoption of a resolution reappointing **Wayne Morris** as **Safety Committee Chairman** for the year **2013**. Motion was seconded by Councilor Bray.

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

Councilor Edick moved the adoption of a resolution reappointing **Mike McCarthy** as **Constable** to the Town of Clay for the year **2013**. Motion was seconded by Councilor Bray.

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

Councilor Edick moved the adoption of a resolution appointing **Regan Roach** as **Substitute Constable** to the Town of Clay for the year **2013**. Motion was seconded by Councilor Bick.

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

Councilor Bray moved the adoption of a resolution, pursuant to **Local Law Chapter 104, "ETHICS LAW", Article IV, "BOARD OF ETHICS"**, appointing **James J. Rowley**, for a term of five years as a member of the **Board of Ethics**. Said term to expire **December 31st, 2017**. Motion was seconded by Councilor Weaver.

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

Councilor Bick moved the adoption of a resolution appointing **Dorothy Heller** and **Harold Baker**, as **Town Historians** for the year **2013**. Motion was seconded by Councilor Bray.

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

Councilor Weaver moved the adoption of a resolution reappointing **Jill Hageman-Clark** as a **Marriage Officer** for the Town of Clay for the year **2013**, pursuant to Section 11 of the New York State Domestic Relations Law, effective immediately. Said appointment to expire December 31, 2013. Motion was seconded by Councilor Bray.

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

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REGULAR MEETING
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Supervisor Ulatowski explained that due to the time constraints of the Public Hearings, the order of the items on the agenda will be adjusted. The meeting continued as follows:

Securities (50% release) / Project -HYLAND GARDENS

SUBDIVISION:

Councilor Weaver moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **50%** 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 are in place in accordance with Town Highway Specifications. Motion was seconded by Councilor Bick.

Ayes-7 and Noes-0. Unanimously carried.

DEPARTMENT OF ENVIRONMENTAL CONSERVATION:

Councilor Bray moved the adoption of a resolution authorizing the Supervisor to execute an amendment between the **TOWN OF CLAY** and the **NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION** addressing the Town of Clay's request for a revised definition of the site on Maider Road, and extend the term of the contract. This resolution is pursuant to the approval as to form and content of the amendment by the Town Attorney. Motion was seconded by Councilor Weaver.

Ayes-7 and Noes-0. Unanimously carried.

Special Permit (CPH) - VICTOR WATKINS:

Councilor Edick moved the adoption of a resolution calling a public hearing **January 23, 2013**, commencing at **7:35 p.m.**, local time, to consider the application of **VICTOR WATKINS** for a **SPECIAL PERMIT pursuant to Section 230-13A. (2) (e) [7] of the Town Code** to allow for a **TWO-FAMILY DWELLING** on property located at **8517 Maple Road, Tax Map No. 061.-01-41.2**. Motion was seconded by Councilor Bray.

Ayes-7 and Noes-0. Unanimously carried.

Termination Covenants/ Restrictions Agreement:

Councilor Young moved the adoption of a resolution calling a public hearing **February 4, 2013**, commencing at **7:35 p.m.**, local time, to consider the petition of a proposed Termination of Covenants and Restrictions Agreement by and between **WAL-MART REAL ESTATE BUSINESS TRUST** and the Town of Clay on part of land located at **8770 Dell Center Drive**. Motion was seconded by Councilor Weaver.

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

Bid Award (correction) - CNY VETERINARY SERVICES:

Councilor Johnson moved the adoption of a resolution to correct the resolution of December 17th, 2012 with **CNY VETERINARY SERVICES** for **PROVIDING AND MAINTAINING A POUND/SHELTER FOR ANIMALS SEIZED BY ANIMAL CONTROL OFFICER, OR OTHER AUTHORIZED OFFICER OR EMPLOYEE OF THE TOWN OF CLAY** to read as a one (1) year contract from January 1, 2013 to December 31, 2013 with the option to renew for two (2) additional one year periods, under the same terms and conditions, upon written consent of both parties. Motion was seconded by Councilor Bray.

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

Approval of Minutes:

Supervisor Ulatowski moved the adoption of a resolution approving the minutes of the December 17th, 2012 minutes. Motion was seconded by Councilor Bray.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that he knew of no cancellations or requests for adjournments.

Correspondence:

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

Janet Rathburn of the Pompton Knolls said that she had just come by the YMCA on Wetzel Road and again there are a lot of cars parked on the road and into her development. She continued by adding that she contacted the

YMCA again and asked if there was any reason that there are so many cars. She was told that it is business as usual.

Kim Bailey of Bayberry explained that they have just begun a new running group.

Supervisor Ulatowski suggested that Ms. Rathburn contact the Sheriffs department to ticket the illegally parked cars.

The Supervisor then began by recognizing Casey Jordan and John Dougherty, members of the County Legislature as well as Jim Rowley, the former Supervisor and former Fiscal Advisor for the County. In addition Wayne Morris and Florence Drago from the Recreation Department were present. He continued by stating that He thought that they were present to acknowledge the *Gold Seal Award* that was being presented to Dorothy Heller.

Casey Jordan explained that this award is near and dear to him because of his love of history. He continued that he met Ms. Heller at many functions and is moved by her love for the town. He then read the proclamation and presented it to Ms. Heller. Both he and John Dougherty thanked her. Supervisor Ulatowski also thanked her for her hard work and dedication to the Town.

Dorothy Heller thanked everyone for coming and for the award. She explained that she is also the historian for the Emanuel Lutheran Church and added that the forefathers of the Emanuel Lutheran Church actually began the Town of Clay. Ms. Heller thanked everyone again.

At this point, the public hearings were heard.

Zone Change (PH) Town Board Case #1048 - GROUP ONE DEVELOPMENT, LLC:

A public hearing to consider the application of **GROUP ONE DEVELOPMENT, LLC**, for a **CHANGE OF ZONE** from **RA-100 Residential Agricultural District**. to **R-15 One-Family Residential District** on vacant land located at **8196 Maple Road, TAX MAP NO. 074.-01-17.1** was opened by the Supervisor; Proof of publication and posting was furnished by the Town Clerk.

Hal Romans was present for the applicant. Mr. Romans began by explaining that the applicant wishes to change the zone on this small parcel that they

have purchased. When the applicant originally appeared for the zone change for the surrounding property, this parcel was not available.

Sam Bartorillo said that he owns the property across the street and is concerned about looking out onto the backs of houses. Mr. Romans said that they are proposing a loop street. Mr. Bartorillo added that he also hopes that the lights will not be directly hitting his home at night. Mr. Romans explained that the applicant will need to work with the Planning Board throughout this process and the neighbors will be able to attend the meetings and voice their concerns. He added that the applicant will be before the Planning Board for a referral on Wednesday night.

Supervisor Ulatowski asked if there were anymore questions or comments. Hearing none he **adjourned** the hearing until **January 23rd, 2013 at 7:38 P.M.**

Mobile Home License 2013 (PH):

A public hearing to consider the application of **CASUAL ESTATES MOBILE HOME COURT**, for the renewal of its license for the year **2013** was opened by the Supervisor; Proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski asked if there was anyone present on behalf of the applicant and there was not.

Councilor Bick asked the Commissioner of Planning and Development if he had been through the mobile home court. Mr. Territo said that he had not in the past year however Mr. Condon, the Code Officer has been in touch and has prepared a letter. Mr. Territo said that he feels satisfied with Mr. Condons' recommendation for renewal.

June Baycura of Bayberry said that she would like to see some improvement to the landscaping perhaps shielding the court from Route 57.

Russ Mitchell of Clarmont-Four Seasons said that he would like someone from the mobile home court to attend the public hearing so questions could be asked and answered. He added that in the past a representative always came to the public hearing and this came up last year.

Supervisor Ulatowski said that he would adjourn and ask the applicant to attend the next meeting.

Councilor Bick made a motion to **adjourn** the public hearing to **January 23rd, 2013 at 7:41 P.M.** Motion was seconded by Councilor Bray.

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

Special Permit (PH) Town Board Case # 1046 ERIC DORN and RICHMOND AVENUE ASSOCIATES, INC:

A public hearing to consider the application of **ERIC DORN** and **RICHMOND AVENUE ASSOCIATES, INC.** for a **SPECIAL PERMIT pursuant to Section 230.17 C. (2)(e)[1] of the Town Code** on part of property located at **4594 Buckley Road, Tax Map No. 095.-02-08.0**, to allow for the operation of a trucking terminal in an industrial zone was opened by the Supervisor; Proof of publication and posting was furnished by the Town Clerk.

Tricia Dorn, Esq., was present on behalf of the applicant. Ms. Dorn explained that the property belongs to her father, Eric Dorn and that they are seeking a Special Permit to store two trucks on the property. There will be no change to the property and the two trucks will be brought on and off the property. She asked if there were any questions.

Councilor Weaver asked what type of trucks. Ms. Dorn said that one is a moving/furniture truck and the other is a roll-off. The trucks may be storing things but the items will be in the trucks. The roll-off (recycling) will be empty.

Supervisor Ulatowski asked about the debris on the property. One of the neighboring residents said that it is still there. There was a brief discussion about the condition of the property. He asked if the truck would have dumpsters with trash and Ms. Dorn said that they will not.

Councilor Edick asked if the building is for sale. Ms. Dorn responded that it is.

The Supervisor asked what the existing building is used for. Ms. Dorn said primarily for storage. Again it was asked if trash would be stored on the site and Ms. Dorn said it will not.

Bob Stella of Bayberry said that he has lived in the area for 47 years and this parcel has been an eyesore for a long time. He added that he would like to see an improvement.

Bob Falter said that he is representing the company behind this parcel and would like to know what is being stored in the building. Ms. Dorn said cars

and tires. He then asked how long they have owned this property and she responded 5 years.

June Baycura of Bayberry said that the driveway is at a difficult angle.

Jim Rowley asked if the Special Permit is granted would it have a time limit and it would not. Councilor Bray asked if the Special Permit would travel with the sale of the property and it would.

Janet Rathburn said that the applicant owes over \$40,000.00 in taxes.

Joe Bick asked why the applicant needs a special permit in an industrial zone. Commissioner Territo said that this is a result of a court action. The applicant had some violations and the Judge ruled that the applicant must obtain a Special Permit or seek Interpretation.

Janet Rathburn asked what the main purpose is, recycling? Ms. Dorn said the focus is on furniture and roll-offs, not recycling.

Councilor Bick asked Commissioner Territo to clarify that the applicant is there to resolve code violations.

Supervisor Ulatowski said that he would **adjourn** the public hearing to **January 23rd, 2013 at 7:44 P.M.** and refer it to the Planning Board. He added that he needs more information.

Alex Dorn, son of the applicant, approached the Board and stated that they just want to park trucks. That is why they are applying. The Supervisor said that this case has evolved far beyond the original request.

Adjournment:

The meeting was adjourned at 8:07 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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