

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 15th of November, 2010 at 7:30 P.M., there were:

PRESENT:

Damian M. Ulatowski	Supervisor
Robert L. Edick	Deputy Supervisor/Councilor
Clarence A. Rycraft	Councilor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Joseph A. Bick	Councilor
Bruce N. Johnson	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert M. 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 Bray moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on **November 1st, 2010**. Motion was seconded by Councilor Bick.

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

CANCELLATION AND/OR REQUESTED ADJOURNMENTS:

Supervisor Ulatowski said that COR has requested an adjournment.

In addition there are no bids meeting the specs, to Provide and Maintaining a Shelter for Animals Seized By the Town, therefore the bid will not be awarded.

CORRESPONDENCE:

Supervisor Ulatowski stated that he wished to comment on questions/concerns posed at the last meeting.

He began by addressing the patrols on Buckley Road adding that there were 33 speeding tickets issued in 10 days for the stretch of Buckley Road located between Taft Road and Henry Clay Boulevard, adding that the police will continue to monitor this area.

The Supervisor stated that he had looked into a residents concerns that the Highway Department was sending routine repairs out to Tracey Road Equipment and found that the only repairs done by them are warranty repairs all others are handled by the Highway Department.

Lastly, Supervisor Ulatowski said that the Sheriffs report for the traffic on Josephine Street indicated 3 vehicles in 30 minutes therefore, not enough volume to warrant modifications.

Supervisor Ulatowski then asked if anyone wished to address the Board on any matter that is not on the agenda.

David Arnold said that he would like to take this opportunity to express how caring and compassionate Dr. Davis (Animal Kingdom) is, adding that he wishes to recommend him for the contract for an animal shelter for animals seized by the animal control officers.

Zone Change (SEQR) Town Board Case # 1021 RED BARN COUNTRY, LLC:

Councilor Weaver moved the adoption of a resolution that the application of **RED BARN COUNTRY, LLC.**, for a change of zone from **R-10 One-Family Residential District** to **R-TH Townhouse District** on 3.56 ± acres of vacant land south of Waxwood Circle on the west side of Buckley Road, Tax Map. No. 107.-05-46.1 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 on an EIS. Motion was seconded by Councilor Edick.

Supervisor Ulatowski stated that the County should consider traffic mitigation , engineering studies, transportation studies water environment protection and fire flow tests when rendering their recommendation.

Ayes-3 and Noes-4. *Motion failed.*

Zone Change (D) Town Board Case # 1021 RED BARN COUNTRY, LLC:

Councilor Weaver moved the adoption of a resolution approving the application of **RED BARN COUNTRY, LLC.**, for a change of zone from **R-10 One-Family Residential District** to **R-TH Townhouse District** on 3.56 ± acres of vacant land south of Waxwood Circle on the west side of Buckley Road, Tax Map. No. 107.-05-46.1. Motion was seconded by Councilor Edick.

Councilor Johnson stated that he opposes this request because of the traffic in conjunction with the curve in the road and the possible 3 additional driveways. Councilor Bray concurred, adding that there is a question of credibility due to the traffic study for the previous application. Councilor Bray asked Mr. Hafner if they had conducted a traffic study for this request and he stated that they had not.

Councilor Rycraft stated that he agreed with Councilors Bray and Johnson, adding that this was an improper use for this site.

Councilor Edick stated that he is in favor of this zone change, adding that he does not feel that three additional driveways will make a huge impact.

Supervisor Ulatowski asked for a roll call and it went as follows:

Councilor Johnson	- Nay
Councilor Bick	- Nay
Councilor Edick	- Aye
Councilor Bray	- Nay
Councilor Rycraft	- Nay
Councilor Weaver	- Aye
Supervisor Ulatowski	- Aye

Ayes-3 and Noes-4. *Motion failed.*

Local Law No. 4 of the Year 2010 - CHAPTER 69 to be entitled “ANIMAL POPULATION CONTROL AND DOG LICENSING LAW”:

A public hearing to consider proposed **LOCAL LAW NO. 4 OF THE YEAR 2010** repealing the present **CHAPTER 69** entitled “ANIMALS” of the Code of the Town of Clay and adding a new **CHAPTER 69** to be entitled “**ANIMAL POPULATION CONTROL AND DOG LICENSING LAW**” to the Code of the Town of Clay was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski asked the Town Clerk, Jill Hageman-Clark, for a brief overview of the proposed Local Law. As of the first of the year the State will no longer play any part in the licensing of dogs, therefore placing the responsibility on the municipalities. To accommodate this change the Town must adopt a Local Law regarding the fees.

Several Residents commented on the reduction of services from the State. Russ Mitchell asked if the increase in work would necessitate additional staff in the Clerks office. I told Mr. Mitchell that so far we are handling the changes and the increase in duties with the licensing changes. I added that the charge for dog licenses will increase minimally however we are still the least expensive town in the County to license a dog.

Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

Councilor Bray moved the adoption of a resolution approving **LOCAL LAW NO. 4 OF THE YEAR 2010** repealing the present **CHAPTER 69** entitled “ANIMALS” of the Code of the Town of Clay and adding a new **CHAPTER 69** to be entitled “**ANIMAL POPULATION CONTROL AND DOG LICENSING LAW**” to the Code of the Town of Clay. Motion was seconded by Councilor Weaver.

Ayes-5 and Noes-2. *Motion carried.* Councilors Edick and Bick stated that they are not in favor of State mandated dog licensing, adding that it only gives the Government more control.

Traffic & Vehicles (No Left Turn/ No Right Turn) (PH/Adj) - JOSEPHINE STREET:

A public hearing to consider amendment of **CHAPTER 211 TRAFFIC AND VEHICLES ORDINANCE, SECTION 211-9 PROHIBITED TURNS AT INTERSECTION - SCHEDULE VI (§ 211-39)** of the Town of Clay Municipal Code to designate and provide for **NO LEFT TURN FROM BELMORE DRIVE AS IT INTERSECTS WITH JOSEPHINE STREET AND NO RIGHT TURN OFF CHESTNUT STREET AS IT INTERSECTS WITH JOSEPHINE STREET** and the **installation of the necessary signs therefore** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Christina Regulus, petitioner for the traffic change began by stating that she was aware that the traffic study had been done by the Sheriffs Department at 8:00 PM in a regular patrol car. She added that it would be a deterrent to motorists speeding, therefore rendering the study ineffective. She continued that the study should have been conducted at 4-6 PM for accuracy. Ms. Regulus also asked about reducing the speed limit to 15 MPH. Councilor Bray stated that the law indicates that 30 mph is the minimum with the exception of school zones.

Pastor David Dyke said that he does not want to see children put in harms way and that the DOT could choose a better time to examine the situation than 8 PM, however, he also would like to see proof of traffic traveling at 40-45 MPH on this small stretch of road. The Pastor also voiced his concerns with safety for motorists and parishioners if the access to Josephine Street were to be altered due to the church driveway that goes between Belmore Drive and Josephine Street.

Joyce Cerrito of Bayberry said that she had requested a traffic study for Bayberry Circle and the Police Officer sat in her driveway in a marked car. Ms. Cerrito suggested an unmarked car.

Many residents of Josephine Street spoke against the traffic change adding that some of the problems with the traffic stem from a large trailer that obscures visibility for motorists and pedestrians.

Jim Strikis of Warbler Way suggested a *Children at Play* sign. Supervisor Ulatowski said that he would look into it. Another resident stated that there is an existing sign.

James Kohl stated that he is a retired State Police Officer and a resident of Josephine Street and that the traffic is not excessive. Mr. Kohl suggested that perhaps the kids with the loud mufflers give the impression of speeding cars.

Russ Mitchell suggested that if the residents notice speeding cars that they should take the plate numbers and give them to the police.

Councilor Weaver addressed Ms. Regulus, stating that the neighbors appear not to be in favor of this request; actually the only petition submitted was against the traffic change.

The Supervisor said that he would look into the possibility of a sign stating *Speed Enforced by Radar*. He added that he takes the residents concerns very seriously. Councilor Bray added that the Village of North Syracuse and Onondaga County also have input into this request.

Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

Traffic & Vehicles (Stop Signs) (PH/Adj) - WARBLER WAY:

A public hearing to consider amendment of **CHAPTER 211 TRAFFIC AND VEHICLES ORDINANCE, SECTION 211-12 STOP INTERSECTIONS – SCHEDULE IX (§ 211-42)** of the Town of Clay Municipal Code to designate and provide for **STOP SIGNS ON WARBLER WAY IN BOTH DIRECTIONS AND A STOP SIGN ON SANDPIPER LANE AS IT INTERSECTS WITH WARBLER WAY** and the **installation of the necessary signs therefore** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

James Strikis began by explaining that overgrown shrubbery on Warbler Way makes it difficult coming off of Sandpiper Lane onto Warbler Way therefore indicating a need for a stop sign.

Supervisor Ulatowski asked if there were any questions from the board and there were none. The Supervisor continued that the Highway Superintendent indicated in a letter that there is clear visibility and he is not in agreement with the stop sign request. In addition the statistics from the Sheriffs department did not support this request. A stop sign was placed at the intersection of Warbler Way and Swallow Path because this area is more heavily traveled.

Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

Zone Change - (PH/Adj) COR VERPLANK ROAD COMPANY, LLC:

Public hearing to consider the application of **COR VERPLANK ROAD COMPANY, LLC**, for a change of zone from **RA-100 RESIDENTIAL AGRICULTURAL DISTRICT** to **RESIDENTIAL R-15 DISTRICT**, on part of Tax Map No. 021.-01-2.3 consisting of 77.19± acres of land, located on Ver Plank Road and part of Tax Map No. 021.-01-03.4 being land located at 3950 Ver Plank Road and from **R-APT APARTMENT DISTRICT** to **RESIDENTIAL R-15 DISTRICT** on part of Tax Map No. 021.-01-2.3 consisting of 10.88± acres of land located on Ver Plank Road. (Adjourned to this date per the applicant's request.)

Councilor Bray moved the adoption of a resolution adjourning this Public Hearing to December 6, 2010 at 7:38 P.M. Motion was seconded by Councilor Weaver.

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

Bid - PROVIDING AND MAINTAINING A POUND/SHELTER FOR ANIMALS SEIZED BY AN ANIMAL CONTROL OFFICER, OR OTHER AUTHORIZED OFFICER OR EMPLOYEE OF THE TOWN OF CLAY :

No Action Taken - No bids received meeting the bid requirements.

Budget (A) - SPECIAL DISTRICT BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2011:

Councilor Bick moved the adoption of a resolution approving and adopting the proposed **2011 Special Districts Budget for the Town of Clay**. Motion was seconded by Councilor Weaver.

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

Budget (A) - FIRE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2011:

Councilor Edick moved the adoption of a resolution approving and adopting the proposed **2011 Fire Budget for the Town of Clay**. Motion was seconded by Councilor Bick.

Ayes-6 and Noes-1. *Motion carried.* Councilor Johnson said that he is thankful for the fine job that the fire departments do, but in light of the tight budget that the town is working with, they should be able to cut back 5% or so.

Budget (A) - UNIFORM WATER BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2011:

Councilor Bray moved the adoption of a resolution approving and adopting the proposed **2011 Uniform Water Budget for the Town of Clay**. Motion was seconded by Councilor Weaver.

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

Budget (A) - BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2011:

Supervisor Ulatowski stated taht the Town Board has worked very diligently to reduce the budget as much as possible without compromising the level of services that the Town to delivers to the residents. He added that the States' mandates have made this a very challenging task. Councilor Johnson agreed adding that the Town has eliminated positions in several departments, however further cuts would reduce services.

Councilor Johnson moved the adoption of a resolution approving and adopting the **2011 Preliminary Budget for the Town of Clay**, as amended, as the **Town of Clay Budget for the Year 2011**. Motion was seconded by Councilor Weaver. Ayes-5 and Noes-2. *Motion carried.* Councilors Edick and Bick voting no, stated that they feel that the tax could still be lower.

Lighting

Move the adoption of a resolution authorizing the installation of nineteen (19) 100 watt high pressure fixtures be installed on 12' fiberglass embedded poles at new location away from the trees to improve the illumination within **MILL RIDGE SUBDIVISION**, to be installed as shown on map provided by National Grid. There are currently seventeen (17), 70 watt high pressure sodium light mounted on 16' fiberglass poles. The current estimated annual cost for the 17 **underground** lighting fixtures is \$3,888.92. The proposed new cost for the Mill Ridge development is estimated at \$4,757.41. Therefore the Town would see an estimated annual increase of \$868.49 with this improvement to the lighting system.

Supervisor Ulatowski asked Legal Council if he could set this item aside pending further investigation. Mr. Germain stated that he could and he did.

Appointment (A) CLAY VOLUNTEER FIRE DEPARTMENT, INC.:

Councilor Edick moved the adoption of a resolution approving the appointment of **KEVIN STIMSON** and **DANIEL BENZ** as volunteer members of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Bick.

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

Appointment (A) MOYERS CORNERS VOLUNTEER FIRE DEPARTMENT, INC.:

Councilor Edick moved the adoption of a resolution approving the appointment of **JASON HILDRETH** and **LAUREN NICHOLS** at **STATION 1**; **JASON HARRIS**, **BENJAMIN INGBER**, **MATTHEW NESBITT** and **CHANTELLE WOOD** at **STATION 2** AND **MICHAEL MULCAHY** at **STATION 3** as volunteer members of the **MOYERS CORNERS FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Bick.

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

Project (acquire public facilities) - COUNTRY MEADOW SECTION "G" SUBDIVISION:

Councilor Bick moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of drainage and sewer facilities located within **COUNTRY MEADOW SECTION "G" SUBDIVISION**

(Country Meadow Sewer District, Extension No. 2, Contract No. 3 Lateral and Country Meadow Drainage District, Extension No. 2, Contract No. 3 lateral) and the construction of said facilities having been completed in accordance with the Plans and Specifications thereof; the Town Engineers having certified that the facilities have been satisfactorily completed and that the developer post the following security **\$20,000.00** to guarantee the cost of completing the **Overland Drainage and Grading Facilities** requirements as shown on the list provided by the Town Engineers under correspondence date of November 9th, 2010; **\$9,600.00 Maintenance Guarantee; \$45,416.00 Highway Construction Guarantee; \$1,800.00 Monument Deposit; \$13,500. Parkland Contribution; \$5,000.00 Future Engineering Inspection Fees; \$850.00 Legal Fees and \$500.00 Administrative Fees** - and further contingent upon the developer having complied with all the requirements set forth in an Agreement between the Town of Clay and **GROUP ONE DEVELOPMENT, LLC** that the Town accept title to such facilities. Motion was seconded by Councilor Edick.

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

Project (acquire public facilities) - COUNTRY MEADOW SECTION "G" SUBDIVISION:

Councilor Johnson moved the adoption of a resolution accepting the on-site easements for drainage and sewer facilities located within **COUNTRY MEADOW SECTION "G" SUBDIVISION** from **GROUP ONE DEVELOPMENT, LLC** all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated January 15, 2010. Motion was seconded by Councilor Bray.

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

Project Warranty, Deed etc. - COUNTRY MEADOW SECTION "G" SUBDIVISION:

Councilor Bray moved the adoption of a resolution accepting a **Warranty Deed, Dedication, Application and Release of damages** for Town Highways located within **COUNTRY MEADOW SECTION "G" SUBDIVISION** from **GROUP ONE DEVELOPMENT, LLC**. (Lilith Lane – 1,622' – pavement width 26' – 2' Gutter each side.) Motion was seconded by Councilor Weaver.

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

Project/Securities (posting) - INVERNESS GARDENS, SECTION NO. 1 SUBDIVISION:

Councilor Edick moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of drainage and sewer facilities located within **INVERNESS GARDENS, SECTION NO. 1**

SUBDIVISION (Bear Road Sewer District, 2, Contract No. 17 Lateral and Inverness Gardens Drainage District, Contract No. 1) and the construction of said facilities having been completed in accordance with the Plans and Specifications thereof; the Town Engineers having certified that the facilities have been satisfactorily completed and that the developer post the following security **\$30,000.00** to guarantee the cost of completing the **Overland Drainage and Grading Facilities** requirements as shown on the list provided by the Town Engineers under correspondence date of November 9th, 2010; **\$43,500.00 Maintenance Guarantee; \$95,900.00 Highway Construction Guarantee; \$2,700.00 Monument Deposit; \$30,000.00 Parkland Contribution; \$6,000.00 Future Engineering Inspection Fees; \$1,000.00 Legal Fees and \$500.00 Administrative Fees** - and further contingent upon the developer having complied with all the requirements set forth in an Agreement between the Town of Clay and **WOODSIDE RUNNE, LLC and WOODSIDE DEVELOPERS, INC.**, that the Town accept title to such facilities. Motion was seconded by Councilor Bick.

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

Project/Easements - INVERNESS GARDENS, SECTION NO. 1 SUBDIVISION:

Councilor Weaver moved the adoption of a resolution accepting the on-site easements for drainage and sewer facilities located within **INVERNESS GARDENS, SECTION NO. 1 SUBDIVISION** from **WOODSIDE RUNNE, LLC**, all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated July 7th, 2010. Motion was seconded by Councilor Bray.

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

Project Warranty, Deed etc. - INVERNESS GARDENS, SECTION NO. 1 SUBDIVISION:

Councilor Weaver moved the adoption of a resolution accepting a **Warranty Deed, Dedication, Application and Release of damages** for Town Highways located within **INVERNESS GARDENS, SECTION NO. 1 SUBDIVISION** from **WOODSIDE RUNNE, LLC**, (**Wintersweet Drive – 2,050’; Lobelia Lane - 373’ and Astilbe Path – 1,002’**, pavement widths for all 26' with 2' Gutters each side) Motion was seconded by Councilor Bray.

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

Adjournment:

The meeting was adjourned at P.M. upon motion by Councilor Bray and seconded by Councilor Bick. Ayes-7 and Noes-0. *Motion carried.*