

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 18th of October, 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 Bick moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on **October 4, 2010**. Motion was seconded by Councilor Bray.

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

CANCELLATION AND/OR REQUESTED ADJOURNMENTS:

None

CORRESPONDENCE and OTHER BUSINESS:

Supervisor Ulatowski asked if anyone wished to address the Board about anything that is not on the agenda.

Jeff Bristol addressed the Board about the award of the Rubbish Removal Contract. He stated that he was the lowest bidder and that his proposal would save the Town 2 million dollars over a five-year period. He stated that he is considering filing an injunction. Mr. Bristol continued by asking why the town did not send a letter stating why the contract had not been awarded to them.

Supervisor Ulatowski stated that the Town Engineer handled the bid process and that the board was relying on his and the Town Attorney's professional recommendations.

Mr. Bristol asked how the town could let the engineer make the decision for them. Supervisor Ulatowski stated that all state entities rely on professionals for recommendations.

Mr. DeTota stated that the recommendation includes reviewing the submitted books from all bidders. The bid notice states that the bid will be awarded to the **Lowest Responsible Bidder**; he added that the bid spec's required an equipment list and the bidder had submitted a list disclosing three trucks. Mr. DeTota said that the size of the town would necessitate at least six trucks, eight would be preferable. He continued by stating that the largest contract listed by this company is for the village of Canastota with 1600 parcels, the Town of Clay has 16,000 parcels in addition Mr. Bristol's business is 40 miles away. Mr. DeTota added that he would stand by his recommendation to the Town Board that Feher appeared to be better equipped to handle the contract, furthermore, Feher currently serves Salina, Cicero and Camillus and the references are excellent.

Mr. Bristol argued that his business has been in existence for over thirty-five years. He continued that they were going to purchase additional trucks with the award of the contract and that they were thinking of purchasing property in the Town of Clay as an additional site. He also added that he was still interested in the contract and asked the town to still consider them.

Mr. DeTota said that he was standing firm behind his decision.

Mr. Jerome Kemblowski said that the town was spending money carelessly.

Russ Mitchell addressed the room regarding an article printed in the recent *Neighbors North* section of the *Post Standard*. The article stated that Supervisor Ulatowski asked the students attending the meeting, as required for *the Participation in Government* class, to leave the Town Board meeting on October 4, 2010. Mr. Mitchell further explained that as a courtesy to the students he stops the meeting for a moment to allow the students to leave. He continued that most of the students have Junior Operators licenses that will not allow them to drive after 9 P.M. and that they most likely have school the next day.

Supervisor Ulatowski thanked Mr. Mitchell for clarifying; adding that the students do not have to leave, they are more than welcome to stay and as Mr. Mitchell indicated.

David Arnold stated that he felt that the Supervisor only allowed the students to hear what he wanted them to hear, and that they should have stayed for the entire meeting.

Deputy Supervisor Edick said that most students can not drive at night and that it was a responsible move to break so that they may leave before the driving curfew.

REGULAR MEETING:

Councilor Bick made a motion to Untable the Zone Change request by Jennifer Richardson. Motion was seconded by Councilor Johnson.

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

Zone Change (SEQR) - Town Board Case # 1019 JENNIFER RICHARDSON:

Councilor Bick moved the adoption of a resolution that the application of **JENNIFER RICHARDSON** for a change of zone from **NC-1 Neighborhood Commercial District** and **RA-100 Residential Agricultural District (former GOV)**, to **HC-1 Highway Commercial District** on properties located at **3627 State Route 31, Tax Map No. 020.-01-14.3 and on 8478 Oswego Road, Tax Map No. 020.-01-08.1** (former Moyers Corners Fire Department property) 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. Adjourned to this date and time at the September 20th, 2010 Town Board Meeting, awaiting Planning Board recommendation. (Tabled at the October 4th, 2010 Town Board Meeting.) Motion was seconded by Councilor Edick.

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

Zone Change (A) - Town Board Case # 1019 JENNIFER RICHARDSON:

Councilor Bick moved the adoption of a resolution approving the application of **JENNIFER RICHARDSON** for a change of zone from **NC-1 Neighborhood Commercial District** and **RA-100 Residential Agricultural District (former GOV)**, to **HC-1 Highway Commercial District** on properties located at **3627 State Route 31, Tax Map No. 020.-01-14.3 and 8478 Oswego Road, Tax Map No. 020.-01-08.1** (former Moyers Corners Fire Department property). (Tabled at the October 4th, 2010 Town Board Meeting.) Motion was seconded by Councilor Edick.

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

Councilor Bray stated that while she is in favor of this zone change, she still has serious concerns about the traffic at the intersection. In addition, the Planning Board was concerned with the parking code requirements.

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

The Informational hearing to consider the **TENTATIVE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2011** was opened by Supervisor Ulatowski. He began by explaining that since the last meeting 5% had been eliminated from the originally projected 14% increase. The increase of \$486,938.00 stems from the salary increases for the union contract, an additional \$205,347.00 is due to the state mandated increase of retirement contributions. Supervisor Ulatowski continued by reiterating that there have been no new positions added and that two employees took advantage of the early retirement incentives and were not replaced. One employee from the highway department retired and was replaced by a new employee, at a lower wage. The Board will not receive a salary increase for the third consecutive year, the second for the elected and appointed. He added that the health insurance costs have been reduced by \$41,000.00 for the non-bargaining unit employees and by \$141,000.00 for the retirees. The Supervisor further stated that training and scheduled conferences will be reduced.

Supervisor Ulatowski explained that in the past the County had credited the sales taxes back to the town to offset the property taxes paid by Clay homeowners however this is no longer available and the town has no control over this change. Clay is still the fourth most affordable town in the county behind Fabius, Elbridge and Salina, Geddes being the most expensive of the nineteen Towns in the County. He concluded by stating that the Board is actively pursuing any avenue to reduce the tax burden to the residents without compromising the services that they receive.

John Traino, resident asked about an article in the Post Standard stating that the overall tax increase will be 33.5% with the impact from the County. Supervisor Ulatowski said that all of the Supervisors made an appeal to the County Executive regarding the distribution of the sales tax to the towns. Mr. Traino asked if she had to run for election again next year, and she does.

Bob Trombley, resident asked why we must send 4% of our sales tax to the County when it is generated in the Town of Clay and we are the largest town in the County. The Supervisor stated that there is no recourse and that he spoke before the legislature on behalf of the residents.

Ed Pauline asked if the Town was currently in negotiations with the bargaining unit. The Supervisor stated that they are in negotiations and that the contract had expired last year.

Supervisor Ulatowski asked if there were any further comments or questions and there were none.

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

A public hearing to consider 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. was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Art Helmbold, surveyor was present for the applicant. Mr. Helmbold began by explaining that the applicant had withdrawn his previous application due to public opposition. The applicant now wishes to build town homes. The surrounding property includes single family homes, churches and small businesses. The parcel of land is oddly shaped and houses a *National Grid* substation making it difficult to utilize for single family homes therefore making transitional homes a more feasible use for this lot.

Supervisor Ulatowski asked how many curb cuts the applicant is showing. Mr. Helmbold stated that there are six driveways in the plan; however, the County may require that the applicant close or combine some of the curb cuts. The Supervisor asked if it would be possible for all of the driveways to be attached to an access road that could then access Buckley Road near the substation.

Wendy Caiello stated that she liked that idea or that they could even combine two driveways for a total of three curb cuts instead of six. She then asked why the applicant will not do a traffic study.

Frank Seripa stated that he lives across from Briarledge Road and that he has difficulty getting out of his driveway. He added that there is a lot of traffic on the curve and that the speed should be reduced, he suggested a traffic light. He said that this area needs to be patrolled. Supervisor Ulatowski said that he will call the Sheriffs Department to see about increased police patrols. He added that the traffic needs to be studied.

Denise Murray of Waxwood Circle said that building a few homes would create less curb cuts. She also likes the idea of a parallel road adding that this is done in Mattydale and it is effective.

Donna Jordan of Allen Road asked for help with the geography, and was shown on the map where the parcel was.

Councilor Edick made a motion to **adjourn** this public hearing to **November 1st, 2010 at 7:56 P.M.**, local time. Motion was seconded by Councilor Bray.

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

Securities (release)/ Project - WATERHOUSE LANDING 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 **COMBAT CONSTRUCTION, INC., for WATERHOUSE LANDING SUBDIVISION (Norcross Drive 685 lf and Millstream Drive 1,485 lf)**. Gravel, gutters and binder are in place in accordance with Town Highway Specifications. Motion was seconded by Councilor Johnson.

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

Fire Hydrants - Morgan Road Water Supply District:

Councilor Edick moved the adoption of a resolution approving the installation of two (2) fire hydrants in the **Morgan Road Water Supply District** and authorizing the Supervisor to execute the OCWA fire hydrant application (Morgan Road). Waterhouse Landing Subdivision Hydrant Nos. 12766 & 12767. Motion was seconded by Councilor Weaver.

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

Fire Hydrant - Vine Street Water Supply District:

Councilor Edick moved the adoption of a resolution approving the installation of a fire hydrant in the **Vine Street Water Supply District** and authorizing the Supervisor to execute the OCWA fire hydrant application (Vine Street). Motion was seconded by Councilor Weaver.

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

Fire Hydrants - Inverness Gardens Water Supply District:

Councilor Edick moved the adoption of a resolution approving the installation of five (5) fire hydrants in the **Inverness Gardens Water Supply District** and authorizing the Supervisor to execute the OCWA fire hydrant application (Inverness Gardens). Motion was seconded by Councilor Weaver.

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

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

Councilor Johnson moved the adoption of a resolution approving the **TENTATIVE BUDGET**, as proposed or modified, for the Town of Clay for the year **2011** as the **TOWN OF CLAY PRELIMINARY BUDGET** for the fiscal year commencing **January 1st, 2011**. Motion was seconded by Councilor Bick.

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

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

Councilor Bick moved the adoption of a resolution calling a public hearing **November 1st, 2010**, commencing at **7:42 P.M.**, local time, to consider the adoption of the proposed **2011 Special Districts Budget** for the Town of Clay. Motion was seconded by Councilor Johnson.

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

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

Councilor Edick moved the adoption of a resolution calling a public hearing **November 1st, 2010**, commencing at **7:46 P.M.**, local time, to consider the adoption of the proposed **2011 Fire Budget** for the Town of Clay. Motion was seconded by Councilor Weaver.

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

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

Councilor Bray moved the adoption of a resolution calling a public hearing **November 1st, 2010**, commencing at **7:50 P.M.**, local time, to consider the adoption of 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 (CPH) - PRELIMINARY BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2011:

Councilor Johnson moved the adoption of a resolution calling a public hearing **November 1st, 2010**, commencing at **7:53 P.M.**, local time, to consider the adoption of the proposed **2011 Preliminary Budget** for the Town of Clay, as the annual budget. Motion was seconded by Councilor Bick.

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

LOCAL LAW NO. 4 OF THE YEAR 2010 (CPH)-AMENDING CHAPTER 69:

Councilor Bray moved the adoption of a resolution calling a public hearing **November 15th, 2010** commencing at **7:35 P.M.**, local time to consider proposed **LOCAL LAW NO. 4 OF THE YEAR 2010 AMENDING CHAPTER 69** entitled **“ANIMALS” OF THE CODE OF THE TOWN OF CLAY TO CONFORM TO AMENDMENTS OF ARTICLE 7 OF NEW YORK’S AGRICULTURE AND MARKETS LAW, IN PART T OF CHAPTER 59 LAWS OF THE LAWS OF 2010**. The purpose of this proposed local law is due to such amendments to Article 7 of NYS Agriculture and Markets Law whereby there are two major changes: dog licensing is now a local government function and NY State Animal Population Control Program (APCP) will be administered by a not-for-profit entity selected by the Department consistent with New York’s procurement laws. This proposed local law will provide for the licensing and identification of dogs, the control and protection of the dog population and protection of persons, property, domestic animals and deer from dog attacks and damage. Motion was seconded by Councilor Weaver.

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

Contract/ OP-TECH ENVIRONMENTAL - Soil Remediation:

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to enter into an agreement with **OP-TECH ENVIRONMENTAL** to remediate the contaminated soil due to the vandalized transformer at the Maider Road Site and to

execute any and all documents therefore. The cost of this effort, assuming no further remediation other than what is proposed, is \$15,045. Motion was seconded by Councilor Johnson.

Dave Arnold questioned the soil remediation and requested that the Town Board not enter into an agreement at this time. He asked about the location of the site. Mr. DeTota stated that the remediation was necessary due to the vandalism that had taken place. Mr. Arnold argued that the transformer had not been vandalized. Mr. Kembrowski stated that someone was dropping the ball. Mr. DeTota said that the soil remediation determination is based on the recommendation of the *Department of Environmental Conservation*.

A discussion ensued regarding the transformer and the location of the site. Supervisor Ulatowski stated that he would supply Mr. Arnold with the address of said site but concluded that he was confident in Mr. DeTota's recommendation and will show the location at the next meeting.

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

Adjournment:

The meeting was adjourned at 8:48 P.M. upon motion by Councilor Bray and seconded by Councilor Bick. Ayes-7 and Noes-0. *Motion carried.*