

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 7th of March, 2011 at 7:30 P.M., there were:

PRESENT:

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

ABSENT:

Damian M. Ulatowski	Supervisor
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The meeting was called to order by Deputy Supervisor Edick 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 **February 7, 2011**. Motion was seconded by Councilor Weaver.

Ayes-6 and Noes-0. *Motion carried.*

Cancellations:

Deputy Supervisor Edick stated that **Cor Verplank Road Company, LLC** had requested an **adjournment to April 4, 2011 at 7:35 P.M.**

Correspondence:

Russ Mitchell speaking on behalf of the Four Seasons- Clairmont Home Owners Association stated that they appreciate the street care from the highway department.

Project (sewer) (PH) - LIVERPOOL POOL & SPA:

A public hearing to consider a Petition for the creation of a sewer district within the Town of Clay to be designated and known as "**LIVERPOOL POOL & SPA SEWER DISTRICT**" and for the construction and acquisition of a lateral sewer system therein to be designated and known as "**LIVERPOOL POOL & SPA SEWER DISTRICT, CONTRACT NO. 1**" (Graham Property) was opened by the Deputy Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Alex Wisnewski of LJR Engineering was present for the applicant. The applicant is proposing a 900 linear foot sewer line for the property located at 3424 State Route 31. The line will discharge into the public sewer at Wetzel Road. The cost is \$30,000.00 with an annual charge of \$30.00 per unit to the Town and \$325.71 to the County. There is the possibility of connection to the line for neighbors.

Deputy Supervisor Edick 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) - Town Board Case # 1024 - MARIE C. GRAVINA, EXECUTRIX TO THE ESTATE OF EUGENE C. GRAVINA and MAPLERIDGE PROPERTIES, LLC,:

A public hearing to consider the application of **MARIE C. GRAVINA, EXECUTRIX TO THE ESTATE OF EUGENE C. GRAVINA and MAPLERIDGE PROPERTIES, LLC**, for a change of zone from **RC-1 Regional Commercial District** to **R-APT Apartment District** on property located at **4816 Buckley Road (Tax Map No. 096.-11-03.0)** was opened by the Deputy Supervisor. Proof of publication and posting was furnished by the Town Clerk. Adjourned to this date and time at the February 7th, 2011 Town Board Meeting.

Arthur Dempsey of Ianuzzi and Romans explained that the traffic study had been completed and that the applicant has received a positive recommendation from the Planning Board.

Deputy Supervisor Edick asked if the applicant was going to join the properties and allow one way in and one way out. Mr. Dempsey stated that both of the driveways would have full access. The Deputy Supervisor added that he assumed that the drainage issue will be addressed. Mr. Dempsey agreed adding that if approved the engineer would concentrate on those concerns.

Councilor Bick asked if there would be a vote this meeting and there will not.

Councilor Bray said that the applicant was working to address the concerns from the Onondaga County Planning Board and that they will be overseen by the Town of Clay Planning Board.

Mr. Mitchell, neighbor and President of the Four Seasons- Clairmont Home Owners Association, stated that he thought this was a good project and the Home Owners Association hopes that the drainage issues will be taken care of. Deputy Supervisor Edick 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.) - Town Board Case # 1020 COR VERPLANK ROAD COMPANY, LLC:

Adjourned to **April 4, 2011 at 7:35 P.M.**

Agreement (Amended) GMG REAL ESTATE, LLC for the GRAHAM PROPERTY:

Councilor Johnson moved the adoption of a resolution authorizing the Supervisor to enter into an Amended Standard Developer's Agreement on behalf of the Town with **GMG REAL ESTATE, LLC** for the **GRAHAM PROPERTY**. (Name change of owner.) Motion was seconded by Councilor Weaver.

Ayes-6 and Noes-0. *Motion carried.*

Appointment/ Hearing Officer - MOYERS CORNERS FIRE DEPARTMENT, INC.:

Councilor Bick moved the adoption of a resolution approving the appointment of the President or Vice President of the **MOYERS CORNERS FIRE DEPARTMENT, INC.**, to serve as Hearing Officer on behalf of the Town at the public hearing to be held **March 29th, 2011, at 7:00 P.M.**, local time, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, at the Moyers Corners Fire Department, Inc., Station No. 2, located **7697 Morgan Road, Liverpool, New York**, in connection with its proposal to finance the acquisition of a **2011 Sutphen 100' Arial Truck – Model SPH100** by borrowing from JP Morgan Chase Bank, N.A., in an amount not to exceed **\$760,000.00**, plus interest and further, approving the publication of the public hearing notice of said public hearing, and as required by law for Moyers Corners Fire Department to receive exclusion from federal income taxation of the interest payable under said Lease/Purchase Agreement. The obligations of the Fire Company will not be a debt of the State of New York or the Town of Clay, nor shall either entity bear any liability therefore. Motion was seconded by Councilor Weaver.

Ayes-6 and Noes-0. *Motion carried.*

Councilor Bick thanked the Moyers Corners Fire Department for meeting with the Town Board to clarify their request. Deputy Supervisor Edick agreed with Councilor Bick and extended his thanks as well.

Project (sewer) - LIVERPOOL & SPA SEWER DISTRICT” (Graham Property):

Councilor Johnson moved the adoption of a resolution approving the creation of a sewer district within the Town of Clay to be designated and known as **"LIVERPOOL POOL & SPA SEWER DISTRICT."** (Graham Property) Motion was seconded by Councilor Bray.

Ayes-6 and Noes-0. *Motion carried.*

Project (acquire public facilities) - GRAHAM PROPERTY:

Councilor Johnson moved the adoption of a resolution that it is in the public interest that the Town of Clay approve the construction and acquire the sewer facilities located within the **GRAHAM PROPERTY** (Liverpool Pool & Spa Sewer District, Contract No. 1) in accordance with the terms and conditions of a certain Agreement entered into between the Town of Clay and **GMG REAL ESTATE, LLC**. Motion was seconded by Councilor Bray.

Ayes-6 and Noes-0. *Motion carried.*

Project (approving Final Plans) - GRAHAM PROPERTY:

Councilor Johnson moved the adoption of a resolution approving the **Final Plans** for the **GRAHAM PROPERTY** (Liverpool Pool & Spa Sewer District, Contract No. 1) and authorizing the Supervisor to execute the necessary forms therefore. (Contract documents) Motion was seconded by Councilor Bick.

Ayes-6 and Noes-0. *Motion carried.*

Contract/ Onondaga County Department of Transportation - County Route 197:

Councilor Weaver moved the adoption of a resolution approving an amendment to Contract No. 71504-R2 between the Town of Clay and the Onondaga County Department of Transportation, for the plowing additional miles of County Route 197 a/k/a Grange Road (.9 miles) and County Route 197 a/k/a Maple Road (2.3 miles) by the Town and further authorizing the Supervisor to execute same. Motion was seconded by Councilor Rycraft.

Ayes-6 and Noes-0. *Motion carried.*

Easement (release) - Dell Center Section No. 2 :

Councilor Weaver moved the adoption of a resolution approving the Release of a portion of a Right of way and Easements to COR Verplank Road Company, LLC as filed in the Onondaga County Clerk's Office November 18, 1994 in Book 3967 at Page 182 within Dell Center Section No. 2 (0.285± acre, 60 foot right of way and easement which constitutes the unpaved and unused portions of Laser Drive between Dell Center Drive and Lot 10) and also the release to COR Verplank Road Company, LLC of a portion of a Right of Way and Easement located within Dell Center Section No. 2, as filed in the Onondaga County Clerk's Office all right, title, claim and interest in a **portion of certain premises**, of a said **Right of Way and Easement**, filed in the Onondaga County Clerk's Office on November 18, 1994, in **Book 3967 at Page 182**, within Dell Center Drive Section No. 2, (adjacent to the northeast corner of Lot 2 Dell Center Section 2, containing 0.434± acres). Motion was seconded by Councilor Rycraft.

Ayes-6 and Noes-0. *Motion carried.*

Project/Easement - DELL CENTER SECTION 3 AMENDED 4:

Councilor Johnson moved the adoption of a resolution accepting an easement for a future town road and appurtenances from COR Verplank Road Company, LLC, for the development of **DELL CENTER SECTION 3 AMENDED 4**. Motion was seconded by Councilor Bick.

Ayes-6 and Noes-0. *Motion carried.*

Project/Deed - DELL CENTER SECTION 3 AMENDED 4:

Councilor Johnson moved the adoption of a resolution accepting a deed for Highway purposes within **DELL CENTER SECTION 3 AMENDED 4** encompassing the paved portion of Laser Drive, adjacent to the eastern boundary of Lot 10 extending to the eastern boundary of Lot 11 (formerly Lot 7). Motion was seconded by Councilor Bick.

Ayes-6 and Noes-0. *Motion carried.*

Project (approving Final Plans) - DELL CENTER SECTION 3 AMENDED 4:

Councilor Johnson moved the adoption of a resolution approving the Final Plan of **DELL CENTER SECTION 3, AMENDED 4** as prepared by CNY Land Surveying of 2075 Church Road, Baldwinsville, New York 13027 dated February 16, 2011, and to be filed in Onondaga County Clerk's Office. This resolution is contingent upon items 15, 16 and 17 of this agenda being accepted and filed. A Certificate of

Occupancy cannot be issued for the initial phase of the proposed Clay North Apartments until such compliance. Motion was seconded by Councilor Bick.

Ayes-6 and Noes-0. *Motion carried.*

Appointment - Clay VOLUNTEER FIRE DEPARTMENT, INC.:

Councilor Bray moved the adoption of a resolution approving the appointment of **CODY SPADARO** and **JACKIE DeVITO** as volunteer members of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Bick.

Ayes-6 and Noes-0. *Motion carried.*

Appointment - MOYERS CORNERS FIRE DEPARTMENT, INC.:

Councilor Bick moved the adoption of a resolution approving the appointment of **JASON MUTERS – STATION 1; JEFFREY MAWSON and DAVID WARD - STATION 2; TREY THEOBALD and DANIEL WEARS – STATION 3; and JEREMY AGER – STATION 4**, as volunteer members of the **MOYERS CORNERS FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Weaver.

Ayes-6 and Noes-0. *Motion carried.*

Zone Change (CPH) Town Board Case # 1023 - MICHAEL FARMS LLC:

Councilor Bray moved the adoption of a resolution calling a public hearing **April 4th, 2011**, commencing at **7:38 P.M.**, local time, to consider the application for a change of zone by **MICHAEL FARMS LLC** on **part of Tax Map No. 069.-01-0.1** from **RA-100 Residential Agricultural District** to **R-SR Senior Residence District, LUC-1 Limited Use for Gasoline Services District and R-10 One-Family Residential District** on property located at 8097 Morgan Road; and on **part of Tax Map Nos. 081.-29-01.01** from **RA-100 Residential Agricultural District** to **R-10 One-Family Residential District** on property located at 8073 Morgan Road. Motion was seconded by Councilor Johnson.

Ayes-6 and Noes-0. *Motion carried.*

Adjournment:

The meeting was adjourned at 7:58 P.M. upon motion by Councilor Bray and seconded by Councilor Bick. Ayes-6 and Noes-0. *Motion carried.*