

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 March, 2013 at 7:30 P.M., there were:

PRESENT:

Robert L. Edick	Acting Supervisor
Naomi R. Bray	Councilor
Joseph A. Bick	Councilor
Eugene Young	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

Damian Ulatowski	Supervisor
William C. Weaver	Councilor
Bruce N. Johnson	Councilor

The meeting was called to order by Acting Supervisor Edick at 7:30 P.M. All present joined in the Pledge of Allegiance.

Approval of Minutes:

Councilor Bick moved the adoption of a resolution to **Approve** the Minutes of the March 4th 2013 Town Board Meeting. Motion was seconded by Councilor Bray.

Ayes-4 and Noes-0. *Motion carried.*

Cancellation and/or requested adjournments.

None

Correspondence:

None

REGULAR MEETING:

Agreement/ Termination of Covenants & Restrictions (PH/Adj.) - WAL-MART REAL ESTATE BUSINESS TRUST:

A public hearing 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** was opened by Acting Supervisor Edick.

Kelly Pronti was present as legal council for the applicant. Ms. Pronti began by explaining that Wal-Mart wishes to relocate to the vacant SAMs Club building, next door to the existing Wal-Mart store, therefore necessitating a termination of the restrictive covenants. The covenants restrict the retail use on a portion of this parcel. Ms. Pronti continued that COR had successfully petitioned to have covenants removed on some of the adjoining parcels.

Acting Supervisor Edick asked where on the parcel the covenants are. Ms. Pronti said that it is the top half of the parking lot. He then asked if there were any additional questions. There being none, he **closed** the public hearing.

LAND DONATION to the TOWN of CLAY from SAMUEL J. SAMMARCO/CHERRINGTON WEST SUBDIVISION, SECTION NO. 3:

Councilor Bick moved the adoption of a resolution accepting a **LAND DONATION** from **SAMUEL J. SAMMARCO**, of approximately 1,500 square feet, located in the **CHERRINGTON WEST SUBDIVISION, SECTION NO. 3**, between block 31 and block 32. Tax Map No. 057.-03-18.0.

WHEREAS, Mr. Sammarco acquired said property at tax sale proceedings in 2006; and

WHEREAS, this additional property will tie into Town-owned green space providing permanent access to this piece of land.

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLAY: Acquire said parcel of land, and that the Supervisor or his designee is hereby authorized to execute all necessary documents.

Motion was seconded by Councilor Bray.

Ayes-4 and Noes-0. *Motion carried.*

Lighting - NEWBURY WOODS:

Councilor Young moved the adoption of a resolution authorizing the installation of nine (9) 100 watt high pressure fixtures to be installed on 14' fiberglass embedded poles using 100 watt fixtures to be installed in **NEWBURY WOODS** to help illuminate new development. The estimated annual cost for the underground lighting fixtures is \$2,386.35. This will be charged to the Town **UNDERGROUND LIGHTING DISTRICT (LT246)**. Motion was seconded by Councilor Bick.

Ayes-4 and Noes-0. *Motion carried.*

Lighting - Mesa Lane, Kidron Lane, Scotia Lane, Metauro Drive, Lobos Lane, Renfrew Drive, Portobello Way, Winterpark Drive, Reddeer Road, and Oldbury Road:

Councilor Young moved the adoption of a resolution authorizing **NATIONAL GRID** to change out the luminaries (55 in total) to upgrade to the Town standard on Mesa Lane, Kidron Lane, Scotia Lane, Metauro Drive, Lobos Lane, Renfrew Drive, Portobello Way, Winterpark Drive, Reddeer Road, and Oldbury Road. The estimated annual increased cost for the luminaire upgrades is \$3,791.15 and will be charged to the **UNDERGROUND LIGHTING DISTRICT (LT246)**. Motion was seconded by Councilor Bray.

Ayes-4 and Noes-0. *Motion carried.*

Project/Easements - COUNTRY MEADOW SUBDIVISION:

Councilor Bick moved the adoption of a resolution accepting the sanitary sewer, water, and drainage easement on twenty-eight (28) ± acres of vacant land adjacent to the **COUNTRY MEADOW SUBDIVISION**, from **BARBARA M. AND GLEN SOUTHERDEN, TRUSTEES SOUTHERDEN LIVING TRUST** Tax Map No. 074.-01-16.0. Motion was seconded by Councilor Bray.

Ayes-4 and Noes-0. *Motion carried.*

Authorization/Agreement - STROPP APPRAISALS:

Councilor Young moved the adoption of a resolution authorizing **ERIKSEN E. STROPP**, of **STROPP APPRAISAL**, to prepare formal appraisals for trial purposes in the matter of: **BIRCHWOOD ELDERWOOD HEALTH vs. TOWN OF CLAY** located at **4800 Bear Road**, Tax Map No. 107.-18-13. Said appraisal fees not to exceed \$2,200.00. Motion was seconded by Councilor Bray.

Ayes-4 and Noes-0. *Motion carried.*

Assessment/ Certiorari - MACY'S RETAIL HOLDINGS, INC.:

Councilor Bray moved the adoption of a resolution authorizing and approving the settlement of the certiorari action entitled **MACY'S RETAIL HOLDINGS, INC., MACYS INC. vs. THE ASSESSOR OF THE TOWN OF CLAY, et al**, Tax Map No. 028.-01-40.3 on property located at **4081-4155 State Route 31, Clay, NY**, reducing the Assessment from **\$223,500.00** to **\$151,200.00** for **Tax Years 2009-2011, Index Nos.: 2009-5157, 2010-3716, 2011-4113** and from **\$223,500.00** to **\$130,200.00** for **Tax Year 2012, Index No.: 2012-EF30**. Motion was seconded by Councilor Bick.

Ayes-4 and Noes-0. *Motion carried.*

Easement/ Abandonment(new)(A) - PATRICIA E. GRANTEED n/k/a PATRICIA E. RUSSELL:

Councilor Bick moved the adoption of a resolution approving the **PARTIAL ABANDONMENT** of a drainage easement located on property known as **8425 Sugar Pine Circle** in the **TOWN OF CLAY**, to the owner **Patricia E. Granteed, n/k/a Patricia E. Russell, as show on a map as "PORTION OF EASEMENT TO BE RELEASED."** If approved and authorizing the Supervisor to execute the necessary instrument therefore. The **original** abandonment was approved in 2000, but not recorded. This **new** abandonment is expanded 2.5 feet, as corrected. Contingent upon receipt and approval of a legal description for said release of easement by the Town Engineers and as to form and content by the Town Attorney. Motion was seconded by Councilor Bray.

Ayes-4 and Noes-0. *Motion carried.*

Adjournment:

The meeting was adjourned at 7:42 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

Ayes-4 and Noes-0. *Motion carried.*