

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 November, 2011 at 7:30 P.M., there were:

PRESENT:

Damian 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 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 approved the Minutes of the Town Board Meeting of October 17th, 2011. Motion was seconded by Councilor Bick.

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

Correspondence:

None

Cancellation and/or requested adjournments:

Supervisor Ulatowski stated that **COR VERPLANK ROAD COMPANY, LLC**, requested an adjournment to **December 5, 2011 at 7:38 P.M.**

Zone Change (SEQR) - Town Board Case # 1030 - RED BARN COUNTRY, LLC:

Councilor Edick moved the adoption of a resolution that the application of **RED BARN COUNTRY, LLC**, for a change of zone from **HC-1 Highway Commercial District** to **NC-1 Neighborhood Commercial District** on part of property located at **7165 Buckley Road**, and being part of Tax Map No. 117.-01-06.3, 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 of an EIS. Motion was seconded by Councilor Bick

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

Zone Change (A) - Town Board Case # 1030 - RED BARN COUNTRY, LLC:

Councilor Edick moved the adoption of a resolution **approving** the application of **RED BARN COUNTRY, LLC**, for a change of zone from **HC-1 Highway Commercial District** to **NC-1 Neighborhood Commercial District** on part of property located at **7165 Buckley Road**, and being part of Tax Map No. 117.-01-06.3. Motion was seconded by Councilor Bick.

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

Zone Change (SEQR) - Town Board Case # 1031 - RED BARN COUNTRY, LLC:

Councilor Edick moved the adoption of a resolution that the application of **RED BARN COUNTRY, LLC**, for a change of zone from **R-7.5 One-Family Residential District** and **R-10 One Family Residential District** to **HC-1 Highway Commercial District** on part of properties located at **7165 & 7191 Buckley Road**, and being part of Tax Map Nos. 117-01-06.1 and 117.-01-6.3, 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 of an EIS. Motion was seconded by Councilor Bick.

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

Zone Change (A) - Town Board Case # 1031 - RED BARN COUNTRY, LLC:

Councilor Edick moved the adoption of a resolution **approving** the application of **RED BARN COUNTRY, LLC**, for a change of zone from **R-7.5 One-Family Residential District** and **R-10 One Family Residential District** to **HC-1 Highway Commercial District** on part of properties located at **7165 & 7191 Buckley Road**, and being part of Tax Map Nos. 117-01-06.1 and 117.-01-6.3. No action taken on October 3rd, 2011. Motion was seconded by Councilor Bick.

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

Zone Change (PH/Adj.) - Town Board Case # 1020 - COR VERPLANK ROAD COMPANY, LLC:

Adjourned to December 5, 2011 at 7:38 P.M.

Traffic & Vehicle (No Parking) (PH/Adj.) - Amendment to Traffic & Vehicle Ordinance - Chapter 211 Section 211.18 and 211.47:

A public hearing to consider, on motion of the Town Board, Amendment of Chapter 211, Traffic and Vehicles Ordinance of the Town of Clay by amending **Section 211.18 Parking Prohibited at All Times**, and **Section 211.47 Schedule XIV Parking Prohibited at All Times** to designate and provide for **PARKING PROHIBITED AT ALL TIMES** on either side of **Wetzel Road** from **Henry Clay Boulevard** to **Majestic Drive** and the installation of the necessary signs therefore was opened by the Supervisor. Proof of publication and posting was

furnished by the Town Clerk. Adjourned to this date and time at the October 3rd, 2011 Town Board Meeting.

Supervisor Ulatowski asked if there was anyone present on behalf of the YMCA.

Kirk Narburgh stated that he is on the Board of Directors for the North Area YMCA. He continued that the YMCA is actively pursuing a better solution to the current parking dilemma that the YMCA is faced with. They have already spread out popular programs to reduce congestion. They have obtained an updated survey and have tried to purchase property to the west.

Currently the YMCA is working on a plan to add 17 parking spaces but will possibly need to obtain a variance from the Zoning Board. The spaces will be located at the front and rear of the building. He added that the YMCA must budget for this.

Councilor Bick stated that the requested "*NO PARKING*" signs will only encourage parking within the development across the street.

Supervisor Ulatowski asked about the possibility of overflow parking at one of the parks. He also suggested that the employees park further away. Lisa Pachmayer said that the employees do park further away unless there is a dangerous situation, such as lack of lighting.

Councilor Bray asked when the YMCA anticipated that they would have the funds to move forward.

Mr. Narburgh said that perhaps they would be available in 2012 as part of the budget plan. He continued that the YMCA has tried to be a good neighbor and be sensitive to the needs of the community.

Supervisor Ulatowski directed the YMCA to submit a copy of the proposed additional parking to the Planning Department for review. And begin the process of obtaining a variance for the parking. The Supervisor said that he and the Planning Department will work with the YMCA. He added that there will be **NO ACTION** at this time. He then asked if there were any additional questions or comments.

Janet Rathburn of Freestone Drive stated that there was not enough parking before the Volley Ball Courts were constructed. She continued that she never felt that they were good neighbors and that the signs should go up now.

Councilor Johnson asked Mr. Narburgh if he thought that the possible construction of the YMCA in Lysander would alleviate some of the congestion. Ms. Rathburn asked how long it would take to build a new YMCA adding that they need action now.

Supervisor Ulatowski asked Robert Germain, Town Attorney, if he should leave the meeting open or close the meeting, adding that he would follow the advice of the attorney.

Ms. Rathburn stated that this should be taken care of now.

Councilor Edick made a motion that the public hearing be closed.

Supervisor Ulatowski **Closed** the public hearing.

Budget (PH) - 2012 Special Districts Budget for the Town of Clay:

Public hearing to consider the adoption of the proposed **2012 Special Districts Budget for the Town of Clay**.

Budget (PH) - 2012 Fire Budget for the Town of Clay:

Public hearing to consider the adoption of the proposed **2012 Fire Budget for the Town of Clay**.

Budget (PH) - 2012 Uniform Water Budget for the Town of Clay:

Public hearing to consider the adoption of the proposed **2012 Uniform Water Budget for the Town of Clay**.

Budget (PH) - 2012 Preliminary Budget for the Town of Clay:

Public hearing to consider the adoption of the proposed **2012 Preliminary Budget for the Town of Clay**, as the annual budget.

Supervisor Ulatowski said that he would open all four of the public hearings for the budget together. He added that this was an updated budget message and that the Board had worked diligently to stay within the 2% tax cap. *(Read the entire Supervisor's Town of Clay 2012 Budget Message attached at the end of the minutes.)*

John Shehadi, comptroller for the Town of Clay explained that the Special District Budget covers sewer, drainage and consolidated lighting and will have a nominal increase of \$1.00 per unit.

He continued that there will be no increase in the fire budget, that all of the fire departments submitted budgets that are exactly the same as last year. Additionally the rate for the LOSAP (length of service awards program)/ Workers Compensation rate has decreased this year from \$21.96 to \$21.62 per thousand.

Mr. Shehadi stated that Councilor Rycraft, liaison to the Water Department worked assiduously to secure a budget with no increase for the Town Water.

The preliminary budget (outside the village) will sustain an increase from \$54.62 to \$56.90 per Thousand of taxable assessed valuation.

Supervisor Ulatowski said that he had copies of the budget if anyone wanted a copy. In addition he thanked Councilor Edick and the fire departments for their diligence in coming in at a zero increase.

Russ Mitchell commented on page 15 regarding the General Fund and the decrease from last

year. John Shehadi explained that the budget last year had a provision for a full time comptroller and that position has not been filled. Mr. Mitchell added that he thought eliminating the enhanced services from the Sheriffs Department was a good move.

Supervisor Ulatowski asked if there were any more questions or comments, hearing none he closed the public hearing.

Bid AWARD - THE COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 2, 3, AND 4:

Councilor Weaver moved the adoption of a resolution awarding a **3 YEAR** contract for **THE COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 2, 3, AND 4** within the Town of Clay to **Superior Waste Removal, Inc.** for the low bid of **\$445,483.50**. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Rycraft.

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

Bid AWARD - THE COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 5, 7, AND 8:

Councilor Weaver moved the adoption of a resolution awarding a **3 YEAR** contract for **THE COLLECTION AND DISPOSAL OF BRUSH FOR CLAY BRUSH REMOVAL DISTRICT NOS. 5, 7, AND 8** within the Town of Clay to **Superior Waste Removal, Inc.** for the low bid of **\$439,059.60**. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Bray.

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

Bid Advertisement - 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:

Councilor Johnson moved the adoption of a resolution authorizing the advertisement of bids for **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**. Said Bids to be received until **November 18th, 2011 at 11:00 A.M.**, local time. Motion was seconded by Councilor Bick.

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

Grant/Recreation -(A)- New York State Office of Children & Family Services:

Councilor Bick moved the adoption of a resolution approving an application to the **New York State Office of Children & Family Services** (formerly NYS Division for Youth) 2011 program grant application request from the Recreation Department for the estimated sum of **\$12,337.00**,

and authorizing the Supervisor to execute same. (The Recreation Department was just informed the aforementioned sum will be reduced to **\$9,464.00**). Motion was seconded by Councilor Edick.

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

Release of Securities (A) OOT BROTHERS, INC., for CROSS CREEK SUBDIVISION:

Councilor Bray moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **75%** of the original amount posted for Highway Construction Guarantee by **OOT BROTHERS, INC., for CROSS CREEK SUBDIVISION (Bordeaux Lane 550 lf and Cross Creek Drive 1,200 lf)**. Gravel, gutters, binder and top are in place in accordance with Town Highway Specifications. (Letter of Credit No. 428496 – First Niagara Bank). Motion was seconded by Councilor Rycraft.

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

Release of Securities (A) WOODSIDE RUNNE, LLC for INVERNESS GARDENS SECTION NO. 1:

Councilor Bray moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **75%** of the original amount posted for Highway Construction Guarantee by **WOODSIDE RUNNE, LLC for INVERNESS GARDENS SECTION NO. 1 (Wintersweet Drive 2,050 lf; Lobelia Lane 373 lf and Astilbe Path 1,002 lf)**. Gravel, gutters, binder and top are in place in accordance with Town Highway Specifications. (Letter of Credit No. SB1310390001 – M & T Bank). Motion was seconded by Councilor Edick.

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

Fire Hydrants(3)(A) GASKIN ROAD WATER SUPPLY DISTRICT, EXTENSION NO. 1:

Councilor Rycraft moved the adoption of a resolution authorizing the installation of three (3) fire hydrants in the **GASKIN ROAD WATER SUPPLY DISTRICT, EXTENSION NO. 1** and authorizing the Supervisor to execute the OCWA fire hydrant application, (Gaskin Road Water Supply District, Extension No. 1). Motion was seconded by Councilor Weaver.

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

LOCAL LAW NO. 4 of the YEAR 2011 (CPH) Amend Chapter 230 entitled "ZONING":

Councilor Edick moved the adoption of a resolution calling a public hearing **December 5th, 2011**, commencing at **7:35 P.M.**, local time, to consider proposed **LOCAL LAW NO. 4 OF THE YEAR 2011 to Amend Chapter 230** entitled "**ZONING**", Sections **230-15C.(2)(e)** and **230-16B.(2)(e)** to allow **Indoor Recreation- Participant, Indoor Recreation – Spectator,**

Outdoor Recreation – Participant and Outdoor Recreation – Spectator to said section to the Code of the Town of Clay with a Special Permit. Motion was seconded by Councilor Bick.

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

Budget (A) - 2012 Special Districts Budget for the Town of Clay:

Councilor Bick moved the adoption of a resolution approving and adopting the proposed **2012 Special District Budget for the Town of Clay.** Motion was seconded by Councilor Bray.

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

Budget (A) - 2012 Fire Budget for the Town of Clay:

Councilor Edick moved the adoption of a resolution approving and adopting the proposed **2012 Fire Budget for the Town of Clay.** Motion was seconded by Councilor Weaver.

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

Budget (A) - 2012 Uniform Water Budget for the Town of Clay:

Councilor Rycraft moved the adoption of a resolution approving and adopting the proposed **2012 Uniform Water Budget for the Town of Clay.** Motion was seconded by Councilor Edick.

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

Budget Amendment (A) - 2012 Preliminary Budget for the Town of Clay:

Councilor Johnson moved the adoption of a resolution to amend the **2012 Preliminary Budget** as follows:

Increase account A2801 Town Wide Interfund Revenue by \$176,000;

Decrease account B2801 Part Town Interfund Revenue by \$176,000;

Increase account DB2801 Highway Interfund Revenue by \$45,000;

Decrease Highway account DB5142.1 by \$2,000.00;

Motion was seconded by Councilor Weaver.

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

Preliminary Budget as Amended for the Year 2012 (A) as the ADOPTED BUDGET for the Town of Clay:

Councilor Bick moved the adoption of a resolution approving and adopting the **2012 Preliminary Budget for the Town of Clay**, as amended, as the **Town of Clay Budget for the Year 2012.** Motion was seconded by Councilor Bray.

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

Assessment/Certiorari (A)- Route 57 Moyers Corners, LLC:

Councilor Bick moved the adoption of a resolution approving the settlement of Tax Certiorari action entitled **Route 57 Moyers Corners, LLC v. Robert A. Bick, Assessor of the Town of Clay**, et al. Tax Map No. 019.-02-23.1 on property located at **8467 Oswego Road** in the Town of Clay for the year 2011 pursuant to the proposed “Stipulation of Settlement” previously provided to the Board. The settlement reduces the full value assessment for the property to One Million One Hundred Thousand and 00/100 Dollars (\$1,100,000.00) for tax year 2011, and the settlement of the 2008/09, 2009/10 actions, all without refunds, and further authorizing the Supervisor and/or Town Attorney to execute all necessary documents therefore, including the proposed Stipulation of Settlement. This resolution also authorizes the execution of the proposed Stipulation of Settlement by counsel. Motion was seconded by Councilor Edick.

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

Agreement/ Appraisal - KLG Group Inc. :

Councilor Bick moved the adoption of a resolution retaining KLG Group, Inc., to perform appraisal and analysis services with regard to the defense of the Great Northern Mall tax certiorari matter pursuant to the terms and conditions of the engagement letter provided by Todd M. Wilhelm and authorizing the Supervisor to execute the agreement for same. The costs of the services will be equally split with the school district. The initial cost estimate for the services to the Town is \$1,240.00. The Town Attorney has approved the form and content of the agreement. Motion was seconded by Councilor Bray.

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

Release of Securities (A) KELLY-TOBIN DEVELOPMENT CORPORATION for LAWTON VALLEY HUNT, SECTION NOS. 18 & 19:

Councilor Weaver moved the adoption of a resolution, pursuant to the written recommendation of the Town Engineers, authorizing the release of **100%** of the security posted for the construction of highways within the **LAWTON VALLEY HUNT, SECTION NOS 18 & 19** – (Alfreton Drive 790 lf; Wyandra Drive 712 lf; Barcaldine Drive 878 lf; Lucknow Drive 42 lf; Perth Course 42 lf; and Tobin Path 57 lf.) The gravel, gutters, binder and top are in place in accordance with the Town Highway Specifications. Motion was seconded by Councilor Bray.

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

Release of Securities (A) KELLY-TOBIN DEVELOPMENT CORPORATION for LAWTON VALLEY HUNT, SECTION NO. 15:

Councilor Weaver moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **75%** of the original amount posted for Highway Construction Guarantee by **KELLY-TOBIN DEVELOPMENT CORPORATION** for **LAWTON VALLEY HUNT, SECTION NO. 15** - (Lucknow Drive 552

lf; Perth Course 890 lf). Gravel, gutters, binder and top are in place in accordance with Town Highway Specifications. Motion was seconded by Councilor Bray.

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

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

Councilor Edick moved the adoption of a resolution approving the appointment of **COREY LESTER** and **BLAYNE FABIANEK** as volunteer members of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Bick.

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

Adjournment:

The meeting was adjourned at 8:32 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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