

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 17<sup>th</sup> of December, 2012 at 7:30 P.M., there were:

**PRESENT:**

Damian Ulatowski	Supervisor
Robert L. Edick	Deputy Supervisor/Councilor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Joseph A. Bick	Councilor
Bruce N. Johnson	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

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 to **Approve** the Minutes of the December 3<sup>rd</sup>, 2012 Town Board Meeting. Motion was seconded by Councilor Bick.

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

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski said that item number 9 on the agenda, Special Permit (PH) - Town Board Case # 1048 - ERIC DORN and RICHMOND AVENUE ASSOCIATES, will not be heard as the applicant has requested an adjournment to the first meeting in January.

**Correspondence:**

Supervisor Ulatowski said that at this time he would like thank Penni Thompson, Paralegal, for all of her years of dedicated service to the Town of Clay and wish her a wonderful retirement. He then presented her with the following:

## PROCLAMATION

*WHEREAS, PENELOPE A. THOMPSON, ("Penni"), has chosen to retire her position as Paralegal/Secretary to the Town Attorney of the Town of Clay; and*

*WHEREAS, Penni first became associated with the Town of Clay in 1976 as Paralegal for then Town Attorney Richard Ryan; and*

*WHEREAS, thereafter in December of 1996 she moved from Attorney Ryan's Office located in Syracuse, NY, to the Town of Clay Municipal Office and was employed as a Paralegal in the Town Attorney's Office, thereby holding a full-time position until December 29, 2012; and*

*WHEREAS, thereafter Penni was charged with the oversight of legal matters for the Town of Clay due to her extraordinary ability to resolve and execute a myriad of functions in all areas of Municipal Law; and*

*WHEREAS, Penni has consistently given of herself to the Town through her untiring commitment, grace and professional attitude in assisting residents, employees, business associates, developers and the Town Board; and*

*WHEREAS, in recognition of her many years of service and dedication as a Town employee who consistently shared her knowledge, her time and most of all her steadfast loyalty; and*

*NOW, THEREFORE, BE IT RESOLVED, that the members of the Clay Town Board on behalf of themselves and the community want to publicly acknowledge their gratitude and appreciation to PENELOPE A. THOMPSON for her many years of faithful service to the Town of Clay and offer their best wishes to her for a long and happy retirement.*

Each Board Member, the Secretary, The Town Attorney, The Town Engineer and the new Legal Assistant and Chris Rahrle from the Tax Office, individually wished Penni good luck, spoke out about the contributions' that she has made to the Town and thanked her for all of her help and dedication.

He then asked if anyone wished to address the Board on any items not on the agenda. No one responded.

**REGULAR MEETING:**

**Special Permit (SEQR) Town Board Case # 1045 - NIAGARA MOHAWK POWER CORPORATION, A NATIONAL GRID COMPANY:**

Councilor Edick moved the adoption of a resolution that the application of **NIAGARA MOHAWK POWER CORPORATION, A NATIONAL GRID COMPANY, FOR A SPECIAL PERMIT pursuant to Section 230-27 I.(2)(e)[1][a] of the Clay Code TO ALLOW FOR A UTILITY SUBSTATION** located at **4683 Wetzel Road** being part of **Tax Map No. 082.-01-01.0** and part of **Tax Map No. 082.-01-02.0**, is an unlisted action with a completed EAF. 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.*

**Special Permit (A) Town Board Case # 1045 - NIAGARA MOHAWK POWER CORPORATION, A NATIONAL GRID COMPANY:**

Councilor Edick moved the adoption of a resolution approving the application of **NIAGARA MOHAWK POWER CORPORATION, A NATIONAL GRID COMPANY, FOR A SPECIAL PERMIT pursuant to Section 230-27 I.(2)(e)[1][a] of the Clay Code TO ALLOW FOR A UTILITY SUBSTATION** located at **4683 Wetzel Road**, being part of **Tax Map No. 082.-01-01.0** and part of **Tax Map No. 082.-01-02.0**. Motion was seconded by Councilor Bick.

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

**Zone Change (PH) - Town Board Case # 1047 - SAGEER ENTERPRISES INC. AND JOSEPHINE S. SHIPMAN:**

A public hearing to consider the application of **SAGEER ENTERPRISES INC. AND JOSEPHINE S. SHIPMAN FOR A CHANGE OF ZONE** from **O-2 Office District** to **NC-1 Neighborhood Commercial District** on property located at **4785 Bear Road, Tax Map No. 106.-04-06.1**, to allow for a hair salon was opened by the Supervisor; proof of publication and posting were furnished by the Town Clerk.

Hal Romans was present on behalf of the applicant(s). Mr. Romans began by explaining where the parcel is located. He continued, that the applicant wishes to obtain a zone change so she can relocate her current hair salon to this new location. The existing house and driveway will be utilized. There is existing water and the potential to connect to the sanitary sewer, approximately

400 feet North on Bear Road; but the applicant will utilize the septic. There are 8 employees, 3 full time and 5 part time.

Supervisor Ulatowski asked if they will only use the first floor of the structure. The applicant said that they will and that there will be no residential use. The staff will work rotating shifts. Mr. Romans stated that there will not be any stress on the septic system.

Councilor Young asked if the business owners currently own the parcel. Mr. Romans explained that they have an agreement that they will purchase the property contingent upon the approval of the zone change.

Joyce Cerrito asked if they planned to do laundry onsite, as many hair salons do. Ms. Sageer stated that they will. Councilor Edick added that the size of lot is large enough to support a replacement septic if necessary.

Supervisor Ulatowski said that he would adjourn the public hearing pending a recommendation from the Planning Board.

Councilor Edick made a motion to **adjourn to January 23, 2013 at 7:35 P.M.** Motion was seconded by Councilor Bray.

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

**Special Permit (PH) - Town Board Case # 1048 - ERIC DORN and RICHMOND AVENUE ASSOCIATES:**

The applicant requested that the public hearing be adjourned to the first meeting in January.

**Transfer of Appropriations and Amending the 2012 Town of Clay Budget:**

Councilor Johnson moved the adoption of a resolution authorizing transfer of appropriations and amending the 2012 Town of Clay Budget in various funds to provide monies for 2012 expenditures. Motion was seconded by Councilor Bick.

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

**Capital Reserve - 2013 Town of Clay Budget (amended):**

Councilor Johnson moved the adoption of a resolution establishing a Capital Reserve and amending the 2013 Town of Clay Budget therefore to appropriate sales tax monies. Motion was seconded by Councilor Bick.

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

**Other Business - Town of Clay Youth Volunteer Policy:**

Councilor Bick move the adoption of a resolution adopting the Town of Clay Youth Volunteer policy effective January 1, 2013. A copy of the policy and waiver form is available in the Town's Recreation Department and the Town Clerk's office. Motion was seconded by Councilor Johnson.

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

**Zone Change (CPH) Town Board Case # 1048 GROUP ONE DEVELOPMENT, LLC:**

Councilor Bray moved the adoption of a resolution calling a public hearing **January 7, 2013**, commencing at **7:35 P.M.**, local time, to consider the application of **GROUP ONE DEVELOPMENT, LLC**, for a **CHANGE OF ZONE** from **RA-100 Residential Agricultural District**. to **R-15 One-Family Residential District** on vacant land located at **8196 Maple Road, TAX MAP NO. 074.-01-17.1**. Motion was seconded by Councilor Bick.

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

**Mobile Home License for the Year 2013(CPH):**

Councilor Young moved the adoption of a resolution calling a public hearing **January 7, 2013**, commencing at **7:38 P.M.**, local time, to consider the application of **CASUAL ESTATES MOBILE HOME COURT**, for the renewal of its license for the year **2013**. Motion was seconded by Councilor Bick.

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

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

Councilor Edick moved the adoption of a resolution that the Town of Clay recommends that the Onondaga County of Purchasing Division award the low bid received for **PROVIDING AND MAINTAINING A POUND/SHELTER FOR ANIMALS SEIZED BY ANIMAL CONTROL OFFICER, OR OTHER AUTHORIZED OFFICER OR EMPLOYEE OF THE TOWN OF CLAY** for the low bid of \$160.00 per redemption, to **CNY VETERINARY SERVICES** for a two (2) year contract, as amended. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Bick.

Ayes-7 and Noes-0. *Motion carried. (note: see corrected award reflected in the January 7<sup>th</sup> 2013 meeting.)*

**Project (sewer and drainage) - HYLAND GARDENS SUBDIVISION:**

Councilor Young moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of sewer and drainage facilities located within the **HYLAND GARDENS SUBDIVISION**, (Fay Rd. Sewer District, Contract No. 3-Lateral and Hyland 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 as shown under correspondence by the Town Engineers' under date of December 11, 2012: **Overland Drainage Facilities Guarantee - \$10,000.00; Maintenance Guarantee - \$9,822.00** (\$5,552.00 Sewer and \$4,270.00 Drainage); **Highway - \$24,444.00; Monument Deposit - \$900.00; Parkland Contributions - \$6,500.00; Future Engineering/Inspection Fees - \$5,000.00; \$500.00 for legal and \$500.00 for administrative fees, and any other unpaid fees that may be owed by the Town of Clay for engineering, legal and/or 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 **SOUTHWEST BUCKLEY PROPERTIES, LLC, BY RED BARN COUNTRY, LLC**, that the Town accept title to such facilities. Motion was seconded by Councilor Bick.**

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

*Bill Camperlino asked that the motion be adjusted to reflect the subtraction of the \$10,000.00 drainage fees that will be waived per an agreement with the Town Engineer. Mr. DeTota concurred.*

**Project/ Easement - HYLAND GARDENS SUBDIVISION:**

Councilor Weaver moved the adoption of a resolution accepting an easement for sewer and drainage facilities located within **HYLAND GARDENS SUBDIVISION**, (Fay Rd. Sewer District, Contract No. 3-Lateral and Hyland Gardens Drainage District, Contract No. 1) all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated **June 14, 2012**. Motion was seconded by Councilor Bick.

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

**Project/Warranty Deed etc. - HYLAND GARDEN SUBDIVISION:**

Councilor Bick moved the adoption of a resolution accepting a Warranty Deed, Dedication, Application and Release of damages for Town Highways located within **HYLAND GARDENS SUBDIVISION**; from **SOUTHWEST BUCKLEY PROPERTIES, LLC, BY RED BARN COUNTRY, LLC**, (Hyland Drive, 873' – width 26' – with Permeable Shoulder Gutters). Motion was seconded by Councilor Bick.

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

*Supervisor Ulatowski asked legal council if the resolution should be approved as stated or amended to reflect the change. Mr. Germain said that it should be approved as presented and amended after a formal letter is provided by Mr. DeTota. The fee will be returned to Mr. Camperlino after the letter is received and the resolution will be amended at a subsequent meeting.*

**Adjournment:**

The meeting was adjourned at 8:05 P.M. upon motion by Councilor Bray and seconded by Councilor Bick. Councilor Bray added that she wanted to wish everyone a Merry Christmas and send out a heartfelt remembrance for the 26 families struck by tragedy. The rest of the Board concurred.

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