

June 6, 2011

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 6<sup>th</sup> of June, 2011 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 Edick moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on **May 16<sup>th</sup>, 2011** . Motion was seconded by Councilor Johnson.

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

Councilor Edick moved the adoption of a resolution approving the Minutes of the Special Meeting held on **May 24<sup>th</sup>, 2011**. Motion was seconded by Councilor Bray.

Ayes-6 and Noes-0. *Motion carried. (Councilor Bick abstained as he was not present for the meeting.)*

**Correspondence:**

Susan Williams asked the Board if they had made a decision about the small signs for the Bayberry Community that she had proposed at the previous meeting. Supervisor Ulatowski said that he had not gotten comments from the Highway Department and that the Board would discuss it once he had their recommendation. He also asked if the Homeowners Association had approved it and they have.

Joyce Cerrito, also of Bayberry stated that the teens are still gathering behind the Plaza and riding skateboards onto Bayberry Circle creating a hazardous situation for motorists.

Supervisor Ulatowski said that he had contacted the plaza owner as well as checking into this himself.

Councilor Johnson said that he has been a resident of Bayberry since 1968 and there has always been a mound of dirt there. He added that he does not think that the Town should get involved, it should be taken care of by the Plaza owner.

**Cancellations and/or Requested Adjournments:**

None

**Regular Meeting:**

**NORTHERN LAND USE STUDY (IH):**

Informational hearing to obtain public input from Town of Clay residents regarding the proposed **NORTHERN LAND USE STUDY**.

The purpose of the Northern Land Use Study Informational Hearing is to provide the opportunity for residents to comment on the future of the northern portion of the Town of Clay. At the request of the Town Board, Town Attorney and Supervisor, a stenographer was present to record the public comments for this hearing to be factored into the final draft.

Robert Germain, legal counsel for the Town of Clay opened the informational hearing by explaining that Councilors Johnson, Bray and Weaver have been working on a land use study and obtaining public comments. He added that the Town of Clay is rich in studies.

The study is designed to encourage green infrastructure and preserve the sprawling parcels at the northerly portion of the town. The State has passed a smart growth plan and is working with local communities to minimize unnecessary costs and maximize use of existing infrastructure while fostering mixed land uses.

The study encourages environmentally friendly goals such as open spaces designed to protect the riverfront, as well as economic goals to promote growth. Another goal will be to allow accessibility while reducing curb cuts.

The lot size will be based on the soil and will not be conducive to septic. Most of the lots will be 5 acres or more.

Councilor Bray said that there are 58,206 residents in the Town of Clay at this time and the trend suggests an increase of 15% by 2025. The plan will help to preserve the low density of the northern portion of the town. Councilor Bray added that the Town of Clay has 27 miles of shore line and that it is heavily populated with

residential homes and camps. She continued that the northern part of the town also encompasses a large industrial site.

Councilor Weaver added that 65% of this area has public water, wet lands and flood planes. The soil is not suitable for public sewers with the exception of Horseshoe Island, which already has them.

Councilor Bray went on to explain the history of Three Rivers with regard to the Iroquois Confederacy. She also explained the PDD (planned development district) zoning that was passed to allow a variety of uses including limited retail and office. Councilor Bray discussed Lock 23, the most highly used Lock in NYS. She added that the Town has been awarded Brownfield Grant money for the remediation of the Maider Road property.

In summary the study is designed to protect the waterfront, flood plans, history and unique lands located in the northern portion of the Town of Clay. The next step is to gain input and incorporate it into the study.

Supervisor Ulatowski said that he would open the discussion to the public.

Dan Barnaba of Eldan Homes stated that he had reviewed the study and recognized that vast amount of time that the group had put into the study. He continued that he did not wish to be critical but the plan has been modified significantly from the original. He added that the study group should have included farmers, land owners and land developers. Mr. Barnaba stated that he disagreed that there is a trend for large lots adding that his new development has been smaller lots. Councilor Johnson said that the board relies on the County's 2010 Plan. Councilor Bray said that the plan began with the purchase of the former Cibro site which the Town purchased for \$1.00. The Three Rivers development is funded by monies from Community Development Grants. Mr. Barnaba stated that the Three Rivers property is highly prized and that he appreciates the Towns intentions but he also relies on the zoning in the Town for property that he owns.

Dave Arnold stated that he was a builder and a farmer and that he understands Mr. Barnaba's frustration with the town. Mr. Arnold continued that they need a Board that they can depend on. He added that he had heard that the intent is to build 2.5 acre log homes on Horseshoe Island. He charged that the town has no right to deny property owners the right to build on their own properties. He addressed Councilor Bray, recognizing that she has put in a lot of effort on this project but only the commercial end adding that she is arrogant and that she is no better than "we" are. Mr. Arnold continued on verbally attacking the board and the Planning Board, accusing members of lying and having a personal stake in the development of Town Property. Councilor Bick stated that the Three Rivers development is for public benefit and that no one has any stake in it at all.

Supervisor Ulatowski concurred.

Other residents asked questions about the property including an inaccurate rumor about a recycling plant proposed for the industrial zone. After lengthy commentary, the Supervisor said that he would leave the informational hearing open for public

comments. The Supervisor encouraged residents to submit comments for consideration. The meeting was adjourned to a later date.

**Traffic & Vehicles (Stop Sign) (PH) - KIDRON LANE:**

A public hearing to consider the amendment of **CHAPTER 211 TRAFFIC AND VEHICLES ORDINANCE, SECTION 211-12 STOP INTERSECTIONS – SCHEDULE IX (§ 211-42)** of the Town of Clay Municipal Code to designate and provide for a **STOP SIGN on the northeast corner of KIDRON LANE as it intersects with MESA LANE and the installation of the necessary signs therefore** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Linda Avery spoke on behalf of the neighbors regarding the stop sign request. Ms. Avery stated that the school bus discharges children at the corner and that visibility is poor due to the curves in the road.

Supervisor Ulatowski stated that he had received positive recommendations from the Highway Superintendent and the Sheriffs Department regarding the installation of a stop sign at this location.

Supervisor Ulatowski 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.

**Traffic & Vehicles (Stop Sign) (PH) - AMBLEWOOD LANE:**

A public hearing to consider the amendment of **CHAPTER 211 TRAFFIC AND VEHICLES ORDINANCE, SECTION 211-12 STOP INTERSECTIONS – SCHEDULE IX (§ 211-42)** of the Town of Clay Municipal Code to designate and provide for **STOP SIGNS ON AMBLEWOOD LANE as it intersects with HUNTINGCREEK 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.

William McCarthy spoke on behalf of the residents on Amblerwood Lane, said that the motorists don't slow down for the unsafe turn and that a stop sign may help to rectify this unsafe intersection.

Supervisor Ulatowski stated that he had received positive recommendations from the Highway Superintendent and the Sheriffs Department regarding the installation of a stop sign at this location.

Supervisor Ulatowski 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.

**Special Permit (PH) - STEPHANIE MATTHEWS:**

A public hearing to consider the application of **STEPHANIE MATTHEWS FOR A SPECIAL PERMIT TO ALLOW ANIMAL BOARDING AND BREEDING** on property located at **8539 Oswego Road, Tax Map No. 019.-02-18.1** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

The applicant is proposing an Animal Daycare and Boarding facility on a 3.5 acre parcel on Oswego Road. There is an existing building with plumbing and electrical in place.

Councilor Johnson asked what type of animals will be involved. Ms. Matthews' said that it will only be available for household pets, dogs and cats. There is existing fencing and she lives on the property. There will be no pet breeding. The hours of operation will be 7 A.M. to 7 P.M.

Art Fennhahn asked about an onsite vet. Ms. Matthews said that she is in contact with some local vets for emergencies.

Dave Arnold suggested that she may have a potential problem with the neighbors to the rear of the property on Linda Lane. He suggested that she notify them to inform them of her intent. He asked if the Town is required to post a Public Notice. Councilor Edick stated that Mr. Arnold makes a good point, and that the neighbors within 100' of the property must be notified, however Linda Lane is outside of that distance and she does not need to do so

Supervisor Ulatowski 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.

**Authorization/Agreement/ Project - WALGREENS – TAFT AND BUCKLEY ROADS PROJECT:**

Councilor Johnson moved the adoption of a resolution authorizing the Supervisor to enter into a Standard Developer's Agreement on behalf of the Town with **CHARLES L. HAFNER** and **POINT FIVE DEVELOPMENT TAFT & BUCKLEY, LLC**, for the development of **WALGREENS – TAFT AND BUCKLEY ROADS PROJECT**. Motion was seconded by Councilor Edick.

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

**Zone Change (CPH) -RED BARN COUNTRY, LLC:**

Councilor Bick moved the adoption of a resolution calling a public hearing **July 18th, 2011**, commencing at **7:38 P.M.**, local time, to consider 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**, Tax Map No 117.-01-06.3. Motion was seconded by Councilor Johnson.

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

**Zone Change (CPH) -RED BARN COUNTRY, LLC:**

Councilor Johnson moved the adoption of a resolution calling a public hearing **July 18th, 2011**, commencing at **7:41 P.M.**, local time, to consider 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. Motion was seconded by Councilor Bray.

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

**Project (drainage) (CPH) - WALGREENS DRAINAGE DISTRICT:**

Councilor Edick moved the adoption of a resolution calling a public hearing **July 18th, 2011**, commencing at **7:44 P.M.**, local time, to consider a petition for the creation of a drainage district within the Town of Clay to be designated and known as **“WALGREENS DRAINAGE DISTRICT”** and for the construction and acquisition of a drainage system therein to be designated and known as **“WALGREENS DRAINAGE DISTRICT, CONTRACT NO. 1.”** Motion was seconded by Councilor Bick.

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

**Discussion by Supervisor - Arbitration Award:**

Supervisor Ulatowski began the discussion regarding an Arbitration Award entered between the Town of Clay (Employer) and Teamsters Union Local 317 (representing both the Highway and Clerical work units). The award resolves the collective bargaining impasse between the Town of Clay and Teamsters Local 317 for the

period from January 1st, 2010 to December 31st, 2011. The Supervisor said that the decision was handed down 10 days ago and that the town fought long and hard so not to incur additional costs to the taxpayers while recognizing the merits of the employees. He continued that he felt that the award is fair to both the bargaining unit and the town.

**Agreement/ Arbitration Award (Highway and Clerical):**

Councilor Bray moved the adoption of a resolution acknowledging receipt of an Arbitration Award resolving the impasse between the Town of Clay and Teamsters Local 317 (representing both the Highway and Clerical work units), and authorizing the Supervisor and the Commissioner of Finance to take whatever actions are necessary to implement said award. Motion was seconded by Councilor Weaver.

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

**YOUTH SERVICES GRANT/ CANTEEN:**

Councilor Bick moved the adoption of a resolution to waive **\$8,450.00** from the **Youth Services Grant** to the Town of Cicero for the **CanTeen**. Motion was seconded by Councilor Weaver.

Ayes-6 and Noes-1. *Carried. Councilor Johnson stated that he felt that the grant money should stay in our town.*

**Adjournment:**

The meeting was adjourned at 10:09 P.M. upon motion by Councilor Bray and seconded by Councilor Bick. Ayes-7 and Noes-0. *Motion carried.*