

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 4<sup>th</sup> of March, 2013 at 7:30 P.M., there were:

**PRESENT:**

Damian Ulatowski	Supervisor
Robert L. Edick	Deputy Supervisor/Councilor
Naomi R. Bray	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
Douglas Wickman	Town Engineer

**ABSENT:**

William C. Weaver	Councilor
-------------------	-----------

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 to **Approve** the Minutes of the February 4<sup>th</sup> 2013 Town Board Meeting. Motion was seconded by Councilor Bick.

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

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski explained that item 8 on the agenda would be adjourned to the April 15, 2013 meeting at the request of the applicant.

**Correspondence:**

Supervisor Ulatowski asked if anyone wished to address the Board regarding anything not on the agenda.

June Baycura of Bayberry said that the residents of the Bayberry Community are concerned with the deteriorating condition of the roads. There were several residents that spoke.

Mr. Tom Sperryck of Lark Path said that he was back again to discuss the poor roads in Bayberry contrasting with the new paving and curbs in the Irongate

Development. Mr. Spornyck explained that he had spoken to the Board last fall about the gravel and oil that was used on some of the Bayberry roads. He continued that the corners need to be repaved because of the through traffic and the busses and trucks that regularly travel them. He again asked about the curbing adding that they would help to maintain or increase the property value.

Joyce Cirrito of Bayberry Circle said that she is concerned about Bayberry Circle and the water that accumulated after a storm creating hazardous conditions.

Bob Stewart of Blueberry Road said that the asphalt that is now covering the drains is a problem and asked about a traffic count. June Baycura concurred adding that with the amount of traffic on the main roads such as Blueberry and Blackberry, they should be treated as more than residential roads. Joyce Cirrito said that she would like to see a stop sign installed at the intersection of Huckelberry going south onto Blueberry.

Supervisor Ulatowski reiterated that the gravel and oil is used to preserve the road until paving can be done. As far as the gutters go, they were installed when the development was originally built and the roads were constructed to meet the gutters. Since the original construction the roads have been repaved many times. Additionally, stormwater regulations have changed over the years rendering a different view on gutters. Joyce Cirrito also expressed concerns with the height of the road after so many years of paving.

Supervisor Ulatowski said that he would be happy to go (in about a month or so) with June and Joyce and anyone else to look at the roads to try to achieve a solution that will suit all.

### **REGULAR MEETING:**

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

Councilor Edick moved the adoption of a resolution that 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, 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 on an EIS. Motion was seconded by Councilor Bick.

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

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

Councilor Edick moved the adoption of a resolution approving 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**. Motion was seconded by Councilor Bick.

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

**Special Permit (PH/Adj) Town Board Case # 1046 - ERIC DORN and RICHMOND AVENUE ASSOCIATES, INC.:**

Councilor Bray made a motion to adjourn this public hearing until April 15, 2013 at 7:35 P.M. at the request of the applicant. Motion was seconded by Councilor Johnson.

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

**(PH)ONONDAGA COUNTY COMMUNITY DEVELOPMENT for the year 2013:**

A public hearing to solicit from Town of Clay residents their comments and input regarding the use of funds by the Town of Clay with respect to the applications for funding filed with **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2013** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski explained that the Town of Clay is allocated funds based on the population. These funds are dedicated for improvements to low income areas. The Town has used these funds to repair roads but the Supervisor said that he is willing to collect suggestions. He added that there is a map available showing the eligible areas.

Russ Mitchell asked if the funds could be used to take down abandoned structures. Supervisor Ulatowski indicated that this would be an acceptable use providing the structures are in the designated areas.

There being no further questions or comments, Supervisor Ulatowski **closed** the public hearing.

**Authorization(A)-ONONDAGA COUNTY COMMUNITY DEVELOPMENT for the year 2013:**

Councilor Johnson moved the adoption of a resolution authorizing the application to **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2013**. Motion was seconded by Councilor Bray.

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

**Hydrant(s) (A) - RIVERWALK WATER SUPPLY DISTRICT:**

Councilor Young moved the adoption of a resolution authorizing the installations of four (4) fire hydrants in the **RIVERWALK WATER SUPPLY DISTRICT** and authorizing the Supervisor to execute the OCWA fire hydrant application. (Riverwalk Subdivision). Motion was seconded by Councilor Bray.

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

**Appointment - TOWN OF CLAY FIRE DEPARTMENT, INC.:**

Councilor Young moved the adoption of a resolution approving the appointment of **CAMERON WALSH** as volunteer member of the **TOWN OF CLAY FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Edick.

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

**Streetlight(s) - JOEWOOD DRIVE:**

Councilor Young moved the adoption of a resolution authorizing the installation of one (1) 100 watt high pressure sodium light to be placed on **JOEWOOD DRIVE**, pole 4, utilizing a 20' mast arm to help illuminate the dark area. The estimated annual cost for the additional light is \$127.78. In addition, the Town will add a 250 watt HPS flood light off the back side of pole 4 to help illuminate some of the green area. The estimated annual cost for the floodlight is \$244.06 and will be billed to the Town **OVERHEAD LIGHTING DISTRICT**. Motion was seconded by Councilor Edick.

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

**Agreement - CENTRAL NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS for the year 2013:**

*Supervisor Ulatowski explained that the Town has allocated funds for this program to aid in the prevention of animal cruelty.*

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to enter into an Agreement on behalf of the **TOWN OF CLAY** with the **CENTRAL NEW YORK SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS** for the year **2013** for the treatment of animals. Motion was seconded by Councilor Edick.

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

**Easement/Abandonment (partial) - 5506 Ravensthorpe Way:**

Councilor Bray moved the adoption of a resolution approving the **PARTIAL ABANDONMENT** of a drainage easement located on property known as **5506 Ravensthorpe Way** in the **TOWN OF CLAY**, to the owner **Debbie Corapi**, pursuant to the Planning Board approval of the partial abandonment of the easement as shown on map as **“TO BE ABANDONED,”** and authorizing the Supervisor to execute the necessary instrument therefore. 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 Edick.

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

**Sewer Lateral Connection - Ronald P. Hune:**

Councilor Johnson moved the adoption of a resolution authorizing a **SEWER LATERAL CONNECTION**, pursuant to the written request of **Ronald P. Hune**, the property owner, to a **TOWN OF CLAY SANITARY SEWER MANHOLE** located at the rear of his property for servicing his residence at **7825 Wetzel Road (Tax Map No. 088.-22-23.0)**. The cost of construction will be at **no cost** to the Town of Clay. The property owner agrees to pay all costs (Town and private) associated with the sanitary sewer connection as well as the **Town of Clay Operation and Maintenance charges** as annually assessed for one unit per acre and the **County Sanitary District charges**. The property is located adjacent to the **FISHER’S LANDING SEWER DISTRICT**. The property owner further agrees to pay all annual Town and County charges thereafter. This resolution is contingent upon receipt of \$600.00 for engineering, legal and administrative fees from Mr. Hune. Motion was seconded by Councilor Bick.

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

**Zone Change (CPH) - Town Board Case # 1050 - MICHAELS FARM, LLC:**

Councilor Bray moved the adoption of a resolution calling a public hearing **April 1, 2013**, commencing at **7:35 P.M.**, local time, to consider the application of **MICHAELS FARM, LLC**, for a **CHANGE OF ZONE** from **RA-100 Residential Agricultural District** to **R-SR Senior Residence District** on properties located at **8073 and 8097 Morgan Road, Tax Map Nos. 069.-01-5.1 and 081.-29-01**. Motion was seconded by Councilor Johnson.

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

**RESOLUTION TO AMEND THE NY SAFE ACT:**

Councilor Bick moved the adoption of a **RESOLUTION to AMEND the NEW YORK SAFE ACT**. Motion was seconded by Councilor Bray.

**WHEREAS, The Town of Clay Town Board** who represents the voice of the people that reside in Clay, County of Onondaga, in the State of New York with a population of approximately 58,000 people,

**WHEREAS,** On Monday January 14, 2013 the rights under the second Amendment of our Constitution were infringed on without due process, and

**WHEREAS,** The Gun Control Bill (S.2230) known as NY SAFE ACT was rushed through the New York State Senate & Assembly without a single Public hearing or input from the various Law enforcement agencies and the people of the State of New York, and

**WHEREAS,** Even the State lawmakers did not have time to review the bill as presented leaving questions about implementation and regulation of this new law, and

**WHEREAS,** This law should focus on increasing penalties for criminals who use firearms to harm and threaten law abiding citizens and address the issues of mental illness related to violence, and

**WHEREAS,** The Town of Clay realizes that NY SAFE ACT, gun control law must be repealed and replace the restrictive parts of the enacted law, and

**NOW THEREFORE BE IT RESOLVED,** that the Town of Clay urgently asks Governor Andrew M. Cuomo & the State Legislative leaders to suspend this law immediately and to look at all of the aspects of gun control using the proper legal procedure to bring about a law that will address gun control in a more logical manner, focusing on the real issues related to gun control – a law that will strengthen the effect on public safety and not infringe upon our constitutional rights.

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

**AUTHORIZING THE ADOPTION OF THE ONONDAGA COUNTY MULTI-JURISDICTIONAL ALL- HAZARD MITIGATION PLAN:**

Councilor Edick moved the adoption of a **RESOLUTION OF THE TOWN BOARD OF THE TOWN OF CLAY AUTHORIZING THE ADOPTION OF THE ONONDAGA COUNTY MULTI-JURISDICTIONAL ALL- HAZARD MITIGATION PLAN.** Motion was seconded by Councilor Bick.

**WHEREAS,** all of Onondaga County has exposure to natural hazards that increase the risk to life, property, environment and the County's economy; and

**WHEREAS;** pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

**WHEREAS**, The Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

**WHEREAS**; a coalition of Onondaga County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Onondaga County; and

**WHEREAS**, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

**NOW, THEREFORE, BE IT RESOLVED** that the **TOWN OF CLAY**:

- 1) Adopts in its entirety, the Onondaga County Multi-Jurisdictional All-Hazard Mitigation Plan (the "Plan") as the jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

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

**Adjournment:**

The meeting was adjourned at 8:12 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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