

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 May, 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 Weaver moved the adoption of a resolution to **Approve** the Minutes of the **April 16th, 2012** Town Board Meeting and the **April 19th, 2012** Special Meeting of the Town Board. Motion was seconded by Councilor Young.

Ayes-6 and Noes-0 and Abstain-1. *Councilor Bick Abstained. Motion carried.*

Cancellation and/or requested adjournments.

Supervisor Ulatowski explained that the public hearing for Farone and Son Funeral Home and Red Barn Country LLC would not be heard at this meeting.

Correspondence:

Supervisor Ulatowski asked if anyone wished to address the Board on any items not on the agenda.

Supervisor Ulatowski said that he had looked into the concerns regarding Provo Drive that were raised at the previous meeting. He continued that the condition of the pond was a result of the incomplete build out adding that the pond was constructed for a full build out. He stated that he had been to the site and provided pictures that he had taken. Supervisor Ulatowski said that he would follow up with the Highway Superintendent.

REGULAR MEETING:

Presentation By The Director Of Liverpool Library Re: Budget.

Jean Polly, director of the library, Mark Spadafore and Joe Spado were present on behalf of the Liverpool Public Library.

Ms. Polly began by stating that the library vote will be on May 15, 2012 at the time of the school budget vote. She continued by giving a brief overview of the services that the library provides as well as the new services that have been added.

Councilor Edick asked what percentage of the materials are educational. Ms. Polly said that she did not have that break down. She continued that the largest portion of the budget is for salaries noting that there are no increases this year and a 1.25% increase next year. Supervisor Ulatowski asked how many employees there are and Ms. Polly replied that there are 52 full time equivalent staff persons.

There were no additional questions.

Special Permit (SEQR) Town Board Case # 1036 - SJLS, LLC and 8220 OSWEGO ROAD DEVELOPMENT:

Councilor Edick moved the adoption of a resolution that the application of **SJLS, LLC and 8220 OSWEGO ROAD DEVELOPMENT** for a **SPECIAL PERMIT TO ALLOW FOR A MEDICAL OFFICE** on property located at **8302 Provo Drive, Tax Map No. 067.-11-01.2** 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 Johnson.

Ayes-6 and Noes-0 and Abstain-1. *Councilor Bick abstained due to a conflict.*
Motion carried.

Special Permit (A) Town Board Case # 1036 - SJLS, LLC and 8220 OSWEGO ROAD DEVELOPMENT:

Councilor Edick moved the adoption of a resolution approving the application of **SJLS, LLC and 8220 OSWEGO ROAD DEVELOPMENT** for a **SPECIAL PERMIT TO ALLOW FOR A MEDICAL OFFICE** on property located at **8302 Provo Drive, Tax Map No. 067.-11-01.2**. Motion was seconded by Councilor Johnson.

Ayes-6 and Noes-0 and Abstain-1. *Councilor Bick abstained due to a conflict.*
Motion carried.

Zone Change (SEQR) Town Board Case # 1035 - KRISTIN PURCELL:

Councilor Bick moved the adoption of a resolution that the application of **KRISTIN PURCELL** for a change of zone from **RA-100 Residential/Agricultural District** to **O-1 Office District** on property located at **7897 Oswego Road, Tax Map No. 080.-01-07.0**, 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 Edick.

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

Zone Change (A) Town Board Case # 1035 - KRISTIN PURCELL:

Councilor Bick moved the adoption of a resolution approving the application of **KRISTIN PURCELL** for a change of zone from **RA-100 Residential/Agricultural District** to **O-1 Office District** on property located at **7897 Oswego Road, Tax Map No. 080.-01-07.0**. Motion was seconded by Councilor Edick.

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

Special Permit (SEQR) Town Board Case # 1037 - Morelandigans, LLC Jeffrey and Mary Jane Ippoliti:

Councilor Johnson moved the adoption of a resolution that the application of **MORELANDIGANS, LLC JEFFREY and MARY JANE IPPOLITI** for a **SPECIAL PERMIT FOR OUTDOOR RECREATION WITH BOTH SPECTATORS AND PARTICIPANTS** on property located at **7260 Oswego Road, Tax Map No. 114.-01-32**, 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-7 and Noes-0. *Motion carried.*

Special Permit (A) Town Board Case # 1037 - Morelandigans, LLC Jeffrey and Mary Jane Ippoliti:

Councilor Johnson moved the adoption of a resolution approving the application of **MORELANDIGANS, LLC JEFFREY and MARY JANE IPPOLITI** for a **SPECIAL PERMIT FOR OUTDOOR RECREATION WITH BOTH SPECTATORS AND PARTICIPANTS** on property located at **7260 Oswego Road, Tax Map No. 114.-01-32**. Motion was seconded by Councilor Bick.

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

Zone Change (PH) - Town Board Case # 1032 EAGLEWOOD ASSOCIATES, INC. and THE ESTATE OF DOROTHY LEPINSKE, DAVID LEPINSKE, EXECUTOR:

A public hearing to consider the application of **EAGLEWOOD ASSOCIATES, INC. and THE ESTATE OF DOROTHY LEPINSKE, DAVID LEPINSKE, EXECUTOR** for a change of zone from **RA-100 Residential/Agricultural District to R-15 One-Family Residential** on properties located on **Maple Road, Tax Map No. 063.-01- 05.0** consisting of **108.09± acres** and **4834 Grange Road, Tax Map No. 063.-01-06.0**, consisting of **32.64± acres** was opened by the Supervisor. Proof of publication and posting and was furnished by the Town Clerk. (Adjourned to this date and time at the April 2nd, 2012 Town Board Meeting.)

Hal Romans and Michael Bragman Sr. presented on behalf of this application. Mr. Bragman began by explaining that they are committed to making this project a unique show place. He continued that the majority of the builders that have been approached would prefer to construct according to the R-15 and not cluster down to R-10, keeping the lots larger. He said that the total number of lots may decrease from 266 to 220 but that they will still set aside some property for green space. Mr. Bragman went on to add that the open space on the perimeter will remain unchanged.

Councilor Edick asked how long it would take to construct 200 lots. Mr. Bragman said that would depend upon the economy, but he thought less than five years in a good economy.

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

Supervisor Ulatowski said that he would adjourn for a five minute recess.

Meeting adjourned at 8:25 P.M. Meeting resumed at 8:30 P.M.

Zone Change (PH) - Town Board Case # 1033 Farone and Son Funeral Home and Red Barn Country, LLC:

No Action.

Councilor Bray made a motion to **adjourn** the public hearing until **May 21, 2012 at 7:35 P.M.** Motion was seconded by Councilor Johnson.

Ayes-7 and Noes-0. Motion carried.

Bond Resolution - ONE (1) 2012 WESTERN STAR 4900FA SINGLE AXLE PLOW/DUMP TRUCK FOR USE BY THE HIGHWAY DEPARTMENT:

Councilor Weaver moved the adoption of a **Bond Resolution** in an amount not to exceed **TWO HUNDRED THOUSAND AND 00/100 (\$200,000.00) DOLLARS** for the purchase of **ONE (1) 2012 WESTERN STAR 4900FA SINGLE AXLE PLOW/DUMP TRUCK FOR USE BY THE HIGHWAY DEPARTMENT**. Said purchase was authorized by the Town Board at the February 6th, 2012 Town Board Meeting. Motion was seconded by Councilor Young.

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

Bond Resolution - ONE (1) 2012 JOHN DEERE 624K PAYLOADER FOR USE BY THE HIGHWAY DEPARTMENT:

Councilor Weaver moved the adoption of a **Bond Resolution** in the amount of **ONE HUNDRED FIFTY THOUSAND AND 00/100 (\$150,000.00) DOLLARS** for the purchase of **ONE (1) 2012 JOHN DEERE 624K PAYLOADER FOR USE BY THE HIGHWAY DEPARTMENT**. Said purchase was authorized by the Town Board at the February 6th, 2012 Town Board Meeting. Motion was seconded by Councilor Bray.

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

Contract/Amendment - Onondaga County –Community Development:

Councilor Bray moved the adoption of a resolution approving the amendment to Onondaga County – Department of Community Development, Contract No. 55810 with the Town of Clay. The Scope of Service is hereby expanded to include the reconstruction of two roads: Gaskin Road – southern section between Route 57 on the south and Route 31 on the north; and Jackson Road between Maider Road and Bonstead Road. The road is cracked and has numerous dips and pot holes. Green initiatives include: cold in-place recycling of road surface and base. Possibility of widening to provide for a bike/walking path. Said Contract number 55810 is hereby amended such that the term of contract is extended through December 31, 2013 and the compensation which the County will pay to Town of Clay under contract number 55810 is increased by not more than \$100,000.00; and further authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Weaver.

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

Contract/Amendment - Onondaga County –Community Development:

Councilor Bray moved the adoption of a resolution approving the amendment to Onondaga County – Department of Community Development, Contract No. 65509

with the Town of Clay. Contract No. 65509 is hereby amended such that the term of Contract is hereby extended through December 31, 2013 and the compensation which County will pay to the Town of Clay under contract number No. 65509 is increased by not more than \$26,800.00; and further authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Weaver.

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

Street Lights (modification) - RIVERWALK SUBDIVISION:

Councilor Weaver moved the adoption of a resolution approving the modification of the lighting layout for **RIVERWALK SUBDIVISION** (site of the 2012 Parade of Homes) original lighting layout from 150w HPS light to be installed on pole 39-1 to illuminate the entrance, (actually the pole is roughly 90' away from the intersection and therefore will provide no benefit to the Town), therefore it is proposed to install an underground fed light at the entrance; and further it is authorized that six (6) 100w HP fixtures be installed on 14' fiberglass embedded poles using 100w fixtures to help illuminate the developed portion of this tract at an estimated annual cost for the underground lighting fixtures is **\$1,770.90** to the underground lighting and not Town General Fund. Motion was seconded by Councilor Young.

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

Agreement -THE TOWN OF CLAY HIGHWAY DEPARTMENT and the TEAMSTERS LOCAL UNION 317:

Councilor Edick moved the adoption of a resolution approving the **LABOR AGREEMENT** between **THE TOWN OF CLAY HIGHWAY DEPARTMENT** and the **TEAMSTERS LOCAL UNION 317** for the term commencing **January 1st, 2012** and terminating **December 31st, 2014** and authorizing the Supervisor to execute same. Motion was seconded by Councilor Bick.

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

Supervisor Ulatowski said that the contract negotiations went well adding that in the future contracts, the employees will need to contribute a larger percent for employee benefits.

Agreement (A) - THE TOWN OF SALINA/TOWN OF CLAY:

Councilor Edick moved the adoption of a resolution approving the **OUTSIDE USER AGREEMENT** between the **TOWN OF SALINA** and the **TOWN OF CLAY**, whereby the sanitary sewer facility in the Salina Jewell Manor Tract will serve solely the 35 residential lots in **RED BARN ACRES**, and the sanitary sewer

system to serve the commercial area in **RED BARN ACRES** be connected to the sanitary sewer system serving the Pitcher Hill sanitary Sewer District in Pitcher Hill and further authorizing the Supervisor to execute same. Motion was seconded by Councilor Weaver.

Ayes-6 and Noes-1. *Councilor Bick was opposed. Motion carried.*

Assessment/Certiorari - GREAT NORTHERN MALL/SEARS/ MACY'S:

Councilor Young moved the adoption of a resolution authorizing the appraisal of the **GREAT NORTHERN MALL/SEARS/ MACY'S** properties with respect to the certiorari actions against the Town for tax years: 2008-09 thru 2011-12- Sears – TM # 028.-01-40.4; Tax Years 2009-10 and 2011-12 – Macy's – TM# 028.-01-40.3 and the Great Northern Mall properties TM #028.-01-40.4; 028.-01-44; 028.-01-45.01 and 028.-01-43.0; and 028.-01-42.0 with **NORTH EAST APPRAISALS**, at a sum to be determined and agreed upon by the Town Board at the Town Attorney's recommendation and authorizing the Town Attorney to authorize said proposal on behalf of the Town. Motion was seconded by Councilor Weaver.

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

Special Permit (CPH) - Town Board Case # 1039 Robert Aluzzo:

Councilor Young moved the adoption of a resolution calling a public hearing **June 4th, 2012**, commencing at **7:35 P.M.**, local time to consider the application of **ROBERT ALUZZO and 3567 RTE. 31, LLC** for a **SPECIAL PERMIT TO ALLOW PROPERTY TO BE USED AS A "GYM", - INDOOR RECREATION – PARTICIPANT** on property located at **3565 State Route 31, Clay, New York, Tax Map No.019.-02-29.1**. Motion was seconded by Councilor Weaver.

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

CIBRO DEMOLITION PROJECT – PHASE 2 (A) Change Order # 1:

Councilor Bick moved the adoption of a resolution approving **Change Order # 1** with respect to the **CIBRO DEMOLITION PROJECT – PHASE 2** contract in an amount **estimated** not to exceed **\$10,000.00** which covers **STABILIZATION OF CONTAMINATED SOILS RECENTLY EXPOSED ONSITE** and authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Bray.

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

Appointment - Board of Assessment Review:

Councilor Edick moved the adoption of a resolution appointing Patrick Salvator to the Town of Clay Board of Assessment Review for a term of 5 years commencing on 5/7/2012 and ending on 9/30/2016. Motion was seconded by Councilor Bick.

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

Agreement - Town of Clay Local Waterfront Revitalization Program (SEQR):

Councilor Bray moved the adoption of a resolution that the Local Waterfront Revitalization Program (LWRP) prepared and previously accepted by the Town is an unlisted action with a completed EAF and involves no other permit granting agency outside the Town. Acceptance of the plan will not have a significant effect on the environment and therefore does not require the preparation on an EIS. This study was previously accepted by the Town and formally adopted on March 19, 2012, and this resolution is related to the adoption of the program. Motion was seconded by Councilor Weaver.

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

Adjournment:

The meeting was adjourned at 8:40 P.M. upon motion by Councilor Bray and seconded by Councilor Weaver.

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