

October 4, 2010

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 October, 2010 at 7:30 P.M., there were:

**PRESENT:**

Damian M. Ulatowski	Supervisor
Robert L. Edick	Deputy Supervisor/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

**ABSENT:**

Clarence A. Rycraft 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 Johnson moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on **September 20, 2010**. Motion was seconded by Councilor Edick.

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

**Correspondence:**

**Energy Committee report:**

Supervisor Ulatowski began by explaining that the Town of Clay is working diligently to proceed with green energy. He continued by adding that he has been working with Bud Drescher and Kurt Stroman of Warner Energy to explore the possibility of using solar panels to be more energy efficient. The Town is deciding between phasing in or a full build out. The phasing in option would decrease energy costs by a projected 10% by using roof top panels. The full build out would be costly, but the Town is looking into funding through grant monies available through NYSERDA. The Supervisor said that he would keep the residents posted as this progresses.

**CANCELLATION AND/OR REQUESTED ADJOURNMENTS:**

None

**Budget - 2011 TOWN OF CLAY TENTATIVE BUDGET:**

The Town Clerk presented the **2011 TOWN OF CLAY TENTATIVE BUDGET** to the Town Board members, pursuant to Town Law.

Supervisor Ulatowski said that he would like to address the residents regarding the taxes. He stated that he had been asked by the Association of Supervisors, to address the County Legislature and the County Executive regarding the impact that the tax increase will have on the towns. He highlighted areas of his address in addition to reading from an article written by G. Jeffrey Haber regarding the high property and school taxes burdening New York state residents.

Supervisor Ulatowski highlighted the areas that the Town of Clay has made cuts, including the not replacing two employees that have retired over the last year, reduction of insurance costs to non-bargaining unit employees and retirees totaling over \$175,000.00, the Supervisor added that the offer was made to the Bargaining Unit for a more cost effective insurance policy with very similar coverage, however this has been rejected thus far.

The Supervisor added that they would continue to explore areas to trim the budget.

**Zone Change (SEQR) - Town Board Case # 1019 JENNIFER RICHARDSON:**

Councilor Bick moved the adoption of a resolution that the application of **JENNIFER RICHARDSON** for a change of zone **from NC-1 Neighborhood Commercial District and RA-100 Residential Agricultural District (former GOV)**, to **HC-1 Highway Commercial District** on properties located at **3627 State Route 31, Tax Map No. 020.-01-14.3** and on **8478 Oswego Road, Tax Map No. 020.-01-08.1** (former Moyers Corners Fire Department property) 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. Adjourned to this date and time at the September 20th, 2010 Town Board Meeting, awaiting Planning Board recommendation. Motion was seconded by Councilor Edick.

Ayes-3 and Noes-3. *Motion Failed.*

**Zone Change (SEQR) - Town Board Case # 1019 JENNIFER RICHARDSON:**

Councilor Bick moved the adoption of a resolution approving the application of **JENNIFER RICHARDSON** for a change of zone **from NC-1 Neighborhood Commercial District and RA-100 Residential Agricultural District (former GOV)**, to **HC-1 Highway Commercial District** on properties located at **3627 State Route 31, Tax Map No. 020.-01-14.3** and on **8478 Oswego Road, Tax Map No. 020.-01-08.1** (former Moyers Corners Fire Department property). Adjourned to this date and time at the September 20th, 2010 Town Board Meeting, awaiting Planning Board recommendation. Motion was seconded by Councilor Edick.

Ayes-3 and Noes-3. *Motion Failed.*

Councilor Johnson stated that the proposed project requires more parking than the applicant can provide therefore necessitating a denial of this request.

Mark Weiss representing Ms. Richardson stated that the plan does meet the parking requirements even though the Planning Board stated otherwise.

Scott Chatfield, attorney for the Planning Board noted in the Planning Board minutes, that the applicant should provide more parking than required.

Councilor Bray applauded Ms Richardson on the building and the continued growth of the business, but added that she is very concerned with the intersection. She continued by adding that the intersection has failed recent traffic studies and is reluctant to add to the already congested intersection.

Mark Weiss stated that they have agreed to move the curb cuts.

Supervisor Ulatowski suggested that the applicant modify the plan to accommodate the available parking. Commissioner Territo said that there is enough parking for the existing use, however another use that may fall under the zoning would have inadequate parking.

Councilor Johnson suggested a covenant, adding that he may be willing to reconsider at a later date after reviewing additional information.

**RECINDING Zone Change (SEQR) - Town Board Case # 1019 JENNIFER RICHARDSON:**

Councilor Bick moved the adoption of a resolution **rescinding** the motion for the SEQR Determination for the application of **JENNIFER RICHARDSON** for a change of zone **from NC-1 Neighborhood Commercial District and RA-100 Residential Agricultural District (former GOV)**, to **HC-1 Highway Commercial District** on properties located at **3627 State Route 31, Tax Map No. 020.-01-14.3** and on **8478 Oswego Road, Tax Map No. 020.-01-08.1** (former Moyers Corners Fire Department property. Motion was seconded by Councilor Edick.

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

**RECINDING Zone Change (A/D) - Town Board Case # 1019 JENNIFER RICHARDSON:**

Councilor Bick moved the adoption of a resolution **rescinding** the motion for the application of **JENNIFER RICHARDSON** for a change of zone **from NC-1 Neighborhood Commercial District and RA-100 Residential Agricultural District (former GOV)**, to **HC-1 Highway Commercial District** on properties located at **3627 State Route 31, Tax Map No. 020.-01-14.3** and on **8478 Oswego Road, Tax Map No. 020.-01-08.1** (former Moyers Corners Fire Department property). Motion was seconded by Councilor Edick.

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

Councilor Johnson moved the adoption of a resolution to "lay both items on the table," pending further clarification and review. Motion was seconded by Councilor Bick.

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

**Zone Change (PH) - Town Board case # 1020 COR VERPLANK ROAD COMPANY, LLC:**

A public hearing to consider the application of **COR VERPLANK ROAD COMPANY, LLC**, for a change of zone from **RA-100 RESIDENTIAL AGRICULTURAL DISTRICT** to **RESIDENTIAL R-15 DISTRICT**, Tax Map No. 021.-01-2.3 consisting of 77.19± acres of land and Tax Map No. 021.-01-03.4 and also consisting of 10.88 acres from **R-APT DISTRICT** to **RESIDENTIAL R-15- DISTRICT**, part of Tax Map No. 021.-01-2.3 on property located at 3950 Ver Plank Road was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Kate Johnson legal council for COR Development, was present for the applicant. Ms. Johnson explained that the applicant wishes to rezone 11 acres of RA-100 zoned land to R-15 for single family cluster development. The full build out will allow for 160 lots. The density plan is for 115 lots. Ms. Johnson stated that the R-Apt use is more intense that the proposed R-15 - one family residential use.

Ms. Johnson stated that the plan includes an inter connection on Dell Center Road between VerPlank Road and State Route 31.

Councilor Weaver voiced his concern about the increase in traffic volume should the connection occur. He added that VerPlank Road is not equipped to handle the volume that it currently receives and that the County DOT (Department of Transportation) has no plan to upgrade the road. Councilor Johnson asked if the applicant had offered any money for road improvements.

Ms Johnson stated that the cluster development allows for more green space and that it could be subdivided and used for anything. She added that the wetlands could be within the green space.

There was a discussion about the magnetic field and the proximity to the proposed homes. Ms. Johnson said that the houses will be well beyond the 80 foot limit to the magnetic field. Supervisor Ulatowski asked if there were any questions.

Mary Hall-Fisk stated that she owns a horse farm on VerPlank Road and is concerned about the drainage and septic issues that may arise with this additional development. She continued that her property floods during storms. In addition, she is concerned about speeding traffic. Hal Romans, surveyor for the applicant, stated that the development will drain to the south-west.

June Baycura inquired as to how much green area there will be. Mr. Romans said that there will be about 85 acres and that it may be left natural, not necessarily to be used for recreational space.

Dave Arnold gave a brief description of the history of the property and the previous owner. He continued by adding that the owner was a farmer that used chemicals and his widows desire was that this property would not ber used for residential development in the future.

Supervisor Ulatowski stated that all of this will be addressed during the SEQR process.

Supervisor Ulatowski said that he will adjourn this Public Hearing until the Planning Board reviews this case and makes a recommendation based on their evaluation.

Councilor Bray stated that she is cautious to make a decision and prefers to wait until all of the information has been discussed by both boards.

Hal Romans inquired as to the additional information the board requires prior to making a decision, adding that the County Department of Transportation will perform a Traffic Study. Several board members added that they would like better input from the Planning Board prior to rendering a decision.

Supervisor Ulatowski asked if there were any further comments or questions and there were none. The Supervisor stated that he would adjourn this Public Hearing to November 1, 2010 at 7:59 P.M.

**Bid Award - THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 1:**

Councilor Johnson moved the adoption of a resolution awarding a **5 year** contract for **THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 1**, within the Town of Clay, to **Feher Rubbish Removal** for the low bid of \$ 358,016.10. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Bick.

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

**Bid Award - THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 2:**

Councilor Johnson moved the adoption of a resolution awarding a **5 year** contract for **THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 2** within the Town of Clay, to **Feher Rubbish Removal**, for the low bid of \$2,414,089.80. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Weaver.

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

**Bid Award - THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 3:**

Councilor Johnson moved the adoption of a resolution awarding a **5 year** contract for **THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 3** within the Town of Clay to **Feher Rubbish Removal**, for the low bid of \$1,508,638.20. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Bray.

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

**Bid Award - THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 4:**

Councilor Johnson moved the adoption of a resolution awarding a **5 year** contract for **THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 4** within the Town of Clay, to **Feher Rubbish Removal**, for the low bid of \$1,434,751.20. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Bick.

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

**Bid Award - THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 5:**

Councilor Bick moved the adoption of a resolution awarding a **5 year** contract for **THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 5 (INCLUDING CLAIRMONT-FOUR SEASON REFUSE DISTRICT)** within the Town of Clay, to **Superior Waste Removal**, for the low bid of \$1,236,212.75. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Edick.

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

**Bid Award - THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 6:**

Councilor Bick moved the adoption of a resolution awarding a **5 year** contract for **THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 6** within the Town of Clay, to **Feher Rubbish Removal**, for the low bid of \$336,521.70. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Johnson.

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

**Bid Award - THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 7:**

Councilor Bick moved the adoption of a resolution awarding a **5 year** contract for **THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 7** within the Town of Clay, to

**Feher Rubbish Removal**, for the low bid of \$ 2,000,322.60. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Johnson.

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

**Bid Award - THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 8:**

Councilor Bick moved the adoption of a resolution awarding a **5 year** contract for **THE COLLECTION AND DISPOSAL OF ALL REFUSE, RUBBISH, GARBAGE AND RECYCLABLES FOR CLAY REFUSE DISTRICT NO. 8, INCLUDING POMPTON KNOLLS REFUSE DISTRICT**) within the Town of Clay, to **Feher Rubbish Removal**, for the low bid of \$ 1,997,635.80. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Johnson.

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

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

Councilor Edick moved the adoption of a resolution awarding a **1 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, **ONSITE DEVELOPMENT** for the low bid of \$ 159,101.25. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Bray.

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

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

Councilor Edick moved the adoption of a resolution awarding a **1 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 **ONSITE DEVELOPMENT** for the low bid of \$ 156,807.00. Said amount being the lowest responsible bidder. Motion was seconded by Councilor Bick.

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

**Bid Award - (Rejection of Bids) - GPS CELLULAR TRACKING SYSTEM FOR VEHICLES OWNED BY THE TOWN OF CLAY:**

Councilor Edick moved the adoption of a resolution rejecting all bids received by the Town of Clay on **September 1st, 2010** for a **GPS CELLULAR TRACKING SYSTEM FOR VEHICLES OWNED BY THE TOWN OF CLAY**. Motion was seconded by Councilor Johnson.

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

**Budget (CPH) - TENTATIVE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2011:**

Councilor Edick moved the adoption of a resolution calling an informational hearing **October 18th, 2010 at 7:33 P.M.** to consider the **TENTATIVE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2011**. Motion was seconded by Councilor Johnson.

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

**Securities (release) - LAWTON VALLEY HUNT SUBDIVISION, SECTIONS NOS. 18 & 19:**

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 SUBDIVISION, SECTIONS 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**. Gravel, gutters, binder and top are in place in accordance with Town Highway Specifications. Motion was seconded by Councilor Bray.

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

**Traffic & Vehicles Ordinances No Left Turn/ No Right Turn (CPH):**

Councilor Bray moved the adoption of a resolution calling a public hearing **November 1st, 2010** commencing at local time commencing at **7:35 P.M.**, local time, to consider amendment of **CHAPTER 211 TRAFFIC AND VEHICLES ORDINANCE, SECTION 211-9 PROHIBITED TURNS AT INTERSECTION - SCHEDULE VI (§ 211-39)** of the Town of Clay Municipal Code to designate and provide for **NO LEFT TURN FROM BELMORE DRIVE AS IT INTERSECTS WITH JOSEPHINE STREET AND NO RIGHT TURN OFF CHESTNUT STREET AS IT INTERSECTS WITH JOSEPHINE STREET** and the **installation of the necessary signs therefore**. Motion was seconded by Councilor Weaver.

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

**Traffic & Vehicles Ordinances/Stop Sign (CPH):**

Councilor Weaver moved the adoption of a resolution calling a public hearing **November 1st, 2010** commencing at local time commencing at **7:38 P.M.**, local time, to consider 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 WARBLER WAY IN BOTH DIRECTIONS AND A STOP SIGN ON SANDPIPER WAY AS IT INTERSECTS WITH WARBLER WAY and the installation of the necessary signs therefore.** Motion was seconded by Councilor Bray.

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

**Adjournment:**

The meeting was adjourned at 9:27 P.M. upon motion by Councilor Bray and seconded by Councilor Weaver.

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