

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 October, 2011 at 7:30 P.M., there were:

**PRESENT:**

Damian 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 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 Bick stated that there was an error on the October 3<sup>rd</sup>, 2011 minutes, he could not have seconded the motion to adjourn the meeting as he was absent for the meeting.

Councilor Bray moved the adoption of a resolution to **Approve** the *Corrected* Minutes of October 3<sup>rd</sup>, 2011 Town Board Meeting. Motion was seconded by Councilor Edick.

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

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski stated that he was removing all of the cases for **RED BARN COUNTRY, LLC** from the agenda.

**Correspondence:**

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

Russ Mitchell from the Clairmont/Four Seasons Development stated that the issues that he had brought up at the September 19<sup>th</sup> meeting have been resolved and added that he appreciates the help from the Planning Department.

Yvonne LaRay of Plum Hollow said she thought that the issue she has been having, would be on the agenda.

The Supervisor stated that the Public Hearing had not been called at the last meeting and he has not gotten all of the information that he needs. The Town Engineer would need to look into this as well.

Ms. LaRay continued that the pump station is ineffective with any water use and excessive rain. Marty Heimlich added that the smells that are emitted are horrendous. She continued that trees have not been planted to make it less noticeable as it is unsightly. She said that there are backups in the basements.

Supervisor Ulatowski reminded that it was not a public hearing and he had not had the opportunity to confer with the town engineer and anyone else that may have some insight about this.

Tom Heimlich of 7536 Plum Hollow submitted a paper to the Supervisor outlining the problems and some possible solutions. Supervisor Ulatowski said that he will investigate and discuss it with the town engineer. He added that eliminating the pump station was probably not an option, but perhaps odor control and shielding it may be.

Joe LaRay said that when Plum Hollow was built the Wild Creek pump station was closed and perhaps that could be reopened. Ron DeTota stated that the possibility of moving the pump station was nearly nonexistent. An alternative plan would be to construct septic and the installation of a leech field. This would be costly and require a large portion of land in addition it would affect residential swimming pools. Mr. DeTota said that he would look into the operations.

Several of the residents made complaints about the odor. Supervisor Ulatowski said that he would like to have the opportunity to review this before discussing it any further, adding that he will look into it and contact the residents to try to mitigate this issue.

**REGULAR MEETING:**

**Zone Change (SEQR) - Town Board Case # 1030 - RED BARN COUNTRY, LLC:**

*No Action*

**Zone Change (A/D) - Town Board Case # 1030 - RED BARN COUNTRY, LLC:**

*No Action*

**Zone Change (SEQR) - Town Board Case # 1031 - RED BARN COUNTRY, LLC:**

*No Action*

**Zone Change (A/D) - Town Board Case # 1031 - RED BARN COUNTRY, LLC:**

*No Action*

**Budget (IH) - TENTATIVE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2012:**

An Informational hearing to consider the **TENTATIVE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2012** was opened by the Supervisor. Supervisor Ulatowski began by explaining that he had worked diligently to keep the increase under the Government tax cap however an increase is beyond control due to salary increases, increases for employee benefits, state mandates, etc. He continued that the Town has worked to cut costs by being energy efficient and adapting green initiatives. In addition the Town has eliminated the contract with the Sheriffs for the enhanced police patrol. He continued adding that the five Fire Protection Districts have kept their budgets the same as last year and the Town portion of the water budget is in good shape and there will be no increases in the Town water rates. He thanked Councilor Rycraft for his work on the water budget.

Ed Pauline of Forestbrook Drive asked if OCWA would have an increase. Supervisor Ulatowski said, OCWA will have an increase but the Town will not. He added that Councilor Edick worked diligently with the Fire Departments to bring in a budget with 0% increase.

Supervisor Ulatowski asked if there were any additional questions or comments. Hearing none he **closed** the public hearing.

**Traffic & Vehicles (PH) - Chapter 211, Traffic and Vehicles Ordinance, Section 211-35 Schedule II: Speed Limits:**

A public hearing to consider amendment of **Chapter 211, Traffic and Vehicles Ordinance, Section 211-35 Schedule II: Speed Limits** of the Town of Clay Municipal Code to designate and provide for the **REDUCTION OF THE PRESENT 45 MPH SPEED LIMIT TO 35 MPH ON MORGAN ROAD FROM NYS ROUTE 31 NORTH THE GREAT NORTHERN MALL ENTRANCE** and the installation of the necessary signs therefore was opened by the Supervisor.

Supervisor Ulatowski began by stating that he had received a petition and letter

and a video requesting a reduction of speed for the portion of Morgan Road from Route 31 to the Great Northern Mall entrance.

Paul Parsons of 8610 Morgan Road began by explaining that there are 14 driveways in that stretch of road as well as 4 business accesses. This generates a great deal of noise as well as traffic.

Sarah Hall stated that she runs on Morgan Road and the motorists drive too fast and there are no sidewalks.

Russ Mitchell said that he thinks that the speed limit should be reduced from Ver Plank Road to Route 31.

Supervisor Ulatowski stated that the Town Engineer, County Department of Transportation and the Onondaga County Sheriffs Department, all recommended *not* reducing the current posted speed limit. He continued that the traffic study and traffic reports conclude that a reduction does not make sense.

Councilor Weaver said that he has been driving down that road for the past 60 years and he will vote to deny.

Supervisor Ulatowski asked if there were any additional questions or comments. Hearing none he **closed** the public hearing.

**Local Law No. 3 of the Year 2011 (PH) - Chapter 230 entitled 'ZONING', Section 230-22 C.(3)(f)[2] Short-duration temporary signs:**

A public hearing to consider proposed local law to be entitled "**Local Law No. 3 of the Year 2011**", to amend **Chapter 230** entitled '**ZONING**', **Section 230-22 C.(3)(f)[2] Short-duration temporary signs** by adding to [d] **Grand Opening**, the word sign and to add a subparagraph [e] **Now Hiring Sign** to same and to further add the words "**Now Hiring Sign**", within **Section 230-22 B. Definitions** to the Code of the Town of Clay.

Commissioner Territo stated that this Local Law is proposing to amend the sign code by adding the temporary sign category. This would be for a period of 60 days and the maximum size of the sign will not exceed 32 square feet.

Councilor Bray made a motion to **adjourn** the public hearing pending a recommendation from the **Planning Board**. Motion was seconded by Councilor Bick.

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

**Budget (A) -TENTATIVE BUDGET/ PRELIMINARY BUDGET for the TOWN of CLAY for the Year 2012:**

Councilor Bray moved the adoption of a resolution approving the **TENTATIVE BUDGET**, as proposed or modified, for the Town of Clay for the year **2012** as the **TOWN OF CLAY PRELIMINARY BUDGET** for the fiscal year commencing **January 1st, 2012**. Motion was seconded by Councilor Weaver.

Ayes-6 and Noes-0 and 1- Abstaining. *Motion carried. Councilor Edick abstained and explained that he didn't agree with allocating \$5000.00 to the SPCA for the Cruelty Program. He added that this should not be an added line item.*

Councilor Bick moved to amend the 2012 Tentative Budget by reducing the appropriation account A7020.1 Recreation Administration - Personal Services by \$1,248.00. Motion was seconded by Councilor Edick.

**Traffic & Vehicles (D) - Chapter 211, Traffic and Vehicles Ordinance, Section 211-35 Schedule II: Speed Limits:**

Councilor Weaver moved the adoption of a resolution **denying** amendment of **Chapter 211, Traffic and Vehicles Ordinance, Section 211-35 Schedule II: Speed Limits** of the Town of Clay Municipal Code designating and providing for the **REDUCTION OF THE PRESENT 45 MPH SPEED LIMIT TO 35 MPH ON MORGAN ROAD FROM NYS ROUTE 31 NORTH THE GREAT NORTHERN MALL ENTRANCE**. Motion was seconded by Councilor Johnson.

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

**Appointment (A) CLAY VOLUNTEER FIRE DEPARTMENT, INC.:**

Councilor Edick moved the adoption of a resolution approving the appointment of **THOMAS W. HOUDE** as a volunteer member of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Bick.

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

**Authorization/Agreement (A) CENTRAL NEW YORK REGIONAL PLANNING & DEVELOPMENT BOARD'S YEAR-4 STORMWATER AND EDUCATION COMPLIANCE ASSISTANCE PROGRAM:**

Councilor Bray moved the adoption of a resolution supporting participation in the **CENTRAL NEW YORK REGIONAL PLANNING & DEVELOPMENT BOARD'S YEAR-4 STORMWATER AND EDUCATION COMPLIANCE ASSISTANCE PROGRAM** and authorizing the Supervisor to act on behalf of the Town of Clay and to execute any and all documents necessary with regard to said matters. The Town further agrees that it will fund its portion of the maximum cost

for the project according to the fee schedule; 75% of the funds will be made available to the Board no later than **February 28th, 2012** and the remaining **25%** will be made available to the Board no later than **September 30th, 2012**, to complete the project. A certified copy of this Resolution will be prepared and sent to the Board no later than **December 1st, 2011**. Said amount not to exceed **\$5,000.00** per municipality, if more than 20 municipalities participate the cost decreases in accordance with number of participating municipalities. Motion was seconded by Councilor Weaver.

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

**Zone Change (SEQR) Town Board Case # 1009 JOLU DEVELOPMENT COMPANY:**

Councilor Johnson moved the adoption of a resolution that the application for **JOLU DEVELOPMENT COMPANY** for a change of zone from **R-15 One-Family Residential District** to **PDD Planned Development District** on property located on **NEW YORK STATE ROUTE 31** (Tax Map No., 051.-01-02.1), consisting of 41.1± acres, is a Type 1 action, which involves other permit granting agencies outside the Town to whom notification must be given that a lead agency must be designated within thirty (30) days. The Town Board of the Town of Clay proposes that without dissent from another agency, the lead agency designated will be the Town of Clay Town Board. Motion was seconded by Councilor Edick.

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

**Budget (CPH) - 2012 Special Districts Budget for the Town of Clay:**

Councilor Bick moved the adoption of a resolution calling a public hearing **November 7th, 2011**, commencing at **7:41 P.M.**, local time, to consider the adoption of the proposed **2012 Special Districts Budget for the Town of Clay**. Motion was seconded by Councilor Bray.

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

**Budget (CPH) - 2012 Fire Budget for the Town of Clay:**

Councilor Bick moved the adoption of a resolution calling a public hearing **November 7th, 2011**, commencing at **7:44P.M.**, local time, to consider the adoption of the proposed **2012 Fire Budget for the Town of Clay**. Motion was seconded by Councilor Edick.

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

**Budget (CPH) - 2012 Uniform Water Budget for the Town of Clay:**

Councilor Bick moved the adoption of a resolution calling a public hearing **November 7th, 2011**, commencing at **7:47 P.M.**, local time, to consider the adoption of the proposed **2012 Uniform Water Budget for the Town of Clay**. Motion was seconded by Councilor Johnson.

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

**Budget (CPH) - 2012 Preliminary Budget for the Town of Clay:**

Councilor Bick moved the adoption of a resolution calling a public hearing **November 7th, 2011**, commencing at **7:50 P.M.**, local time, to consider the adoption of the proposed **2012 Preliminary Budget for the Town of Clay**, as the annual budget. Motion was seconded by Councilor Bray.

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

**Zone Change (CPH) Town Board Case # 1009 JOLU DEVELOPMENT COMPANY:**

Councilor Bick moved the adoption of a resolution calling a public hearing **November 21st, 2011** commencing at **7:35 P.M.**, local time, to consider the application of **JOLU DEVELOPMENT COMPANY** for a change of zone from **R-15 One-Family Residential District to PDD Planned Development District** on property located on **NEW YORK STATE ROUTE 31** (Tax Map No. 051.01-02.1). Motion was seconded by Councilor Edick.

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

**Adjournment:**

The meeting was adjourned at 8:37 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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