

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 7<sup>th</sup> of November, 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 Bick moved the adoption of a resolution to **Approve** the Minutes of the October 15<sup>th</sup> 2012 Town Board Meeting. Motion was seconded by Councilor Bray.

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

**Cancellation and/or requested adjournments.**

None

**Correspondence:**

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

Mr. Ed Paolini of Forestbrook Drive asked if the repairs to Irongate would be completed this year. He added that he has made several attempts to contact the Town Supervisor as well as the Highway Superintendent to ascertain if the curbing at Route 57 and Willowbrook Drive will be completed this year or next so they decide when to remove the perennials. Councilor Weaver assured him that the concrete work will be completed at some point. Supervisor Ulatowski said that he

would look into this but was fairly sure that it will be completed next year due to the time of season. Mr. Paolini thanked him.

**REGULAR MEETING:**

**Zone Change (SEQR) Town Board Case # 1044 - MATTHEW J. RAHALSKI:**

Councilor Johnson moved the adoption of a resolution that the application of **MATTHEW RAHALSKI** for a change of Zone from **LuC-1 Limited Use District For Gasoline Services** to **HC-1 Highway Commercial District** at the address located at **7459 Morgan Road, Tax Map No. 104.-03-14.0**, to allow for commercial uses on the 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. Motion was seconded by Councilor Bray.

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

**Zone Change (D) Town Board Case # 1044 - MATTHEW J. RAHALSKI:**

Councilor Johnson moved the adoption of a resolution denying the application of **MATTHEW RAHALSKI** for a Change of Zone from **LuC-1 Limited Use District For Gasoline Services** to **HC-1 Highway Commercial District** at the address located at **7459 Morgan Road, Tax Map No. 104.-03-14.0**, to allow for commercial uses on the property. Motion was seconded by Councilor Bray.

The adoption of the foregoing Resolution was put to a roll call vote which resulted as follows:

Councilor Young	Voting	No
Councilor Weaver	Voting	No
Councilor Bray	Voting	Yes
Supervisor Ulatowski	Voting	Yes
Councilor Edick	Voting	No
Councilor Bick	Voting	Yes
Councilor Johnson	Voting	Yes

Ayes- 4 and Noes- 3.

Therefore the Resolution was duly carried.  
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**Traffic & Vehicles - Stop Sign(s) (SEQR):**

Councilor Bick moved the adoption of a resolution that the amendment of **CHAPTER 211 TRAFFIC AND VEHICLES ORDINANCE, SECTION 211-12 “STOP INTERSECTIONS” – SCHEDULE IX (§211-42)**, is a type 2 action and therefore does not

require preparation of an EIS. 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.*

**Traffic & Vehicles - Stop Sign(s) (A):**

Councilor Bick moved the adoption of a resolution approving 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 **2 STOP SIGNS** to be installed at the northeast and southeast corners of **Laser Drive** where it intersects with **Dell Center Drive**; and the **installation of the necessary signs therefore**. Motion was seconded by Councilor Edick.

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

**2013 Special Districts Budget for the Town of Clay(PH):**

A public hearing to consider the adoption of the proposed **2013 Special Districts Budget for the Town of Clay** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

John Shehadi, Comptroller, was present to speak on all of the 2013 Budgets for the Town of Clay.

Mr. Shehadi began by explaining that the Town Board recently approved a Local Law for Consolidated Hydrants therefore reducing the cost from last year. He added that the trash collection will have the first increase in 3 years and that this is the only bump in the 5 year contract. This will result in an increase of approximately \$3.90 per household with the exception of district 5 which will see an increase of about \$5.25.

Supervisor Ulatowski asked if there were any questions or comments; hearing none he **Closed** the public hearing.

**2013 Fire Budget for the Town of Clay(PH):**

A public hearing to consider the adoption of the proposed **2013 Fire Budget for the Town of Clay** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Mr. Shehadi stated that all of the five (5) Fire Companies (*Moyers Corners, Clay, Brewerton, Caughdenoy and North Syracuse*) have all submitted budgets with a 0% increase thanks in part to Councilor Edicks' work with the Fire Departments. The amount that the fire budget will be raised is \$40,000. This is due to the increase in cost for workers compensation and the LOSAP (*Length of Service Awards Program*) for retirement. This equates to an increase on the tax bill from \$21.61 per thousand to \$21.78 per thousand.

Supervisor Ulatowski asked if there were any questions or comments; hearing none he **Closed** the public hearing.

**2013 Uniform Water Budget for the Town of Clay(PH):**

A public hearing to consider the adoption of the proposed **2013 Uniform Water Budget for the Town of Clay** was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Mr. Shehadi explained that the Town of Clay Water rates are better than those of the OCWA customers. The only increase is to offset the increase of salaries and benefits.

Supervisor Ulatowski asked if there were any questions or comments; hearing none he **Closed** the public hearing.

**Adoption of the Proposed 2013 Preliminary Budget for the Town of Clay (PH):**

A public hearing to consider the adoption of the proposed **2013 Preliminary Budget for the Town of Clay**, as the annual budget was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski reiterated that this is a no frills budget with no new positions. The tax increase will reflect a 2.5% increase in employee salaries. He continued, by again reminding that they have worked diligently to provide a budget that reflects the savings that they have been able to pass on to the residents by refinancing a bond, obtaining a grant to make improvements resulting in energy efficiency as well as a reduction in the County tax bill. Supervisor Ulatowski stated that despite passing the Local Law No. 5 of the Year 2012, the Town has provided a budget that comes in under the Governors' tax cap.

Supervisor Ulatowski then provided a power point presentation graphically depicting the structure of the tax bill.

Mr. Paolini asked if this information would be available. Supervisor Ulatowski said that it would be on the website the next afternoon.

Russ Mitchell commented that people are always complaining about taxes but they are reasonable for the services that the Town of Clay provides. He urged the students at the meeting to look at a tax bill in January to understand the breakdown.

Supervisor Ulatowski asked if there were any questions or comments; hearing none he **Closed** the public hearing.

**2013 Special Districts Budget for the Town of Clay(A):**

Councilor Young moved the adoption of a resolution approving and adopting the proposed **2013 Special Districts Budget for the Town of Clay**. Motion was seconded by Councilor Bray.

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

**2013 Fire Budget for the Town of Clay(A):**

Councilor Edick moved the adoption of a resolution approving and adopting the proposed **2013 Fire Budget for the Town of Clay**. Motion was seconded by Councilor Bick.

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

**2013 Uniform Water Budget for the Town of Clay(A):**

Councilor Young moved the adoption of a resolution approving and adopting the proposed **2013 Uniform Water Budget for the Town of Clay**. Motion was seconded by Councilor Weaver.

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

**Adoption of the Proposed 2013 Preliminary Budget for the Town of Clay (A):**

Councilor Bray moved the adoption of a resolution approving and adopting the **2013 Preliminary Budget for the Town of Clay**, as proposed, as the **Town of Clay Budget for the year 2013**. Motion was seconded by Councilor Weaver.

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

**Release of Securities (A) COMBAT CONSTRUCTION for WATERHOUSE LANDING, SECTION NO. 2:**

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 **COMBAT CONSTRUCTION for WATERHOUSE LANDING, SECTION NO. 2 (Millstream Drive, 1274 lf)**. Gravel, gutters, binder and top are in place in accordance with Town Highway Specifications. Motion was seconded by Councilor Bray.

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

**Release of Securities (A) COMBAT CONSTRUCTION for WATERHOUSE LANDING, SECTION NO. 1:**

Councilor Weaver moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **100%** of the original amount posted for Highway Construction Guarantee by **COMBAT CONSTRUCTION for WATERHOUSE LANDING, SECTION NO. 1 (Millstream Drive, 1485 lf and Norcross Drive, 685 lf)**. The roads have been completed in accordance with Town Highway Specifications. Motion was seconded by Councilor Edick.

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

**Release of Securities (A) OOT BROTHERS, INC. for CROSS CREEK:**

Councilor Weaver moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **100%** of the original amount posted for Highway Construction Guarantee by **OOT BROTHERS, INC. for CROSS CREEK**

**(Bordeaux Lane, 550 lf and Cross Creek Drive, 1200 lf)**. The roads have been completed in accordance with Town Highway Specifications. Motion was seconded by Councilor Edick.

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

**Release of Securities (A) KELLY-TOBIN DEVELOPMENT CORPORATION for LAWTON VALLEY HUNT, SECTION NO. 15:**

Councilor Edick moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **100%** of the original amount posted for Highway Construction Guarantee by **KELLY-TOBIN DEVELOPMENT CORPORATION for LAWTON VALLEY HUNT, SECTION NO. 15 (Lucknow Drive, 552 lf and Perth Course, 890 lf)**. The roads have been completed in accordance with Town Highway Specifications. Motion was seconded by Councilor Weaver.

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

**Release of Securities (A) WOODSIDE RUNNE, LLC for INVERNESS GARDENS SECTION NO. 1:**

Councilor Johnson moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **100%** of the original amount posted for Highway Construction Guarantee by **WOODSIDE RUNNE, LLC for INVERNESS GARDENS SECTION NO. 1 (Wintersweet Drive, 2050 lf, Lobelia Lane, 373 lf and Astilbe Path, 1002 lf)**. The roads have been completed in accordance with Town Highway Specifications. Motion was seconded by Councilor Weaver.

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

**Agreement (A) LABOR AGREEMENT BETWEEN THE TOWN OF CLAY CLERICAL and OFFICE EMPLOYEES and the TEAMSTERS LOCAL UNION 317:**

Councilor Edick moved the adoption of a resolution approving the **LABOR AGREEMENT BETWEEN THE TOWN OF CLAY CLERICAL and OFFICE EMPLOYEES and the TEAMSTERS LOCAL UNION 317** along with the New York State Teamsters Council Health and Hospital for the term commencing January 1, 2013 to December 31, 2014 and authorizing the Supervisor to execute same. Motion was seconded by Councilor Weaver.

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

**Authorization/Cluster Development -**

Councilor Johnson moved the adoption of a resolution that the Town of Clay Town Board does authorize the Town of Clay Planning Board to consider and process an application for a cluster development.

**WHEREAS** an application for subdivision approval currently pending, and known as **WILDFLOWER**, which application proposes a total of 187 +/- acres comprised of 41 residential building lots on a parcel of land located on the north side of VerPlank Road, east of Henry Clay Blvd. (Tax Map Nos.: 043.-01-15.4 and 043.-01-34.1), and

**WHEREAS** the applicant is seeking to change the previously approved 10-lot cluster plan into a 41-lot clustered subdivision using the zoning provision of clustering.

**NOW, THEREFORE, BE IT RESOLVED** that the said application be and the same hereby is referred to the Planning Board of the Town of Clay for its examination and approval pursuant to the Town of Clay Zoning Code. With the provision that the open space shall not be attached to a building lot.

**BE IT FURTHER RESOLVED** that the owner/applicant shall submit an application for cluster development on such property to the Planning and Development Department. Motion was seconded by Councilor Bick.

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

**Fire Hydrants - Fay Road Water Supply District:**

Councilor Bray moved the adoption of a resolution authorizing the installation of two (2) fire hydrants in the **Fay Road Water Supply District** and authorizing the Supervisor to execute the OCWA fire hydrant application (Fay Road). Motion was seconded by Councilor Weaver.

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

**Agreement / Authorization - HARKE FARMS SUBDIVISION:**

Councilor Young moved the adoption of a resolution authorizing the Supervisor to enter into an Agreement on behalf of the Town with **COR VERPLANK ROAD COMPANY, LLC.**, for the construction/development of **HARKE FARMS SUBDIVISION**. Motion was seconded by Councilor Bray.

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

**Project/Sewer (CPH) - HARKE FARMS SEWER DISTRICT:**

Councilor Young moved the adoption of a resolution calling a public hearing **December 3, 2012**, commencing at **7:35 P.M.**, local time, to consider a Petition for the creation of a sewer district within the Town of Clay to be designated and known as "**HARKE FARMS SEWER DISTRICT**" and for the construction and acquisition of a sewer system therein to be designated and known as "**HARKE FARMS SEWER DISTRICT, CONTRACT NO. 1.**" (Harke Farms Subdivision). Motion was seconded by Councilor Weaver.

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

**Project/Sewer (CPH) - GASKIN ROAD SEWER DISTRICT:**

Councilor Young moved the adoption of a resolution calling a public hearing **December 3, 2012**, commencing at **7:38 P.M.**, local time, to consider a Petition for the creation of a sewer district within the Town of Clay to be designated and known as "**GASKIN ROAD SEWER DISTRICT**" and for the construction and acquisition of a sewer system therein to be designated and known as "**GASKIN ROAD SEWER DISTRICT, EXTENSION NO. 2; CONTRACT NO. 5-LATERAL.**" (Harke Farms Subdivision). Motion was seconded by Councilor Weaver.

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

**Project/Drainage (CPH) - HARKE FARMS DRAINAGE DISTRICT:**

Councilor Young moved Move the adoption of a resolution calling a public hearing **December 3, 2012**, commencing at **7:41 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 "**HARKE FARMS DRAINAGE DISTRICT**" and for the construction and acquisition of a drainage system therein to be designated and known as "**HARKE FARMS DRAINAGE DISTRICT, CONTRACT NO. 1.**" (Harke Farms Subdivision). Motion was seconded by Councilor Weaver.

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

**Project/Drainage (CPH) - GROSSMAN'S DRAINAGE DISTRICT:**

Councilor Bick moved the adoption of a resolution calling a public hearing **December 3, 2012**, 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 "**GROSSMAN'S DRAINAGE DISTRICT**" and for the construction and acquisition of a drainage system therein to be designated and known as "**GROSSMAN'S DRAINAGE DISTRICT, CONTRACT NO. 5.**" (Harke Farms Subdivision). Motion was seconded by Councilor Edick.

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

**Project/Lighting (CPH) - HARKE FARMS LIGHTING DISTRICT:**

Councilor Bick moved the adoption of a resolution calling a public hearing **December 3, 2012**, commencing at **7:47 P.M.**, local time, to consider a Petition for the creation of a lighting district within the Town of Clay to be designated and known "**HARKE FARMS LIGHTING DISTRICT.**" (Harke Farms Subdivision). Motion was seconded by Councilor Edick.

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

**Project/Water (CPH) - HARKE FARMS WATER SUPPLY DISTRICT:**

Councilor Bick moved the adoption of a resolution calling a public hearing **December 3, 2012**, commencing at **7:50 P.M.**, local time, to consider a Petition for the creation of a water supply district within the Town of Clay to be designated and known as "**GASKIN ROAD WATER SUPPLY DISTRICT**" and for the construction and acquisition of a water supply system therein to be designated and known as "**GASKIN ROAD WATER SUPPLY DISTRICT, EXTENSION NO. 3.**" (Harke Farms Subdivision). Motion was seconded by Councilor Edick.

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

**Bid Award/Agreement - BROWNFIELD OPPORTUNITY AREA (BOA) STEP 2 – NOMINATION STUDY:**

Councilor Bray moved the adoption of a resolution awarding a Contract Agreement to **PLUMLEY ENGINEERING, P.C.** for the preparation of a **BROWNFIELD OPPORTUNITY AREA (BOA) STEP 2 – NOMINATION STUDY**, in an amount not to exceed \$258,765.00, and authorizing the Supervisor to execute same, Subject to approval as to form and content by the Town Attorney. Motion was seconded by Councilor Weaver.

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

**Bid/ Advertisement - (ONONDAGA COUNTY) PROVIDING AND MAINTAINING A POUND/SHELTER FOR ANIMALS SEIZED BY AN ANIMAL CONTROL OFFICER, OR OTHER AUTHORIZED OFFICER OR EMPLOYEE OF THE TOWN OF CLAY:**

Councilor Edick moved the adoption of a resolution authorizing **ONONDAGA COUNTY** for the advertisement of bids for **PROVIDING AND MAINTAINING A POUND/SHELTER FOR ANIMALS SEIZED BY AN ANIMAL CONTROL OFFICER, OR OTHER AUTHORIZED OFFICER OR EMPLOYEE OF THE TOWN OF CLAY.** Bid opening **December 10, 2012, at 2:00 P.M.**, local time, or the first available date after addendum to be compliant with general municipal law, whichever is later. If an addendum is required, bid opening may be moved without amending this resolution only to the extent that the new date will meet statutory requirements for duration. Motion was seconded by Councilor Bick.

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

**Agreement (A) SNOW PLOW AGREEMENT BETWEEN THE COUNTY OF ONONDAGA AND TOWN OF CLAY:**

Councilor Weaver moved the adoption of a resolution approving the **SNOW PLOW AGREEMENT BETWEEN THE COUNTY OF ONONDAGA AND THE TOWN OF CLAY** for the period from October 26, 2012 through May 31, 2017 (with an option for an additional five year term). The County shall pay a flat rate per mile of \$6,600.00 in the budget year 2012, thereafter such rate shall be increased by 2% and each subsequent year where by the County shall pay a flat per mile rate of \$6,732.00 in budget year 2014, \$6,867.00 in budget year 2015, \$7,004.00 in budget year 2016 and \$7,144.00 in budget year 2017. One-half of the estimated compensation shall be paid to the town on January 31 of each contract year, and the reconciled balance shall be paid to the town by June 15 of each said contract year. In addition, the town will receive an additional payment for any winter with above average snow and ice activity as determined by the New York State Department of Transportation severity factor for Onondaga County. And further, pursuant to any additional terms and conditions contained in the compensation paragraph and all other paragraphs of said Agreement and authorizing the Supervisor to execute same. This resolution is subject to approval as to form and content by the Town Attorney. Motion was seconded by Councilor Bray.

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

**Adjournment:**

The meeting was adjourned at 8:25 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

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