

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 16th of July, 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
Eugene Young	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

Bruce N. Johnson	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 Bick moved the adoption of a resolution to **Approve** the Minutes of the June 18th 2012 Town Board Meeting. Motion was seconded by Councilor Edick.

Ayes-6 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.

No one responded.

REGULAR MEETING:

Traffic & Vehicles (Stop Signs) (A) - LONA LANE, LYLE DRIVE, FUCHSIA PATH, LILITH LANE AND LOLA DRIVE:

Councilor Bick moved the adoption of a resolution approving amendment of **CHAPTER 211 TRAFFIC AND VEHICLES ORDINANCE, SECTION 211-12 STOP INTERSECTIONS –**

SCHEDULE IX (§ 211-42) of the Town of Clay Municipal Code designating and providing for **STOP SIGNS on LONA LANE and LYLE DRIVE at both the north and south approaches from Lyle Drive to Lona Lane; a STOP SIGN on LYLE DRIVE as it intersects with LILITH LANE; on LYLE DRIVE as it intersects with LOLA LANE; on FUCHSIA PATH as it intersects with LYLE DRIVE;** and the installation of the necessary signs therefore. Motion was seconded by Councilor Edick.

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

Project (Sewer) (PH) - MORGAN SQUARE SENIOR APARTMENTS SEWER DISTRICT, CONTRACT NO. 1:

A public hearing to consider a Petition for the creation of a sewer district within the Town of Clay to be designated and known as "**MORGAN SQUARE SENIOR APARTMENTS SEWER DISTRICT**" and for the construction and acquisition of a lateral sewer system therein to be designated and known as "**MORGAN SQUARE SENIOR APARTMENTS SEWER DISTRICT, CONTRACT NO. 1**", (Morgan Square Senior Apartments Project) was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Project (Drainage) (PH) - MORGAN SQUARE SENIOR APARTMENTS DRAINAGE DISTRICT, CONTRACT NO. 1:

A public hearing to consider a Petition for the creation of a drainage district within the Town of Clay to be designated and known as "**MORGAN SQUARE SENIOR APARTMENTS DRAINAGE DISTRICT**" and for the construction and acquisition of a lateral drainage system therein to be designated and known as "**MORGAN SQUARE SENIOR APARTMENTS DRAINAGE DISTRICT, CONTRACT NO. 1**", (Morgan Square Senior Apartments Project) was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski opened both the sewer and the drainage public hearings together.

Elise Pikarsky of LRJ Engineering was present for the applicant and began by giving a brief overview of both applications. Ms. Pikarsky explained that service connections will be available to adjacent neighbors.

Drainage will be conveyed by swales and sent to a retention basin explained Ms. Pikarsky, adding that they will be utilizing green technology.

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

CLAY CONSOLIDATED HYDRANT AND WATER SUPPLY DISTRICT NO. 1 (PH):

A public hearing, by motion of the Town Board, to consider consolidation of certain existing hydrant and water supply districts located within the Town of Clay, County of Onondaga and State of New York to be designated and known as "**CLAY CONSOLIDATED HYDRANT**

AND WATER SUPPLY DISTRICT NO. 1". was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

John Shehadi, Comptroller, began by explaining that part of the town is served by Onondaga County Water Authority and part is served by Clay Water. He continued that nearly 2/3 of the hydrants are 30 years or older. He added that there are 80 hydrant districts that have been formed since the 1950's and that having one consolidated district would simplify things and potentially be more cost effective. He ended by saying that if this passes, he estimates that it will be up and running by the first of the year.

Robert Germain explained that this will take place by permissive referendum, which means that the proposal will be posted and filed 10 days from this meeting. Residents have 30 days from this meeting to disagree if there is no opposition at that time, the referendum will pass.

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

Project - Drainage (PH) - HYLAND GARDENS DRAINAGE DISTRICT, CONTRACT NO. 1:

A public hearing to consider a Petition for the creation of a drainage district within the Town of Clay to be designated and known as "**HYLAND GARDENS DRAINAGE DISTRICT**" and for the construction and acquisition of a lateral drainage system therein to be designated and known as, "**HYLAND GARDENS DRAINAGE DISTRICT, CONTRACT NO. 1**", (Hyland Gardens Subdivision) was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Bill Morris said that the property is located south of Dolshire Drive, on Buckley Road and will service the proposed new development. There will be two commercial units for the Hyland Gardens development. The low points will drain south to an infiltration basin near Carlton Lane.

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

Project - Sewer (PH) - FAY ROAD SEWER DISTRICT:

A public hearing to consider a Petition for the construction and acquisition of a lateral sewer system located within the **Fay Road Sewer District** to be designated and known as "**FAY ROAD SEWER DISTRICT, CONTRACT NO. 3 LATERAL**", (Hyland Gardens Subdivision) was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

The petition is to extend the current sewer district and an outside user agreement with the Town of Salina. The draft and associated fees are being finalized.

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

Project - Drainage (PH) - RED BARN ACRES DRAINAGE DISTRICT:

A public hearing to consider a Petition for the creation of a drainage district within the Town of Clay to be designated and known as "**RED BARN ACRES DRAINAGE DISTRICT**" and for the construction and acquisition of a drainage system therein to be designated and known as "**RED BARN ACRES DRAINAGE DISTRICT, CONTRACT NO. 1**", (Red Barn Acres Subdivision) was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

The purpose of this application is to establish drainage for the future development. The area that currently houses the Red Barn needs water filtration and the Town of Salina has requested that the Town of Clay change the discharge point. The outflow will tie into the Medical Center System to the north and the residential will drain to the south.

Councilor Edick asked about the connection of the road. Commissioner Territo said that the Town of Salina does not want the new road to connect to their road. He added that there will be a cul-de-sac and that Salina will be placing a guard rail on their side of the road. Councilor Edick asked Councilor Weaver (former Highway Superintendent) what his feelings were about cul-de-sacs. Councilor Weaver said that it should not be there. There was a lengthy discussion about the connection and the long term debate between Salina and Clay. Councilor Bray asked if the fire department was ok with a long road with a cul-de-sac and no other outlets. Supervisor Ulatowski said that he is discouraged that the Town of Clay and the Town of Salina cannot come to an agreement on this.

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

Project - Water (PH) - RED BARN ACRES WATER SUPPLY DISTRICT:

A public hearing to consider a Petition for the creation of a water supply district within the Town of Clay to be designated and known as "**RED BARN ACRES WATER SUPPLY DISTRICT**" and for the construction and acquisition of a water supply system therein to be designated and known as "**RED BARN ACRES WATER SUPPLY DISTRICT**", (Red Barn Acres Subdivision) was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

The developer will establish water connection to a few lots within the **Fay Road water supply district**.

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

Project - Sewer (PH) - BEAR ROAD SEWER DISTRICT:

A public hearing to consider a Petition for the construction and acquisition of a lateral sewer system located within the **Bear Road Sewer District** to be designated and known as "**BEAR ROAD SEWER DISTRICT, CONTRACT NO. 33 LATERAL**" (Red Barn Acres

Subdivision) was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

This petition will extend the sanitary sewers from the existing sewers on Mann Drive for an inter-municipal agreement with the Town of Salina.

Supervisor Ulatowski asked if there were any questions, hearing none he **closed** the public hearing. He added that he is disappointed that both towns cannot come to a better agreement.

Local Law No. 3 of 2012 (PH) - Chapter 105 entitled "SCHEDULE OF FEES":

A public hearing to consider proposed **Local Law No. 3 of the Year 2012** to amend **Chapter 105** entitled "**SCHEDULE OF FEES**" by adding to **Chapter 78** entitled '**Brush, Grass, Rubbish and Weeds**', **Section 78-6, Work done by the Town**; **Chapter 86** entitled '**Buildings, Unsafe**', **Sections 86-12D Emergency Work done by the Town**; **Section 86-15 Assessment lien**; and **Chapter 216** entitled '**Vehicles, Abandoned, Junked or Inoperative**', **Section 216 B Removal Procedures**, legal costs and a \$150.00 administrative fee to the Code of the Town of Clay was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Ordinance 1 of the Year 2012 (PH)(amend) Chapter 78 - BRUSH, GRASS, RUBBISH AND WEEDS:

A public hearing to consider proposed **Ordinance 2012-01** to amend **Chapter 78** entitled "**BRUSH, GRASS, RUBBISH AND WEEDS**", by adding to **Section 78-6, Work done by Town**; to include any legal and administrative fees to such section and to add such fee amount to **Chapter 105 Schedule of Fees** to the Code of the Town of Clay. Adjourned to this date and time at the June 18th, 2012 Town Board Meeting was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski said that he would open the next three meetings together.

Ordinance 2 of the Year 2012 (PH)(amend) Chapter 216 - VEHICLES, ABANDONED, JUNKED OR INOPERATIVE:

A public hearing to consider proposed **Ordinance 2012-02** to amend **Chapter 216** entitled "**VEHICLES, ABANDONED, JUNKED OR INOPERATIVE**" by adding to **Section 216-3B. Removal Procedure** - to include any legal and administrative fees to such section and to add such fee amount to **Chapter 105 Schedule of Fees** to the Code of the Town of Clay. Adjourned to this date and time at the June 18th, 2012 Town Board Meeting was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk.

Local Law No. 2 of 2012 (PH) - Chapter 86 entitled "BUILDING, UNSAFE":

A public hearing to consider proposed **Local Law No. 2 of the Year 2012** to amend **Chapter 86** entitled "**BUILDING, UNSAFE**" by adding to **Section 86-12 D. Emergency Work done by Town** and to **Section 86-15 Assessment and lien**, to include any legal and administrative fees and to add such fee amount to **Chapter 105 Schedule of Fees** to the Code of the Town of Clay

was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk. Adjourned to this date and time at the June 18th, 2012 Town Board Meeting.

The Supervisor opened the hearings and Commissioner Territo gave a brief overview of each. He began by explaining that this proposal will allow the Town to collect a fee of \$150.00 to be used as an administrative fee for clean ups to individual residences that do not live up to the Town Code. He added that this is not a tax and in 2011 there were 144 "clean ups" done by the town.

Councilor Bick stated that he is adamantly against this and that it is in fact another tax. Supervisor Ulatowski disagreed adding that he did not wish to debate the issue but feels that the town is justified in charging a fee (that will go into the General Fund) to offset the cost of intervention. There was a lengthy and fervent discussion about the possibility of fees. Councilor Bick insisted that any added fees will be the same as taxes.

Robert Germain added that most towns handle it this way and that the resident is given the opportunity to correct problems before a fine or fee is appraised. Supervisor Ulatowski deferred to legal council and stated that he was comfortable with these proposals as long as council is in agreement.

Janet Rathburn, a resident in the Pompton Knolls Development said that she supports these and that they are long overdue.

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

Zone Change (PH/Adj.) - Town Board Case # 1038 - VITO BARLETTA:

A public hearing to consider the application of **VITO BARLETTA**, and **NORTH CENTRAL ASSEMBLY of GOD** from **R-10** to **R-SR Senior Residence District** on part of property located at **7421 Buckley Road, Tax Map No. 107-05-01.1** and **on part** of **7463 Buckley Road, Tax Map No. 096.-37-28.0.**, was opened by the Supervisor, proof of publication and posting was furnished by the Town Clerk. Adjourned to this date and time at the June 18th, 2012 Town Board Meeting.

Art Dempsey and Vito Barletta were present to continue the public hearing. Mr. Dempsey reported that the Planning Board had unanimously recommended this zone change.

Mr. Dempsey reiterated that the applicant will construct 130 units on Buckley Road. There will be garages and 2 parking spots per unit. The buildings will be three stories high. The existing house and barn will remain. There will be small scale office/retail towards the front of the parcel.

Councilor Bray asked if the proposed retail will have direct access to Buckley Road and it will not.

Supervisor Ulatowski asked about the age requirements. Mr. Barletta said that the age requirement is 62 and that all units will be two bedrooms.

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

Agreement / Authorization (A) - HYLAND GARDENS SUBDIVISION:

Councilor Edick moved the adoption of a resolution authorizing the Supervisor to enter into an Amended Agreement on behalf of the Town with **SOUTHWEST BUCKLEY PROPERTIES, LLC**, and **RED BARN COUNTRY, LLC** for the construction/development of **HYLAND GARDENS SUBDIVISION**, (Added Red Barn Country, LLC). Motion was seconded by Councilor Bick.

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

Agreement / Authorization (A) - RED BARN ACRES SUBDIVISION:

Councilor Edick moved the adoption of a resolution authorizing the Supervisor to enter into an Amended Agreement on behalf of the Town with **SOUTHWEST BUCKLEY PROPERTIES, LLC**, and **RED BARN COUNTRY, LLC**, for the construction/development of **RED BARN ACRES SUBDIVISION**, (Added Red Barn Country, LLC). Motion was seconded by Councilor Bick.

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

Fire Hydrants (3)(A) - Northfork Water Supply District:

Councilor Bick moved the adoption of a resolution approving the installation of a three (3) fire hydrants in the **Northfork Water Supply District** and authorizing the Supervisor to execute the OCWA fire hydrant application (Northfork Section No. 2 Phase 2). Fire Hydrant Nos. 13129, 13130 & 13131, OCWA Project No. 9003619. Motion was seconded by Councilor Bray.

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

Fire Hydrants (2)(A) - Euclid Water Supply District, Extension No. 1:

Councilor Bick moved the adoption of a resolution approving the installation of a two (2) fire hydrants in the **Euclid Water Supply District, Extension No. 1**) and authorizing the Supervisor to execute the OCWA fire hydrant application (Morgan Square Senior Apartments). Fire Hydrant Nos. 13132 & 13133, OCWA Project No. 9003623. Motion was seconded by Councilor Bray.

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

Supervisor Ulatowski asked John Shehadi if this water supply district will be added if the consolidated water supply application passes; and it will

Project (Sewer) (A) - MORGAN SQUARE SENIOR APARTMENTS SEWER DISTRICT, CONTRACT NO. 1:

Councilor Bray moved the adoption of a resolution approving the creation of a sewer district within the Town of Clay to be designated and known as "**MORGAN SQUARE SENIOR APARTMENTS SEWER DISTRICT**", (Morgan Square Senior Apartments Project). Motion was seconded by Councilor Edick.

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

Project (Drainage) (A) - MORGAN SQUARE SENIOR APARTMENTS DRAINAGE DISTRICT, CONTRACT NO. 1:

Councilor Bray moved the adoption of a resolution approving the creation of a drainage district within the Town of Clay to be designated and known as "**MORGAN SQUARE SENIOR APARTMENTS DRAINAGE DISTRICT**", (Morgan Square Senior Apartments Project). Motion was seconded by Councilor Weaver.

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

Project (acquire public facilities) (A) - MORGAN SQUARE SENIOR APARTMENTS PROJECT:

Councilor Young moved the adoption of a resolution that it is in the public interest that the Town of Clay approve the construction and acquire the public facilities located within **MORGAN SQUARE SENIOR APARTMENTS PROJECT** (Morgan Square Senior Apartments Sewer District, Contract No. 1 and Morgan Square Senior Apartments Drainage District, Contract No. 1) in accordance with the terms and conditions of a certain Agreement entered into between the Town of Clay and the developer **CLOVER COMMUNITIES CLAY, LLC**. Motion was seconded by Councilor Edick.

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

Fire Hydrants - (A) CLAY CONSOLIDATED HYDRANT DISTRICT NO. 1:

Councilor Bick moved the adoption of a resolution approving the creation of a consolidated hydrant district for water supply and hydrant facilities, as shown on Exhibit "A", within the Town of Clay to be designated and known as "**CLAY CONSOLIDATED HYDRANT DISTRICT NO. 1.**" This resolution is **subject to permissive referendum**. (Exhibit "A" is on file in the Town Clerk's Office.) Motion was seconded by Councilor Bray.

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

Project - Drainage (A) - HYLAND GARDENS DRAINAGE DISTRICT, CONTRACT NO. 1:

Councilor Edick moved the adoption of a resolution approving the creation of a drainage district within the Town of Clay to be designated and known as "**HYLAND GARDENS DRAINAGE DISTRICT**", (Hyland Garden Subdivision). Motion was seconded by Councilor Weaver.

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

Project (acquire public facilities) (A) - HYLAND GARDENS DRAINAGE DISTRICT, CONTRACT NO. 1:

Councilor Edick moved the adoption of a resolution that it is in the public interest that the Town of Clay to approve the construction and acquire the public facilities located within **HYLAND GARDENS SUBDIVISION**, (Hyland Gardens Drainage District, Contract No. 1 and Fay Road Sewer District, Contract No. 3 Lateral) in accordance with the terms and conditions of a certain Amended Agreement entered into between the Town of Clay and the developers **SOUTHWEST BUCKLEY PROPERTIES, LLC**, and **RED BARN COUNTRY, LLC**. Motion was seconded by Councilor Weaver.

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

Project - Drainage (A) - RED BARN ACRES DRAINAGE DISTRICT:

Councilor Weaver moved the adoption of a resolution approving the creation of a drainage district within the Town of Clay to be designated and known as "**RED BARN ACRES DRAINAGE DISTRICT**", (Hyland Garden Subdivision). Motion was seconded by Councilor Bick.

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

Project - Water (A) - RED BARN ACRES WATER SUPPLY DISTRICT:

Councilor Weaver moved the adoption of a resolution approving the creation of a water supply district within the Town of Clay to be designated and known as "**RED BARN ACRES WATER SUPPLY DISTRICT**", (Hyland Garden Subdivision). Motion was seconded by Councilor Bick.

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

Project (acquire public facilities)(A) - RED BARN ACRES SUBDIVISION:

Councilor Young moved the adoption of a resolution that it is in the public interest that the Town of Clay to approve the construction and acquire the public facilities located within **RED BARN ACRES SUBDIVISION**, (Red Barn Acres Drainage District, Contract No. 1, Red Barn Acres Water Supply District and Bear Road Sewer District, Contract No. 33 Lateral) in accordance with the terms and conditions of a certain Amended Agreement entered into between the Town

of Clay and the developers **SOUTHWEST BUCKLEY PROPERTIES, LLC**, and **RED BARN COUNTRY, LLC**. Motion was seconded by Councilor Weaver.

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

Special Permit (CPH) - Town Board Case # 1040 - JOHN DAVIS, DVM and ROUTE 31 HOLDING CO. LLC:

Councilor Bray moved the adoption of a resolution calling a A public hearing **August 20th, 2012**, commencing at **7:35 P.M.**, local time to consider the application of **JOHN DAVIS, DVM** and **ROUTE 31 HOLDING CO. LLC**, for a **SPECIAL PERMIT TO ALLOW FOR ANIMAL CARE/ TRAINING FACILITY** on property located at **5252 State Route 31, Tax Map No. 064.-01-12.3**. Motion was seconded by Councilor Edick.

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

Adjournment:

The meeting was adjourned at 8:52 P.M. upon motion by Councilor Bray and seconded by Councilor Weaver.

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