

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 18th of March, 2019 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
David Hess	Councilor
Eugene Young	Councilor
Brian Hall	Councilor
Ryan Pleskach	Councilor
Kevin Meaker	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

None

OTHERS PRESENT:

Rob Bick; Assessor and Chris Carrick; CNYRPDB.

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 Hess made a motion to approve the minutes of the February 4, 2019 meeting (note: there was no approval for March 4, 2019 because there was no quorum – no business). Motion was seconded by Councilor Bick.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that item # 11 on the agenda would not be heard.

Correspondence:

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

No one responded. Councilor Bick suggested that the Supervisor explain about the award that the Town Board received last week from the Canteen in Cicero. Supervisor Ulatowski explained that the Canteen in Cicero is a haven for teens to

build self-esteem and provide a positive environment. The Town of Clay has supported this worthwhile cause for the past 20 years and has been recognized for it with a plaque for Elected Officials of the year.

REGULAR MEETING

Appointment (A) – CLAY VOLUNTEER FIRE DEPARTMENT:

Councilor Young moved the adoption of a resolution approving the appointment of **Jeffrey Carrow** as a member of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Hall.

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

Contract/ Agreement (A) Town of Clay and the New York State Department of Transportation:

Councilor Hess moved the adoption of a resolution approving a Highway Work Permit between the **Town of Clay** and the **New York State Department of Transportation**, whereas said Permit is issued and used by the **Town of Clay** in connection with work affecting the Right-of-Way of a State Highway; pursuant to Article 3, Section 52 of State Highway Law and Section 1220-c of the Vehicle and Traffic Law; and further authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Bick.

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

Fire Hydrants (7)(A) – West Taft Road:

Councilor Young moved the adoption of a resolution **approving** the installation of seven (7) additional fire hydrants along a 1 mile stretch of West Taft Road from the intersection of South Bay Road to the intersection of Buckley Road to meet the current Ten State Standards minimum spacing requirements, and authorizing the Supervisor to execute the OCWA fire hydrant application. **Fire Hydrant Nos. 14500 - 14506, OCWA Project No. 4190023.** (W. Taft Road - Onondaga County Department of Transportation Improvement Project). Motion was seconded by Councilor Hess.

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

Agreement - ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING PLAN:

Councilor Bick moved the adoption of a resolution authorizing amendment to the **ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING PLAN** for the Town of Clay. Motion was seconded by Councilor Hess.

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

Project (sewer)(final plans) – Byrne Dairy Sewer District, Contract No. 1:

Councilor Meaker moved the adoption of a resolution approving the **Final Plans** for **Byrne Dairy** (Byrne Dairy Sewer District, Contract No. 1, and authorizing the Supervisor to execute the necessary forms therefore. (Contract documents). Motion was seconded by Councilor Pleskach.

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

Agreement – (Intermunicipal Wastewater) – ONONDAGA COUNTY:

No Action

Authorization/ Agreement - ONONDAGA COUNTY COMMUNITY DEVELOPMENT for the year 2019:

Councilor Bick moved the adoption of a resolution authorizing application to **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2019**. Motion was seconded by Councilor Hess.

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

Contract - TOWN OF CLAY LANDFILL POST CLOSURE ENVIRONMENTAL MONITORING PROGRAM:

Councilor Hall moved the adoption of a resolution authorizing the Supervisor to execute a contract with **C & S ENGINEERS, INC.**, for professional services to be rendered for the year **2019** in compliance with the DEC Regulations for the **TOWN OF CLAY LANDFILL POST CLOSURE ENVIRONMENTAL MONITORING PROGRAM**. Said services not to exceed the sum of **\$8,400**. Motion was seconded by Councilor Bick.

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

TRAFFIC & VEHICLES (Stop Signs)(CPH) – Turtle Cove Road and Stepping Stone Lane:

Councilor Pleskach moved the adoption of a resolution calling a public hearing **April 1, 2019**, commencing at **7:35P.M.** local time to consider the proposed amendment of **CHAPTER 211**, entitled “**TRAFFIC AND VEHICLES ORDINANCE**” of the Code

of the Town of Clay, **SECTION 211-12 ‘STOP INTERSECTIONS,’** described in **SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to designate and provide for **one (1) stop sign** to be installed on the corner of **Turtle Cove Road** to create a two-way stop, which will allow the flow of traffic to continue on **Pine Hollow Drive**, while stopping traffic on both **Turtle Cove Road** and **Stepping Stone Lane**; and provide for the installation of the necessary sign therefore. Motion was seconded by Councilor Hess.

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

TRAFFIC & VEHICLES (No Parking)(CPH) – Amor Drive:

Councilor Pleskach moved the adoption of a resolution calling a public hearing **April 1, 2019**, commencing at **7:38P.M.** local time to consider the proposed amendment of **CHAPTER 211**, entitled “**TRAFFIC AND VEHICLES ORDINANCE**” of the Code of the Town of Clay, **SECTION 211-18 ‘PARKING PROHIBITED AT ALL TIMES,’** described in **SCHEDULE XIV (§211-47)** of the Town of Clay Municipal Code to designate and provide for “**No Parking**” signs to be installed on **Amor Drive** where it intersects with **Amor Drive** to where it dead ends to the east, and on both sides of the road; and provide for the installation of the necessary signs therefore. Motion was seconded by Councilor Hess.

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

ONONDAGA COUNTY COMMUNITY DEVELOPMENT for the year 2019(CPH):

Councilor Hess moved the adoption of a resolution calling a public hearing **April 1, 2019**, commencing at **7:41 P.M.**, local time, to solicit from Town of Clay residents their comments and input regarding the use of funds by the Town of Clay with respect to the applications for funding filed with **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2019**. Motion was seconded by Councilor Hall.

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

LOCAL LAW No. 1 OF 2019 (CPH) – Chapter 230 – Zoning:

Councilor Meaker moved the adoption of a resolution calling a public hearing **April 1, 2019**, commencing at **7:44 P.M.**, local time, to consider proposed **LOCAL LAW NO. 1 of the YEAR 2019** to amend **CHAPTER 230** entitled “**ZONING**” by amending **Section 230-22C. (1) (c) [1] [a] [i]** adding the words “and Religious Institutions” after Emergency Vehicle Stations to said section of the Code of the Town of Clay. Motion was seconded by Councilor Hess.

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

Special Permit(CPH) – Town Board Case # 1139 - ABUNDANT SOLAR POWER (CL1) LLC:

Councilor Pleskach moved the adoption of a resolution calling a public hearing **April 1, 2019**, commencing at **7:47 P.M.**, local time, to consider the application of **ABUNDANT SOLAR POWER (CL1) LLC** for a **SPECIAL PERMIT** pursuant to **Section 230-27 I. (2) (e)** to allow for a Utility Substation for the development of a Solar Energy Generation facility on Town owned land located at **3473 Maider Rd., Tax Map No. 017.-03-11.0 & 12.0**, consisting of approximately 45± acres of land. Motion was seconded by Councilor Meaker.

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

Special Permit (CPH- SPECIAL MEETING) – Town Board Case # 1138 - THE GREAT OUTDOORS RECREATION CENTER, INC.

Councilor Meaker moved the adoption of a resolution calling a **SPECIAL MEETING** for the purpose of a public hearing on **March 22, 2019**, commencing at **9:00 A.M.**, local time, at the Town Hall, located at 4401 New York State Route 31, Town of Clay, Onondaga County, State of New York, to consider the application of **THE GREAT OUTDOORS RECREATION CENTER, INC. AND GREAT NORTHERN MALL HOLDING, LLC FOR A SPECIAL PERMIT** pursuant to **Sections 230-16 C. (2) (e) [5] & 230-16 C. (2) (e) [6]** to allow for motor vehicle sales and motor vehicle rental, on land located at **4155 State Route 31 (existing Toys-R-Us), Tax Map No. 028.-01-40.4**. Due notice of such hearing was given to the Town Board of the Town of Clay. Motion was seconded by Councilor Hall.

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

ADDITIONAL AGENDA

Assessment/ Certiorari – GREAT NORTHERN MALL HOLDING:

Councilor Hess moved the adoption of the resolution as follows:

WHEREAS, in July 2018, Petitioner Great Northern Mall Holding (the “Petitioner”) Commenced a proceeding challenging the assessment on property it owns in the Town of Clay and within the boundaries of the Town; and,

WHEREAS, the Town defended these proceedings through its attorneys; and,

WHEREAS, the Town attorney has presented and recommended a settlement which would resolve the case; and,

WHEREAS, the Board believes that accepting the proposed settlement is in the best interest of the Town; it is

Hereby Resolved, The Town of Clay authorized its attorneys to settle the tax assessment proceeding with Petitioner for a prospective reduction of the property’s equalized assessed value to \$22,000,000 in 2019/2020, \$20,000,000 in 2020/2021 and

\$15,000,000 in 2021/2022. This resolution shall take effect upon proof of payment of any and all outstanding taxes. Motion was seconded by Councilor Bick.

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

LOCAL LAW No. 2 OF 2019 (CPH) – Chapter 230-11-C –Zoning:

Councilor Meaker moved the adoption of a resolution calling a public hearing **April 1, 2019**, commencing at **7:51 P.M.**, local time, to consider proposed **LOCAL LAW NO. 2 of the YEAR 2019** to amend the Town of Clay Code Sections **230-11-C SENIOR ASSISTED LIVING FACILITY, SENIOR CITIZEN FACILITY, SENIOR HOUSING DEVELOPMENT AND SENIOR INDEPENDENT LIVING FACILITY**, by lowering the minimum age from 62 and older to 55 years of age and older in all R-SR Senior Residence Districts including the “Intent” language. Motion was seconded by Councilor Hess.

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

Special Permit (SRQR) Town Board Case # 1139 – ABUNDANT SOLAR POWER (CL1):

Councilor Pleskach moved the adoption of a resolution pursuant to provisions of **6 NYCRR Part 617** that the application of the Town of Clay (as owner) seeking a **Special Permit for a Utility Substation** to allow for the construction and maintenance of a large solar array project on Town property commonly described as **3473 Maider Road (Map No 17.-03-11.0)** in the Town is a **Type I Action** for the purpose of SEQRA. The project has a completed Environmental Assessment Form (EAF) on record with the Town Planning Department. The proposed project involves a potential non-residential disturbance of approximately 25 acres for the installation of the solar arrays. The Town of Clay Town Board intends to serve as Lead Agency for the purpose of SEQRA compliance and in this capacity will determine if the proposed action will have a significant effect upon the environment. The Lead Agency will undertake a coordinated review of the application and will circulate a Lead Agency Notice to all Involved and Interested agencies and they will be given thirty (30) days from the date of mailing to challenge the Lead Agency designation. The proposed project does not involve any other permit granting agency outside of the Town of Clay. We hereby designate the Town of Clay Board as the “**Lead Agency**” for the purpose of SEQRA. Motion was seconded by Councilor Bick.

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

Authorization (A) – Solar PV and Lease Agreement – Town of Clay and Abundant Solar Power, LLC:

Councilor Pleskach moved the adoption of a resolution approving and authorizing the Supervisor to enter into a Solar PV and Lease Agreement on behalf of the Town

of Clay with Abundant Solar Power, LLC (Developer, Owner and Operator of solar photovoltaic generating facilities) for “Solar Energy Operations” related to converting solar energy into electrical energy, and collecting and transmitting the electricity so converted, together with any and all activities related to such use of a portion of Municipality property for the right of ingress and egress and other easements for purposes of constructing, installing, maintaining, owning, operating, repairing and removing a Solar Energy System across Town property, and further authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Bick.

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

Authorization/ Contract Agreement(A) –Town of Clay and Abundant Solar Power, LLC:

Councilor Pleskach moved the adoption of a resolution approving and authorizing the Supervisor to enter into a Contract Agreement on behalf of the Town of Clay with Abundant Solar Power, LLC for the purpose of Community Distributed Generation of Electricity Service for a term of 25 years, and further authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Bick.

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

Supervisor Ulatowski explained that this is a great opportunity for the Town of Clay. Grant money has been secured from the DEC to mitigate the contaminated soil and other Grant money will fund the solar arrays which will generate savings to the Town of Clay residents. The Supervisor introduced Chris Carrick explaining that he has worked with the Town to obtain the Grants.

Mr. Carrick explained that he has helped develop solar resources using unused farm land. He continued that he helped residents save over \$37 million over the past 25 years. Residents that choose to subscribe typically save an average of 10-15% of their residential electrical costs.

Adjournment:

The meeting was adjourned at 8:24 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

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

Jill Hageman-Clark RMC / Town Clerk

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Town of Clay

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