

January 4, 2010

At the Regular and Organizational 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 January, 2010 at 7:00 P.M., there were:

PRESENT:

- Damian M. 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 M. Germain Town Attorney
- Bruce Letz Town Engineer

The meeting was called to order by Supervisor Ulatowski at 7:00 P.M. All present joined in the Pledge of Allegiance.

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**ORGANIZATIONAL MEETING: 7:00 P.M.**

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**Official Rules of Procedure - Roberts Rules of Order**

Councilor Bick moved the adoption of a resolution that Roberts Rules of Order be the official rules of procedure at Town Board Meetings, subject to the Rules provided by the Town Law and like Statutes which shall prevail (except that there shall be no second reading of resolutions at Town Board Meetings unless the same is requested, and that there shall be no votes taken when the question of a pending resolution is called unless an objection is stated to voting upon such resolution forthwith).

**Town Board Meeting Schedule**

Councilor Bick moved the adoption of a resolution establishing the first and third Mondays of each month as the meeting nights for Town Board Meetings, and 7:30 P.M., local time, as the hour of commencement.

The Town Hall will be closed on the following holidays in 2010: New Year’s Day- Friday January 1st; Martin Luther King, Jr., Day (Monday January 18th observed) and rescheduling same for Wednesday January 20th -; Presidents’ Day - Monday February 15th (observed); Good Friday - April 2nd - Town Hall will close at 12:15 P.M., Highway at 11:00 A.M.; Memorial Day Weekend – Friday May 28th and Monday May 31st (observed); Independence Day Monday July 5th for Sunday July 4th; Labor Day –

Monday September 6th and canceling Town Board Meeting and rescheduling same for Wednesday – September 8th; Election Day – Tuesday November 2nd; Veteran’s Day – Thursday

**REGULAR and ORGANIZATIONAL MEETING OF THE TOWN BOARD - January 4, 2010**

**Town of Clay**

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-November 11th; Thanksgiving -Thursday November 25th and Friday November 26th and Christmas Eve - Thursday December 23rd for (12/24); Christmas – Friday December 24th for (12/25) and Friday December 31st, for New Years Day (2011).

Councilor Bick moved the adoption of a resolution canceling the **February 15th, 2010** meeting (due to President’s Day and Association of Towns Meeting), **July 5th, 2010** (due to July 4th holiday), Town Board Meetings and the **August 2nd, 2010** Town Board Meeting. **The Town Board will meet only on July 19th, 2010 and August 16th, 2010 during July and August.**

**GENERAL COMMITTEE** appointment by the Supervisor:

Special Districts	Councilor Rycraft
Finance	Councilor Rycraft and Councilor Johnson
Parks, Recreation & Human Resources	Councilor Bick
Public Safety	Councilor Edick
Highway & Public Works	Councilor Weaver
Planning & Development	Councilor Johnson
Zoning Board of Appeals	Councilor Johnson
Personnel	Supervisor Ulatowski
Industrial Development	Supervisor Ulatowski, Councilor Bray, Councilor Rycraft
Building	Councilor Weaver and Councilor Edick
Recreation Facilities & Grants ,Special Committee	Supervisor Ulatowski and Councilor Edick
Liaison North Syracuse School District	Councilor Edick
Liaison Liverpool School District	Supervisor Ulatowski

**Salaries**

Supervisor Ulatowski moved the adoption of a resolution that the annual salaries for the Town Personnel for **2010** be established as follows:

Supervisor_____	\$ 47,294.00	
Deputy Supervisor_____	\$ 12,182.00	
Councilors_____	\$ 11,009.00	
Judges_____	\$	35,440.00
Commissioner of Parks, Recreation & Human Resources_____	\$ 54,513.00	
Commissioner of Finance_____	\$ 27,385.00	
Commissioner Planning & Development _____	\$ 62,733.00	
Town Clerk_____	\$ 47,406.00	
Receiver of Taxes_____	\$ 47,406.00	
Assessor _____	\$ 65,073.00	
Highway Superintendent _____	\$ 73,841.00	
Water Superintendent .....	\$ 56,243.00	

Motion was seconded by Councilor Bick .

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

**Appointments:**

Supervisor Ulatowski appointed **Councilor Edick**, as **Deputy Supervisor**.

Councilor Edick moved the adoption of a resolution appointing the Supervisor as **Administrator of Special Districts**. Motion was seconded by Councilor Johnson.

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

**Appointment - Association of Towns Delegate & Alternate Delegate:**

Councilor Edick moved the adoption of a resolution approving the annual membership of the Town of Clay in the **Association of Towns** and payment of the annual dues in the amount of \$1,600.00. Motion was seconded by Councilor Weaver.

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

Supervisor Ulatowski stated that in an attempt to reduce spending in the town, he will not be appointing anyone, as **delegate** to the **Association of Towns**.

Supervisor Ulatowski stated that in an attempt to reduce spending in the town, he will not be appointing anyone, as **alternate delegate** to the **Association of Towns**.

**Authorization - Check Signing:**

Supervisor Ulatowski moved the adoption of a resolution authorizing the **Deputy Supervisor** to sign checks drawn on Town funds in the absence of the Supervisor. Motion was seconded by Councilor Weaver.

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

**Town Engineers:**

Councilor Edick moved the adoption of a resolution that **C & S Engineers, Inc.**, be retained by the Town of Clay to perform services for the **Town Board, Planning Board and Zoning Board of Appeals** as they may require, for a term of two years. Motion was seconded by Councilor Bick.

Ayes-6 and Noes-0. *Motion carried.* (Councilor Johnson abstaining)

Councilor Edick moved the adoption of a resolution that **C & S Engineers, Inc.**, be retained by the Town of Clay to perform such **Special District** services as the Town may require and authorizing the Supervisor to enter into an annual contract with said firm. Motion was seconded by Councilor Bick.

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

Councilor Edick moved the adoption of a resolution authorizing the **Town Engineers** to update the "Town of Clay Zoning Map" annually, with payment for same to be authorized from the General Fund of the Town of Clay. Motion was seconded by Councilor Weaver.

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

**Town Attorneys:**

Councilor Edick moved the adoption of a resolution retaining **Germain and Germain**, as attorneys for the Town of Clay, for a term of two years. Motion was seconded by Councilor Bick .

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

Councilor Edick moved the adoption of a resolution retaining **Robert Germain**, as attorney(s) for the **Zoning Board of Appeals**, to receive \$16,000.00 for the Zoning Board of Appeals work for the year **2010**. Motion was seconded by Councilor Weaver.

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

**Bank Designation:**

Councilor Edick moved the adoption of a resolution designating the following as the official **2010 depository banks** for the Town of Clay: **M & T Bank; JP Morgan Chase Bank; Key Bank National Association; Bank of America Bank; Alliance Bank, N.A.; Solvay Bank, RBS Citizens Bank, First Niagara Bank, and Westchester BOCES-MBIA** - pooled cash investment program (class), or successor. Motion was seconded by Councilor Weaver.

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

**Newspaper Designation:**

Councilor Edick moved the adoption of a resolution designating the **Syracuse Post Standard** as the official Town Newspaper for **2010** and designating the **Star News** and **Liverpool-Salina Review** as an additional newspaper for the publication of legal notices. Motion was seconded by Councilor Bick.

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

**Appointment - Town Officers:**

Councilor Edick moved the adoption of a resolution appointing **Tom Weaver**, as **Highway Superintendent** for a term of two (2) years. Motion was seconded by Councilor Weaver.

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

Councilor Edick moved the adoption of a resolution appointing **Mark Territo**, as **Commissioner of Planning & Development** for a term of two (2) years. Motion was seconded by Councilor Weaver.

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

Councilor Edick moved the adoption of a resolution appointing **John Shehadi**, as **Commissioner of Finance** for a term of two (2) years. Motion was seconded by Councilor Bick.

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

Councilor Bick moved the adoption of a resolution appointing **Wayne Morris**, as **Commissioner of Recreation and Human Resources** for a term of two (2) years. Motion was seconded by Councilor Bray.

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

Councilor Bick moved the adoption of a resolution appointing **Greg Root** as **Water Superintendent** for a term of two (2) years. Motion was seconded by Councilor Weaver.

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

Councilor Bick moved the adoption of a resolution appointing **Mike Ploski** and **Jim Bowles**, as **Dog/Animal Control Officers** for the year **2010**. Motion was seconded by Councilor Edick.

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

Councilor Bick moved the adoption of a resolution appointing **Walter Lepkowski**, as **Chairman of the Planning Board** for the year **2010**. Motion was seconded by

Councilor Johnson.

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

Councilor Bick moved the adoption of a resolution appointing **Karen Guinup**, to a term of seven (7) years on the **Planning Board**. Said term to expire December 31st, 2016. Motion was seconded by Councilor Bray.

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

Councilor Bick moved the adoption of a resolution appointing **Arthur Fennhahn**, as **Chairman of the Zoning Board of Appeals** for the year **2010**. Motion was seconded by Councilor Johnson.

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

Councilor Bick moved the adoption of a resolution appointing **David Hess**, to a term of five (5) years on the **Zoning Board of Appeals**. Said term to expire December 31st, 2014. Motion was seconded by Councilor Edick.

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

Councilor Bick moved the adoption of a resolution appointing **Dorothy Heller**, and **Harold Baker**, as **Town Historians** for the year **2010**. Motion was seconded by Councilor Weaver.

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

Councilor Bick moved the adoption of a resolution appointing **Mary Lou DesRosiers**, to a term

of five (5) years on the **Board of Assessment and Review**. Said term to expire December 31, 2014 . Motion was seconded by Councilor Bray.

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

Councilor Bick moved the adoption of a resolution appointing **Robert Dugan**, for a term of five (5) years as a member of the **Board of Ethics**, pursuant to Ethics Law, Chapter 22, Article IV, Board of Ethics. Motion was seconded by Councilor Weaver.

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

Supervisor Ulatowski moved the adoption of a resolution appointing **Gloria Wetmore** and **Patty Coates** as **Deputy Town Clerks** for a term of two (2) years, said term to expire **December 31<sup>st</sup>, 2011**. Motion was seconded by Councilor Weaver.

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

Supervisor Ulatowski moved the adoption of a resolution appointing **Robin Joss** as **Deputy Receiver of Taxes** for a term of four (4) years to expire **December 31<sup>st</sup> 2013**. Motion was seconded by Councilor Weaver.

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

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**REGULAR MEETING - 7:30 PM**  
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**Approval of Minutes:**

Supervisor Ulatowski moved the adoption of a resolution approving the Minutes of the Regular Town Board Meeting held on December 21, 2009. Motion was seconded by Councilor Johnson.

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

**Cancellations and/or requested adjournments :**

None

**Correspondence:**

Supervisor Ulatowski began by stating that there is an opening on the Planning Board and that all interested residents may send their Resume to the Supervisor’s office within the next two weeks. He added that it will also be posted on the Town Website and in the Post Standard. He encouraged all interested applicants to apply.

**LOCAL LAW No. 1 Of The Year 2010:**

A public hearing to consider proposed **Local Law No. 1 of the year 2010** amending **Chapter 230** entitled ‘**ZONING**’, **Section 230-13** to add a new paragraph **K**. to be entitled **R-SR Senior**

**Residence District and Section 230-11 Terms defined** to add and/or delete definitions of words to define terms within said proposed local law to the code of the Town of Clay. The purpose of this proposed local law is to create a zone, which accommodates persons who are age 62 and above with particular living needs and to define words included therein was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Commissioner Territo explained that this Local Law will add a new zoning classification to the present zoning and will allow for a mix of uses, including single family, apartment and commercial. Councilor Johnson added that the size of the commercial will be limited.

Councilor Bray stated that the zoning would allow for Senior Housing, Senior Community, Senior Daycare, Senior Independent Living, etc. Councilor Johnson added that it will be a campus type community, modeled after those in the south for seniors 62 years old and older. Councilor Bick asked if there are any exceptions to the age requirement, perhaps in the case of a debilitated person. And as currently written, they could not. Councilor Edick said that he was not in favor of the 62 age limit adding that 55 seems more reasonable. He also asked if the spouse was younger, would that make the couple ineligible, and it would not. The age requirement was discussed at length. The Supervisor asked if there were any questions from the public.

Ed Pauline of Forestbrook Drive asked if there would be tax benefits and there would not be. June Baycura of Bayberry asked if there would be medical offices. Councilor Johnson said perhaps a dentist's or a doctor's office. A resident asked if the homeowner(s) would be exempt from school taxes and they would not. He added that he also felt the age requirement should be 55.

Supervisor Ulatowski asked if there were any more questions and there were none.

Councilor Edick moved the adoption of a resolution to **Adjourn** this Public Hearing to **January 20, 2010 at 7:41 P.M.** Motion was seconded by Councilor Bick.

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

**Project - Water (PH): WOODARD WATER DISTRICT, CONTRACT NO. 33 LATERAL**

A public hearing to consider a petition for the construction and acquisition of a lateral water system within the Woodard Water District, to be designated and known as **“WOODARD WATER DISTRICT, CONTRACT NO. 33 LATERAL.”** (Jackson Apartment Project) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Bruce Letz of C&S Engineers explained that the applicant is proposing a 20' easement to be dedicated to the town in addition to 2 hydrants on Henry Clay Boulevard.

Councilor Edick asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

**Project - Drainage (PH) NICE 'N' EASY:**

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 **NICE 'N' EASY DRAINAGE DISTRICT** and for the construction and acquisition of a lateral drainage system therein to be designated and known **NICE 'N' EASY DRAINAGE DISTRICT, CONTRACT NO. 1** (Nice 'N' Easy Project - NYS

Route 31) was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk.

Alex Wisnewski of LJR Engineering began by explaining that this was part of the Site Plan process. He continued by adding that the drainage easements are required to give the town access. There is a \$50,000.00 annual charge for maintenance equaling \$72.00 per unit. The full parcel is 12 acres.

Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

**Project - Grant (PH) Brownfield's Opportunity Area (BOA):**

A public hearing to inform the public of the Town's purpose and intent in applying to the New York State Department of State for a **Brownfield's Opportunity Area (BOA)** grant was opened by the Supervisor. Proof of publication and posting was furnished by the Town Clerk. This meeting is open to the public and public comments and questions will be answered by the Town Board members and the Town Engineers.

Steve D'Arcangelo of Plumley Engineering was present to explain the grant application. He stated that the land use is restricted or restrained because of contamination. The property size is 79 acres and the probable maximum that the would be awarded would be \$30,900.00.

Councilor Bray expressed that Plumley Engineering has done a fine job and is moving the process along economically. The grant will cover further studies required because of the environmental impact.

Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

**Project (water) JACKSON APARTMENT PROJECT:**

Councilor Bick moved the adoption of a resolution that it is in the public interest that the Town of Clay approve the construction and acquire the water facilities located within **JACKSON APARTMENT PROJECT** (Woodard Water District, Contract No. 33 Lateral) in accordance with the terms and conditions of a certain Agreement entered into between the Town of Clay and the developer **ABC ESTATES** and **J. ALBERICI AND SONS, INC.** Motion was seconded by Councilor Weaver.

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

**Project (Drainage) (A) - NICE 'N' EASY DRAINAGE DISTRICT:**

Councilor Bick moved the adoption of a resolution approving the creation of a drainage district within the Town of Clay to be designated and known as "**NICE 'N' EASY DRAINAGE DISTRICT**" (Nice 'N' Easy Project – NYS Route 31) Motion was seconded by Councilor Johnson.

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

**Project (Drainage) (A) - NICE 'N' EASY DRAINAGE DISTRICT:**

Councilor Bick moved the adoption of a resolution that it is in the public interest that the Town of Clay approve the construction and acquire the drainage facilities located within **NICE 'N' EASY PROJECT – NYS ROUTE 31** (Nice 'N' Easy 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 **WALRUS ENTERPRISES, LLC**. Motion was seconded by Councilor Johnson.

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

**Agreement - INTERMUNICIPAL AGREEMENT/MS4 ASSISTANCE PROGRAM:**

Councilor Weaver moved the adoption of a resolution approving the proposed extension by modification of the **Intermunicipal Agreement** with regard to the **MS4 Assistance Program** coordinated by Onondaga County and further authorizing the Supervisor to execute the same. The current agreement expired December 31st, 2009. The amendment retains the same terms, but extends the contract to December 31st, 2013. Motion was seconded by Councilor Bray.

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

**Executive Session - Adjourn/Resume:**

Councilor Johnson moved the adoption of a resolution to adjourn to an Executive Session. The purpose of the executive session is to discuss a personnel matter involving employee discipline. Motion was seconded by Councilor Bray.

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

Councilor Johnson moved the adoption of a resolution to resume the regularly scheduled Board Meeting. Motion was seconded by Councilor Bray.

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

**Personnel - Authorization to Terminate a Union Employee:**

Councilor Johnson moved the adoption of a resolution to terminate a union represented Town Employee following an internal investigation and authorizing the Town Attorney to initiate termination proceedings pursuant to the contract. Motion was seconded by Councilor Bray.

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

**Authorization - Amend Employee Handbook:**

Councilor Weaver moved the adoption of a resolution authorizing and approving the update of the Town of Clay Handbook by deleting from Section 1201 Dispute Resolution Procedure – Definition of Dispute - the words, “Ethics Violations”, and add changes to the COBRA policy necessitated by recent legislation by replacing page 800-9 and 800-10 - 808 COBRA which include changes to Period of Coverage and when covered employee is on a leave of absence due

to military service. Motion was seconded by Councilor Rycraft.

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

**Agreement - INTERMUNICIPAL AGREEMENT/MS4 ASSISTANCE PROGRAM:**

Councilor Edick moved the adoption of a resolution that the Town of Clay supports the creation of an Intermunicipal Stormwater Coalition comprised of designated MS4 communities in Central New York and that the adoption of this resolution acknowledges its participation in said Coalition as described in Attachment A of the formal resolution which will be on file with the Town Clerk's office; and further the Town of Clay will designate an official representative to the CNY Stormwater Coalition under separate cover. Motion was seconded by Councilor Weaver.

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

**Appointment - Representative to CNY Stormwater Coalition:**

Councilor Edick moved the adoption of a resolution designating **Mark Territo** to serve as the Town of Clay representative to the Central New York Stormwater Coalition through December 31st, 2010. Motion was seconded by Councilor Bick.

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

**Agreement (Pilot) - VILLAGE OF NORTH SYRACUSE, THE TOWN OF CLAY, THE TOWN OF CICERO and PLANK ROAD SENIORS, L. P.:**

Councilor Bray moved the adoption of a resolution authorizing and approving a **PILOT AGREEMENT** between the **VILLAGE OF NORTH SYRACUSE, THE TOWN OF CLAY, THE TOWN OF CICERO** and **PLANK ROAD SENIORS, L. P.**, for an exemption from all Town, Village, County and School Taxes. Motion was seconded by

Councilor Rycraft.

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

*Supervisor Ulatowski said that he was removing the last two items from the agenda.*

**One Change Town Board Case # 1009 JOLU DEVELOPMENT COMPANY:**

ove the adoption of a resolution that 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), consisting of 41.18± 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.

**One Change (SEORA) Town Board Case # 1009 JOLU DEVELOPMENT COMPANY:**

ove the adoption of a resolution that the Town Board of the Town of Clay

for the proposed **TOCCO VILLAGGIO PDD CONCEPT PLAN** as submitted by **JOLU DEVELOPMENT COMPANY**, on a map dated December 7th, 2009, to the Town of Clay Planning Board.

**WHEREAS** an application has been received for a **PDD-Planned Development District** to be known as **TOCCO VILLAGGIO** which application proposes a total of 41.18± acres comprised of 60 Townhouse units, 192 apartment units; and two commercial buildings.

**NOW, THEREFORE, BE IT RESOLVED** that the said application be and the same hereby is referred to the Town Planning Board of the Town of Clay for its review and comment pursuant to the Town of Clay Zoning Code, and for its review and recommendation as to the possible environmental significance of the project pursuant to the New York State Environmental Quality Review Act.

**Adjournment:**

The meeting was adjourned at 8:20 P.M. upon a motion by Councilor Bray and seconded by Councilor Bick.

Ayes-7 and Nays-0. *Unanimously carried.*