

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 1st of April, 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
John Marzocchi	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

None

OTHERS PRESENT:

Russ Mitchell; Chairman of the Planning Board, Hal Henty; Planning Board member, Joe Nicoletti; Highway Superintendent, Joe Grispino; Code Enforcement Officer 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 March 18th, 2019 Regular Meeting and the March 22nd, 2019 Special Meeting. Motion was seconded by Councilor Hall .

Ayes – 5 and Noes – 0 and 2 – Abstaining. *Motion carried. Councilors Bick and Young abstained due to their absence at the March 22, 2019 Special Meeting.*

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that he knew of no requests for adjournments or cancellations.

Correspondence:

Supervisor Ulatowski explained that he was aware of some issues arising from the residents near the Farone Funeral Home site on Taft Road. He continued that the zone change for that particular parcel was approved nearly two years ago and that he and the Commissioner of Planning had created a PowerPoint presentation to hopefully answer some of the concerns of the residents. He began by explaining that the parcel had been zoned RA-100 and that the applicant was requesting a zone change to NC-1 for a funeral home. He presented Proof of Publication from the Syracuse Post Standard dated 4/24/2017 adding that this is all that is required by law, however, it is the Town of Clays practice to mail each property owner within 200 feet of the parcel, a notice informing them of the Public Hearing. He produced a copy of the labels for the notifications sent. Several residents angrily stated that they had not received a notice. The Supervisor continued by showing the Minutes from the May 15, 2017 Town Board Meeting adding that the dialogue continued for nearly an hour. After the questions and comments were exhausted the meeting was adjourned until June 19, 2017 at 7:35 P.M. One resident showed up at the June 19th meeting stating that he was happy to see this development. There being no further questions or comments, meeting was closed. He produced the Minutes from July 17, 2017 showing the SEQR and Decision, approving the zone change. Supervisor Ulatowski then showed Proof of Publication and Minutes from the Site Plan Review which was before the Planning Board in addition to a map of the parcel and the complete application. He explained on the map where the building for the funeral home will be, where the garage and the detention pond (to contain drainage runoff) will be. One resident said that the Town only approved one building (the second building is the garage). Many residents began at once announcing their discontent with the Town and the funeral home speaking over each other. They were angry about the increase of traffic that will occur, the “wetlands”, property values, cremations, endangered species, hazardous waste and mosquitoes and more. They all said that they were never notified of a public hearing in 2017. One resident suggested email or hand delivering notices to residents. Another resident threatened an Article 78. Councilor Bick agreed that the lot has been cleared of many trees and it was the Board’s recommendation that as much of a buffer be left by the developer. Another resident said that publishing in the newspaper is antiquated, no one reads the newspaper the town should use Facebook or Twitter or email. Another resident suggested better oversight from the Town officials. Another wants a traffic light and was told that Taft Road is a County road. Another wants sidewalks. For over an hour the residents alternated between accusing the Board of everything and stating what they wanted. They were told by realtors that the area would be forever wild. The discussion went on for over an hour.

Councilor Bick asked what the Town Board can do to improve things for the neighbors. He suggested talking to the Developer about keeping as much of a buffer as possible. Supervisor Ulatowski said they could look into a traffic light but ultimately it will be up to the County. He continued that they could reach out to other towns to see how they do their public notices. Councilor Bick explained that he

has no interest in having a hearing without the residents and having them have the opportunity to ask questions and know what is going on. Another resident suggested that the Town hire a communications person and make the web page more user friendly.

REGULAR MEETING

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

A public hearing 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, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski began by explaining that the petition requested two additional STOP signs however both the Constable and the Highway Superintendent each recommended only one additional. He continued that one of the petitioners spoke with him and explained that there is limited visibility coming around the curve from Route 57. Another resident agreed adding that there is a school bus stop at the intersection. The Supervisor said that he will adjourn the hearing to research it further. Councilor Meaker said that he would like to meet the petitioners to look into it. Joe Nicoletti, the Highway Superintendent said that he would meet them there as well. Councilor Pleskach said that he will not be at the next meeting but is familiar with the intersection and would like to go on the record stating that he is in favor of a three-way stop as requested.

Councilor Bick made a motion to **adjourn** the public hearing to **April 15, 2019 at 7:38 P.M.** Motion was seconded by Councilor Hess.

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

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

A public hearing 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, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski began by explaining that he is in favor of this request because of the hydrant and the traffic parking on the street impeding accessibility for firetrucks to the hydrant. There being no questions or comments he **closed** the public hearing.

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

A public hearing 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 the **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2019**, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski opened the public hearing by explaining that this is an annual process, each year money is made available for projects in low income neighborhoods. It is the custom of the Town to use these funds for additional paving projects as there are never enough funds. Councilor Hess said that he feels that this practice has served the Town well however another option would be to use the funding for Clay Central Park if eligible. Councilor Meaker agreed that the lower income residential projects have worked well in the past.

Bob Stella of Bayberry asked if any paving will be done in Bayberry this year. Highway Superintendent Joe Nicoletti said that Holly Lane will be done this year. Mr. Stella was happy with the response. Supervisor Ulatowski said that he would **close** the public hearing since all questions and comments have been heard.

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

A public hearing 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, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Chuck Grundner was present on behalf of King of Kings Lutheran Church. He explained that they wish to install an LED Sign to advertise not only Church Service times but also Community events and scheduled AA Meetings, Boy Scouts, Girl Scouts etc. Councilor Bick asked if this would be applicable to all religious affiliations and it would. Councilor Hall said that he is in favor of this Local Law. One resident stated that the LED signs are distracting and asked if they will be on all night. Mr. Grundner explained that if approved he would need to go before the Planning Board and have to follow the regulations and will likely have the sign off by 8 PM. Councilor Meaker said that he is supportive of this Local Law as well.

Being there were no more questions or comments Supervisor Ulatowski **closed** the public hearing.

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

A public hearing 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, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Chris Carrick opened on behalf of the applicant. He explained that his position is Manager of the Community Solar Program and oversees 5 Counties and helps to secure funding for municipalities. He introduced Melissa Clark from Abundant Solar Power who gave a lengthy overview of the company, and an explanation of the residential service as well as the municipal service. Basically residents will save 10% of the utility bill when they subscribe. The offer is on a first come first serve basis and it will serve about 1000 residential homes or small businesses. It will be offered to Town of Clay residents first (perhaps a three month period) and then it will be offered to residents outside the town. A resident asked if the bill will be mailed or if you would get it off the computer. Ms. Clark explained that like different cell companies there are different business practices but right now they are sending a paper bill in the mail but in the future, following green thinking, perhaps they will not generate a paper bill either.

Councilor Bick asked if this is the site of the Brownfield. Ron DeTota said that this is not contaminated. There were questions about the rail spur and if it will be used or not. Many residents were present to listen and ask questions. One resident volunteered that he was there because he got a notice in the mail from the town. Other residents agreed that they too received notices. Questions were asked about repairs and they (ASP) would be responsible. A resident asked about fencing and they will install a fence and some buffering, however they don't want to shade the arrays. A resident asked if the trees would be on the inside or the outside of the fence. Ms. Clark said that they will work with the town. The arrays will be 16' apart and face the south. There will be grass under the arrays and it will probably not be allowed to grow more than 2'. There will be no lighting at the site. Noise would be minimal, not much louder than a refrigerator. One resident asked what happens when the arrays are no longer used and Ms. Clark said that they bond to decommission at the end of service.

Supervisor Ulatowski explained that this is a great opportunity for the Town of Clay at no cost with the opportunity to reduce taxes. He added that the Town of Clay has just received notice that we have been awarded \$2.9 million to clean up the Cebro

Site to begin hopefully in 2020. There being no further questions or comments Supervisor Ulatowski **closed** the public hearing.

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

A public hearing to consider proposed **LOCAL LAW NO. 2 OF THE YEAR 2019** to amend the Town of Clay Code **Sections 230-11C. 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, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski gave a brief overview of the Local Law explaining that this will lower the age from 62 to 55 for the purpose of senior housing. He continued that people are retiring younger and this is an opportunity to retain the seniors in this area. Councilor Bick asked if this matches the Federal Guidelines. Councilor Young said that he would like to see the proposed amendment.

Councilor Bick made a motion to **adjourn** the public hearing to **April 15, 2019 at 7:41 P.M.** Motion was seconded by Councilor Hess.

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

Authorization/ Contract (amendment) - ALL CITY MANAGEMENT SERVICES, INC.:

Councilor Meaker moved the adoption of a resolution authorizing the Supervisor to execute an Amendment to the existing Agreement with **ALL CITY MANAGEMENT SERVICES, INC.**, for providing **School Crossing Guard Services** for a period of time which commences July 1, 2019 and terminating June 30, 2020 (2019/2020 school year), and for such term thereafter as agreed upon. The Town agrees to pay for the services rendered pursuant to the Agreement, the sum of **Twenty-Two Dollars and Fifty-Six Cents (\$22.56)** per hour of guard service to be provided. The cost of providing **One Thousand, Nine Hundred Eighty (1,980) hours** of service shall not exceed **Forty-Four Thousand, Six Hundred Sixty-Eight and 00/100 Dollars (\$44,668.00)**, and further authorizing the Supervisor to execute the necessary documents therefore. The Amendment shall be approved as to form and content by the Town Attorney. Motion was seconded by Councilor Hall.

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

Agreement/ Quitclaim Deed - Donald J. Gabor:

Councilor Hall moved the adoption of a resolution accepting a **Quitclaim Deed** for a portion of the premises conveyed by **Donald J. Gabor** for road widening purposes

and uses located on Waterhouse Road at Morgan Road, part of Tax Map Nos. 070.-01-07.1 & 07.2 in the Town of Clay, as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated May 15, 2018. (Gabor Sewer District, Contact No. 1). Motion was seconded by Councilor Meaker.

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

Authorization/ Contract - SHAMROCK SEWER SERVICES, LLC:

Councilor Pleskach moved the adoption of a resolution authorizing the Supervisor to execute a contract with **SHAMROCK SEWER SERVICES, LLC**, for the lining and repairing of 6 (six) sanitary sewer manholes located along and adjacent to Iris Lane. Said services described in a proposal from **SHAMROCK SEWER SERVICES, LLC** dated March 27, 2019, at a sum not to exceed **\$12,000**. Motion was seconded by Councilor Hess.

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

Bid Advertisement – PROVIDING AND MAINTAINING A POUND/SHELTER FOR ANIMALS SEIZED BY AN AUTHORIZED DOG CONTROL OFFICER, OR OTHER AUTHORIZED OFFICER OR EMPLOYEE OF THE TOWN OF CLAY:

Councilor Hess moved the adoption of a resolution authorizing the advertisement of bids for **PROVIDING AND MAINTAINING A POUND/SHELTER FOR ANIMALS SEIZED BY AN AUTHORIZED DOG CONTROL OFFICER, OR OTHER AUTHORIZED OFFICER OR EMPLOYEE OF THE TOWN OF CLAY**. Said bids to be received at the Office of the Purchasing Director, County of Onondaga, 421 Montgomery Street, Syracuse, New York, until **2:00 P.M.**, local time on **April 18, 2019**. Motion was seconded by Councilor Pleskach.

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

Project (Sewer) (CPH) – BEAR ROAD SEWER DISTRICT:

Councilor Meaker moved the adoption of a resolution calling a public hearing **April 15, 2019**, commencing at **7:35 P.M.**, local time, to consider a Petition for the extension of a public sanitary sewer main within the Town of Clay to be known as **“BEAR ROAD SEWER DISTRICT, CONTRACT NO. 34 – LATERAL,”** and for the construction and acquisition of said sewer system therein. Motion was seconded by Councilor Bick.

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

Adjournment:

The meeting was adjourned at 10:39 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