

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 21st of October, 2019 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
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:

Joseph Bick	Deputy Supervisor/ Councilor
-------------	------------------------------

OTHERS PRESENT:

Russ Mitchell; Planning Board Chairman, Hal Henty; Planning Board Member, John Shehadi; Comptroller and Paula Caron; Deputy Comptroller.

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 October 7th, 2019 meeting. Motion was seconded by Councilor Hall.

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

Cancellation and/or requested adjournments.

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

Correspondence:

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

Gary Storrier of Perrugia Lane explained that he had sent a letter to the Town regarding vacant – abandoned homes on his street. He continued that he had spoken with the Codes Officer that explained if the taxes are not paid and the property owner is not found, there isn't anything that the Town can do. Fees for

violations are added to the tax bill. Supervisor Ulatowski said that he would go by the house with the Highway Superintendent.

Mike LaPoint also of Perrugia Lane asked about the application for the proposed Zone Change on Wetzel Road. Supervisor Ulatowski explained that it has been withdrawn.

Mr. LaPoint asked about the budget and the categories. John Shehadi, Comptroller for the Town explained that Personnel Services are the wages; Equipment is just that, equipment; Contractual expenses are building utilities. Building includes all repairs to Town buildings such as Town Hall, Highway Garage, Senior Center, Pole Barn and Historical Center plus others. Such expenditures include paving, siding and roof repairs and other general repairs to Town buildings.

2020 TENTATIVE BUDGET (IH):

An informational hearing to consider the **TENTATIVE BUDGET FOR THE TOWN OF CLAY FOR THE YEAR 2020** was opened by the Supervisor.

The Supervisor began by reading the 2020 Budget Message:

TOWN OF CLAY (10-21-19)

2020 BUDGET MESSAGE

The Tentative Budget for general and highway purposes totals \$16.2 million. This is an increase of \$550,000 or 3.5% over the adopted budget for 2019. \$150,000 of the increase is for additional paving and \$75,000 is for an increase in the cost of road salt. The increase of \$250,000, is for employee salaries, wages & benefits. This represents a 2.6% increase over the current budget.

As proposed, the Town tax rate for residents that live outside the Village of North Syracuse would be \$18.32 per thousand of assessment, an increase of 3.5%. The Highway tax rate outside the village would be \$49.51 per thousand, an increase of 3.9%. For a home valued at \$100,000, this amounts to an increase of \$9.92 for the year. For a Town resident that lives within the Village, a home valued at \$100,000 would pay an increase of \$3.12 for the year.

This Budget is within the 2% Tax Cap. The Town has never exceeded the Tax Cap since its inception in 2012.

The budget funds several Town maintenance projects which total \$70,000; \$30,000 is for the Pole Barn - \$15,000 each for a new roof and siding, \$25,000 for parking lots (including Town Hall) and \$20,000 for siding at the Senior Center.

In 2016 the Town completed a Road Condition Survey that was modeled after a Cornell University study. They found that early preventative maintenance is a much less costly method for maintaining roads rather than waiting until costly reconstruction of the road surface is required. The additional \$150,000 budgeted in

2020 brings the total appropriation for paving to \$2,100,000 which is targeted to keep on schedule with road maintenance as determined by the Road Condition Survey.

In 2019 the Town's Water Department embarked on a major project to install radio read capability for every water meter in the Uniform Water District at a cost of \$876,000 all of which was paid for with available funds of the Water District. This 3 year project is expected to continue through 2020 and 2021. The new meters are giving the Water Dept. the ability to more efficiently capture consumption and payback is expected in 4½ years. Installation is being performed by Water Department employees to minimize the overall cost.

The Town has been and will continue to be proactive in securing grant funding for various projects. Here are some of the projects for which grants have been applied for and/or secured during the last several years:

- 3 Rivers Point – Gazebos and Portable Restroom Trailer: Grant Amt. \$70,000 (DASNY)
- All-inclusive Playground: Grant Amt. \$75,000 (DASNY)
- Clean Vehicle – Reimbursement Amt. \$5,000 (NYS DEC)
- LED Lighting – Reimbursement Amt. \$150,000 (NYSERDA)
- Greenhouse & Solar Array System: Grant Amt. \$50,000 (DASNY)
- Memorial Park: Grant Amt. \$50,000 (DASNY)
- Clay Park Restroom: Grant Amt. \$75,000 (DASNY)
- Education Center: Grant Amt. \$125,000 (DASNY)
- Brownfield Environmental Restoration Program: Grant Amt. \$2.9 million (NYS DEC)
- Wellness Grant (providing wellness opportunities for staff) - \$400/annually (PERMA)
- Wal-Mart Foundation Community Grant (providing reusable bags to residents) - \$3,500
- LED Lighting Town-wide Switchover. Grant money of \$150,000 provided by NYSERDA's CEC (Clean Energy Communities Program). The Town was named a Clean Energy Community by the State of NY for completing four (4) High Impact Actions: (1) Created a Unified Solar Permit (2) Clean Energy Upgrades (3) Completed Energy Code Enforcement Training (4) Installation of a Clean Fleet Charging Station.

We strive to provide the best possible delivery of services to our residents at the least possible cost.

There being no questions, the Supervisor **closed** the informational hearing.

Special Permit (PH) – Town Board Case # 1144 – BORREGO SOLAR SYSTEMS INC. & DONALD J. GABOR:

A public hearing to consider the application of **BORREGO SOLAR SYSTEMS, INC. AND DONALD J. GABOR FOR A UTILITY SUBSTATION SPECIAL PERMIT** pursuant to **Section 230-27 I. (2) (E)** to allow for solar development located at **8150 Morgan Road, Tax Map No. 070.-01-07.1.** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Emily Flannigan spoke on behalf of the applicant by explaining that the applicant is proposing a Solar Utility substation on the 59 acre parcel located on Waterhouse and Morgan Roads. The 7' fenced portion would be 36 acres and have three areas of access, 2 for maintenance from Waterhouse one (limited access) from Morgan Road. They will not clear trees or disrupt the wetlands to the northeast. There will be approximately 8 poles spaced 20-30'. There will not be storage onsite and the arrays will not articulate (crews will remove snow approximately 2-3 times a year)but will be facing south, away from the Norcross Development that abuts this parcel.

Councilor Young asked if this is a permitted use and Commissioner Territo explained that it is with the Special Permit. Councilor Young then asked if any residents from Norcross were present. Supervisor Ulatowski asked Attorney Germain if they could stipulate that the residents gain property back by way of setbacks.

There was a discussion about the large number of solar projects coming to the Town; the buffering and the wildlife (deer) on this parcel. One resident mentioned that he visits Massachusetts regularly and they are overloaded by solar arrays and would hate to see that happen here.

Supervisor Ulatowski referred this application to the Planning Board for referral.

Councilor Hess made a motion to adjourn the public hearing to **November 18, 2019** at **7:35 PM**. Motion was seconded by Councilor Pleskach.

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

Special Permit (PH) – Town Board Case # 1145 – OMNI NAVITAS HOLDINGS, LLC AND GEORGE YOUNG:

A public hearing to consider the application of **OMNI NAVITAS HOLDINGS, LLC AND GEORGE YOUNG FOR A UTILITY SUBSTATION SPECIAL PERMIT** pursuant to **Section 230-27 I. (2) (E)** to allow for a solar farm located at **9177 Caughdenoy Road, Tax Map No. 043.-01-01.0** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Joseph Bendelton and Frank Armento were present along with Lyle Young the property owner. They began by explaining that this is a similar presentation and a

similar application. They are proposing solar arrays on 20-25 acres on Caughdenoy Road. They are proposing a fence around the articulated arrays therefore eliminating the need for winter maintenance. They explained that when searching for a compatible parcel for solar they look for access to power, acreage and this parcel is clear and flat making it ideal for this application.

David Burdick said that he is against this application and feels that this is injurious to the neighborhood. He continued that he knew George Young and is disappointed in this application. Another neighbor voiced her concerns for the possible health risks from solar panels.

Mr. Florczyk said that he has contacted the FAA and is waiting for a determination as to if the solar will affect his airport.

Mr. Armento said that Mr. Young is trying to supplement his income and continue to farm. Mr. Young concurred adding that the low cost for food makes it difficult for farmers to sustain themselves.

Supervisor Ulatowski referred this application to the Planning Board for referral.

Councilor Pleskach made a motion to adjourn the public hearing to **November 18, 2019 at 7:38 PM**. Motion was seconded by Councilor Hess.

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

LOCAL LAW NO. 3 of the YEAR 2019 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C (PH):

A public hearing to consider proposed Local Law to be entitled “**LOCAL LAW NO. 3 of the YEAR 2019 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C**” to the code of the Town of Clay.

Supervisor Ulatowski **withdrew** this public hearing because the budget is below the 2% tax cap.

Special Permit (PH) – Town Board Case # 1146 – TJA CLEAN ENERGY FOR A UTILITY SUBSTATION SPECIAL PERMIT:

A public hearing to consider the application of **TJA CLEAN ENERGY FOR A UTILITY SUBSTATION SPECIAL PERMIT** pursuant to **Section 230-27 I. (2) (E)** to allow for a solar farm located at **4893 Grange Road, Tax Map No. 063.-01-08.0**. was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Mike Telesky and Steve Calcerinos gave an overview of the application; they are proposing 552 fixed panels, accessible from a service road. There will be a chain-link fence and they will retain the row of trees but are not proposing any additional buffering. There will be a 50' setback and 165' front setback.

Several residents from the new Farmstead Development off Maple Road were present to voice opposition to the close proximity to the development. Several residents were concerned with the impact on the property values; one resident suggested that when the lease agreement expires they will be looking at retirement and selling their home(s). Supervisor Ulatowski asked the applicant to provide information regarding the effect on property values. Several residents suggested better control of solar perhaps a moratorium.

Mike Bragman said he does not feel that this application would not be harmonious with the residential development. He continued that he feels strongly about the historical and social preservation of the town.

Mark Weiss said that he lives across Route 31 and while he is in favor of renewable energy he does not want to look at it when he looks out of the front of his home.

Supervisor Ulatowski thanked the residents for their input and explained that the applicant has the right to apply. He referred this application to the Planning Board for referral.

Councilor Hess made a motion to adjourn the public hearing to **November 18, 2019 at 7:41 PM**. Motion was seconded by Councilor Young.

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

Special Permit (PH/Adj.) – Town Board Case # 1142 – DG NEW YORK CS, LLC:

A public hearing to consider the application of **DG NEW YORK CS, LLC** for a **UTILITY SUBSTATION SPECIAL PERMIT** pursuant to **Section 230-27 I. (2) (e)** to allow for a solar energy storage facility located at **4363 VerPlank Road, Tax Map Nos. 030.-01-05.1 & 030.-01-03.0**. adjourned from the September 4, 2019 Town Board Meeting.

Present on behalf of the applicant was Janet Ward who gave a brief overview of what had been discussed previously. Ms. Ward continued that they have changed the plan so that the project will all be on VerPlank Road now as requested at the September 4, 2019 meeting. She added that it would have the least impact and no variances will be required. There will be five utility poles on VerPlank Road. The would like to begin construction this year and be operational by November 2020. The panels would not create any glare and will rotate east to west. Ms. Ward explained that by 2050 100% renewable energy will be a requirement. She added that she did research negligible impact on property values. Supervisor Ulatowski thanked her

for taking the concerns of the residents and working out a more friendly solution; he then **closed** the public hearing and referred this to the Planning Board. He said that they would be back before the Town Board on November 18, 2019.

TENTATIVE BUDGET 2020 as the TOWN of CLAY PRELIMINARY BUDGET (A):

Councilor Young moved the adoption of a resolution approving the **TENTATIVE BUDGET** as proposed or modified, for the Town of Clay for the year **2020** as the **TOWN OF CLAY PRELIMINARY BUDGET** for the fiscal year commencing January 1, 2020. Motion was seconded by Councilor Meaker.

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

Meeting Date Change:

Councilor Hall moved the adoption of a resolution **cancelling** the **November 4, 2019 Town Board Meeting** and rescheduling same for **Wednesday, November 6, 2019**, due to accommodating the Onondaga County Board of Elections, in setting up for **Election Day, November 5, 2019**. Motion was seconded by Councilor Meaker.

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

2020 Special Districts Budget for the Town of Clay (CPH):

Councilor Hess moved the adoption of a resolution calling a public hearing **November 6, 2019**, commencing at **7:35 p.m.**, local time, to consider the adoption of the proposed **2020 Special Districts Budget for the Town of Clay**. Motion was seconded by Councilor Young.

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

2020 Fire Protection Budget for the Town of Clay (CPH):

Councilor Hess moved the adoption of a resolution calling a public hearing **November 6, 2019**, commencing at **7:38 p.m.**, local time, to consider the adoption of the proposed **2020 Fire Protection Budget for the Town of Clay**. Motion was seconded by Councilor Young.

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

2020 Uniform Water Budget for the Town of Clay (CPH):

Councilor Hess moved the adoption of a resolution calling a public hearing **November 6, 2019**, commencing at **7:41 p.m.**, local time, to consider the adoption of

the proposed **2020 Uniform Water Budget for the Town of Clay**. Motion was seconded by Councilor Pleskach.

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

2020 Preliminary Budget for the Town of Clay, as the 2020 ANNUAL BUDGET (CPH):

Councilor Hess moved the adoption of a resolution calling a public hearing **November 6, 2019**, commencing at **7:44 p.m.**, local time, to consider the adoption of the proposed **2019 Preliminary Budget for the Town of Clay**, as the annual budget. Motion was seconded by Councilor Pleskach.

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

Special Permit (CPH) – Town Board Case # 1147 - MARC FERNANDEZ/RENT-A-RIDE:

Councilor Meaker moved the adoption of a resolution calling a public hearing **November 6, 2019**, commencing at **7:47 P.M.**, local time, to consider the application of **MARC FERNANDEZ/RENT-A-RIDE FOR A PETITION FOR A SPECIAL PERMIT** pursuant to **Section 230-16 B. (2) (e) [6]** to allow for a **MOTOR VEHICLE RENTAL** located at **8402 Oswego Road, Tax Map No. 053.-01-07.1**. Motion was seconded by Councilor Young.

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

Authorization/Agreement - Fiscal Advisors & Marketing, Inc.:

Councilor Meaker moved the adoption of a resolution authorizing the Supervisor to execute an Agreement that supersedes the existing Agreement between the **Town of Clay** and **Fiscal Advisors & Marketing, Inc.** dated July 30, 2002 as amended August 19, 2016. The **Town of Clay** agrees to hire **Fiscal Advisors & Marketing, Inc.** to act as financial advisor to the issuer to provide services relating to the issuance of Serial Bonds, Bond Anticipation Notes, Revenue Anticipation Notes, Tax Anticipation Notes, Budget Notes and Deficiency Notes (the “Securities”), pursuant to the terms of the Agreement. This resolution and Agreement have been approved by the Town Attorney as to form and content and further authorizes the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Young.

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

Bid Authorization - WETZEL ROAD WATERLINE REPLACEMENT PROJECT:

Councilor Pleskach moved the adoption of a resolution authorizing the advertisement of bids for the **WETZEL ROAD WATERLINE REPLACEMENT PROJECT** within the Town of Clay. Said bids to be received until **November 6, 2019, at 11 A.M.**, local time, at the office of the Town Clerk at which time all submitted Bids will be opened and read aloud. Motion was seconded by Councilor Hess.

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

Appointment – Zoning Board of Appeals:

Councilor Pleskach moved the adoption of a resolution appointing **DEBBIE MAGARO-DOLAN** as a member of the **Zoning Board of Appeals** to fill the unexpired term of **EDWARD WISNOWSKI**. Said term to expire **December 31, 2022**. Motion was seconded by Councilor Hess.

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

Adjournment:

The meeting was adjourned at 10:32 P.M. upon motion by Councilor Young and seconded by Councilor Hall.

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

Jill Hageman-Clark RMC / Town Clerk