

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 4th of September, 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
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:

Ryan Pleskach	Councilor
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OTHERS PRESENT:

Rob Bick; Town Assessor, Joseph Nicoletti; Highway Superintendent and Dorothy Heller; Town Historian.

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 August 19, 2019 meeting. Motion was seconded by Councilor Bick.

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

Cancellation and/or requested adjournments.

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

Correspondence:

Supervisor Ulatowski said that he would like to make a few announcements. He began by asking if there was anyone present regarding a Highway complaint or question. No one responded. The Supervisor continued that the Highway Superintendent was present to respond directly to any resident issues. He said that he will now be available at the first meeting of each month to meet with residents in the court room.

Supervisor Ulatowski announced that he has no knowledge of the recently advertised interest in constructing a warehouse on Morgan Road, in fact he just received information late this afternoon and has not had the opportunity to review it. He explained that he had heard that they will employ 1,000+ and is excited to learn more. He continued that at the next meeting, a public hearing will be called for a future meeting following the guidelines of OML.

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

Ruth Koch was present to invite all of the residents and the Board to the Fall Festival on September 21, 2019 from 11 AM to 3 PM at the visitor center. She continued that the visitor center has had over 100 visitors. She thanked the Town of Clay and the Town Board for supporting this project and added that there are various fall programs each Saturday beginning October 5th.

Dorothy Heller gave an update about the Tap Room, explaining they opened for a soft opening last Saturday; they will open after the Fall Festival.

REGULAR MEETING

Special Permit (CPH) – 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 Ver Plank Road, Tax Map Nos. 030.-01-05.1 & 030.-01-03.0.** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Janet Ward of NextEra Energy Resources, LLC, gave an overview of the project. She outlined the parcel depicting the proposed solar arrays. She gave background on the company, project details and benefits. She explained that a 7' chain link fence will surround the arrays. There will be a 60' wastewater right of way and full vegetation around the panels. They are not proposing any night lighting, will not disturb the Mud Creek wetland area and no trees will be removed; there will be virtually no sound and no glare. The Supervisor asked which direction the panels will face; the panels will rotate toward the sun for most efficiency. There is a battery storage allowing later use of energy.

Councilor Hess asked about a decommission plan; Ms. Ward said that the decommission plan complies with NYSERTA's guidelines. Councilor Meaker asked about the two residences close to the parcel and if there would be any screening. Ms. Ward said that there will be a seven foot chain link fence but typically they stagger

two rows of evergreen trees; this would be decided at the Site Plan portion of the planning stage.

Jerry Michaels of 8780 Morgan Road (adjacent to the parcel) asked if there was any consideration for devaluation of property. Ms. Ward said that there is not much comparison on the effect of the property value with recent solar construction, however a study was done in Illinois that finds no decrease in value.

A woman asked about the possibility of only building the solar energy facility on Ver Plank Road and not on Morgan Road. Councilor Young asked if this was a permitted use in this zone. Commissioner Territo said yes, public utility/energy.

Councilor Young countered that it does not specifically say solar. There was a discussion regarding the interpretation and the Supervisor asked for an interpretation of the code language showing that solar is or is not an allowable use. Ronald Verwij of Peppermill Lane said that Solar Energy is not mentioned in the application; adding he thought it was a battery storage facility. Supervisor Ulatowski explained that he was looking at the agenda and not the application. Mr. Verwij asked who owns the property. Ms. Ward explained that Donald Gabor is the property owner and the applicant will lease the property from him.

There was a discussion about the taxes (the responsibility of the property owner) and if it would be tax exempt or not. Mr. Bick said that the town could opt out of a tax exempt status for this parcel. Another resident asked who will own the property at the end of the lease period and who his heirs are. Someone suggested that Mr. Gabor owns other properties, why can't he use another for this application.

Supervisor Ulatowski said that he would adjourn the public hearing and asked the applicant to answer the following:

- Does the close proximity to a Utility Substation devalue a home. Please check with other areas with a similar project and a realtor(s) as well.
- Provide the decommission plan for review.
- Possibility of moving a portion to reduce the impact (perhaps Ver Plank Road only).

Councilor Hess made a motion to **adjourn** the public hearing to **September 16, 2019 at 7:38 PM**. Motion was seconded by Councilor Bick.

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

Appointment – Assessor:

Councilor Hess moved the adoption of a resolution appointing **Rob Bick** as the Assessor of The Town of Clay. Said term to expire ***September 30, 2025**. Motion was seconded by Councilor Bick. (**Note: this was corrected at the September 16, 2019 Town Board Meeting.*)

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

Purchase/ Highway - Vogele Super 2003-3i:

Councilor Bick moved the adoption of a resolution authorizing the purchase of a **Vogele Super 2003-3i** Paver in the amount of \$432,817. Motion was seconded by Councilor Hess.

Ayes – 6 and Noes – 0. *Motion carried. Supervisor Ulatowski explained that this is a very good purchase, the old paver is over 30 years old and highway has had to rent one to complete paving projects.*

Bond Resolution/ Purchase/ Highway - Vogele Super 2003-3i:

Councilor Bick moved the adoption of a resolution authorizing Bonds in the amount of \$432,817 to pay for the purchase of a Paver. Motion was seconded by Councilor Hess.

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

Agreement - CICERO-CLAY SNOW OWLS:

Councilor Hall moved the adoption of a resolution confirming that the Town of Clay does not object to the **CICERO-CLAY SNOW OWLS** having snow trails on a strip of land owned by Niagara Mohawk Power Corporation, d/b/a National Grid, which runs through the Town of Clay for the purpose of a snowmobile trail and authorizing the Supervisor to execute the necessary document therefore. Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried. Councilor Hess abstained due to employment.*

Project/ Easement - TRAIN HARD FITNESS:

Councilor Meaker moved the adoption of a resolution accepting easements from **TRAIN HARD FITNESS** (8080 Oswego Road) for a future extension of a private or public sewer and to allow for ingress/egress access across said property for properties located to the south-east all as shown on a Site Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated **February 26, 2018, last revised October 28, 2018**. Motion was seconded by Councilor Young.

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

Securities (release) – HARKE FARMS SUBDIVISION:

Councilor Young moved the adoption of a resolution, pursuant to the written recommendation of the Town Engineers, in an email dated August 7, 2019, recommending the **release of securities** withheld for **Harke Farms Subdivision** as follows:

1. Solvay Bank Letter of Credit #13-0080 from \$11,617 to \$0. (Sanitary & Storm Sewer Repair & Maintenance)
2. Solvay Bank Letter of Credit #15-0105 from \$30,000 to \$0. (Sanitary Sewer Construction Guaranty)
To the Developer, **COR Verplank Road Company, LLC**.

Motion was seconded by Councilor Hall.

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

Adjournment:

The meeting was adjourned at 8:42 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

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

Jill Hageman-Clark RMC / Town Clerk