

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 20th of July, 2020 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 A. Bick	Deputy Supervisor/Councilor
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OTHERS PRESENT:

Russ Mitchell; Planning Board Chairman and Hal Henty Planning Board Member.

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 June 15th, 2020 meeting. Motion was seconded by Councilor Meaker.

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

Cancellation and/or requested adjournments.

There were no cancellations or adjournments

Correspondence:

Supervisor Ulatowski apologized for the heat in the room explaining that the air conditioning has not been working all day. He then asked if anyone wished to address the Board on any items not on the agenda.

No one responded.

REGULAR MEETING:

ZONE CHANGE (SEQR) - Town Board Case # 1150 MVAH Holding, LLC:

Councilor Hess moved the adoption of a resolution that the application of **MVAH HOLDING, LLC AND FAITH JOURNEY UNITED METHODIST CHURCH AS SUCCESSOR-BY-MERGER TO TRINITY UNITED METHODIST CHURCH** for a change of zone from **R-APT** and **RA-100** to **R-APT** on 15.71 ± acres for the construction of two 3-story 24 unit apartment buildings, including associated parking and site improvements, located at **8396 Morgan Rd., Tax Map No. 060.-01-05.1**, is an unlisted action with a completed EAF and involves no other permit granting agency outside the Town. The proposed project will not have a significant effect on the environment and therefore does not require the preparation of an EIS. Motion was seconded by Councilor Meaker.

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

ZONE CHANGE (D) - Town Board Case # 1150 MVAH Holding, LLC:

Councilor Hess moved the adoption of a resolution **denying** the application of **MVAH HOLDING, LLC AND FAITH JOURNEY UNITED METHODIST CHURCH AS SUCCESSOR-BY-MERGER TO TRINITY UNITED METHODIST CHURCH** for a change of zone from **R-APT** and **RA-100** to **R-APT** on 15.71 ± acres for the construction of two 3-story 24 unit apartment buildings, including associated parking and site improvements, located at **8396 Morgan Rd., Tax Map No. 060.-01-05.1**. Motion was seconded by Councilor Pleskach.

Supervisor Ulatowski explained that he felt that this application would put an undue burden on this parcel and the area in general. He added that he had concerns about encroaching on the wetlands.

The Clerk took a roll call vote and it went as follows:

Councilor Hess – yes to deny based on the burden that it would place on the area adding that senior apartments would be a better fit.

Supervisor Ulatowski – yes to deny

Councilor Young – yes to deny

Councilor Meaker – yes to deny

Councilor Hall – yes to deny

Councilor Pleskach – yes to deny

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

LOCAL LAW NO. 3 of the YEAR 2020 (A) One Year Temporary Moratorium (solar) :

Councilor Meaker moved the adoption of a resolution **approving LOCAL LAW NO. 3 OF THE YEAR 2020**, enacting a **one-year Temporary Moratorium** on the consideration, approval, and development of any and all commercial solar array installations and commercial solar utility substations within the Town of Clay for a period of one (1) year from the active date of the Local Law, or sooner if new legislation amending the policy or Code of the Town of Clay addressing commercial solar array permitting and installations is enacted. The purpose of this Local Law will be to stay all actions until the presentation/passage of amended Town Policy and Code provisions dealing with proposed new commercial solar utility substations are approved. It is the intent of the Local Law to specifically exempt existing applications as of the date of the public hearing as well as any and all non-commercial residential solar applications and those in Industrial Zoned parcels. Motion was seconded by Councilor Hess.

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

Easement (abandonment – portion) – 8228 Justin Drive:

Councilor Hall moved the adoption of a resolution approving a portion of drainage easement abandonment on property located at **8228 Justin Drive, Tax Map No. 074.-20-07.1** (Allison & John Joyce, property owners) as shown on a map prepared by Ianuzi & Romans Land Surveying, P.C., dated June 8, 2020, (Country Meadow Subdivision, Section Nos. 6 & 7, part of Lot No. 7A), and authorizing the Supervisor to execute a Termination of Easement form subject to execution by the landowner. The landowner will bear the responsibility and costs associated with the execution of this document. This resolution is in response to the request by the landowner. The Town Engineer and Planning Department have determined the easement no longer serves any legitimate governmental purpose. Motion was seconded by Councilor Meaker.

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

Easement (access and maintenance) 8150 Morgan Road:

Councilor Hess moved the adoption of a resolution approving the Access and Maintenance Easement Agreement between Donald J. Gabor, Jr. and the Town of Clay for Property located at **8150 Morgan Rd.**, and authorizing the Supervisor to execute the document therefore. Motion was seconded by Councilor Pleskach.

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

Authorization/ Agreement (amending) - INFORMATION TECHNOLOGY SERVICES AND INFRASTRUCTURE UPDATE OF ALL NETWORKED DEVICES with NETMANAGEIT:

Councilor Pleskach moved the adoption of a resolution authorizing the Supervisor to execute an amendment to the existing agreement for **INFORMATION TECHNOLOGY SERVICES AND INFRASTRUCTURE UPDATE OF ALL NETWORKED DEVICES** with **NETMANAGEIT** for a term of one (1) year with an option to renew under the same terms and conditions for an additional one (1) year period and upon written consent of both parties. The agreement shall be approved as to form and content by the Town Attorney. Motion was seconded by Councilor Hess.

Ayes – 5 and Noes – 1. *Motion carried. Councilor Meaker opposed.*

RESOLUTION SUPPORTING and ADOPTING AMENDMENT to SECTIONS 217 and 219 of the GENERAL MUNICIPAL LAW (Relating to COVID 19):

Councilor Young made a motion approving and adopting the following resolution:

WHEREAS, the Town of Clay has historically supported our volunteer ambulance and fire workers, and we have adopted and complied with service award programs enacted across the State in an effort to support, retain and attract our volunteers, and,

WHEREAS, in light of global pandemic, state of emergency and temporary hardships complying with “normal reporting” and bookkeeping practices required by voluntary service award programs in the State, and,

WHEREAS, in an effort to help ease the reporting compliance hardships faced by our fire and ambulance volunteers in municipalities, the State of New York recently enacted a law amending Sections 217 and 219 of the General Municipal Law in relation to the determination of points for service award programs for volunteer firefighters and ambulance workers, and,

WHEREAS, the new law allows municipalities to adopt the amendment and new subparagraphs “p” of Section 217, subdivision 3 of Section 210-e and subdivision 3 of Section 219-m of the General Municipal Law as stated in the attached copy of Bill number 10438-A (and filed herewith with the Town Clerk), and,

WHEREAS, the new provisions allow for the awarding of points during the Covid pandemic to active volunteer firefighter service award programs by crediting of up to five additional points per month, pro-rated for periods of less than one month, for each active volunteer firefighter for each month that special emergency response rules were in place, and,

WHEREAS, participation in the amendment and compliance requires the home municipality to adopt a resolution adopting same, it is hereby:

RESOLVED, the Town of Clay specifically supports and adopts the amendments of Section 217 and 219 of the General Municipal Law by adopting subparagraph “p” in its entirety to Section 217 as proposed, adding new subparagraph “k” to section 219 as proposed, and adding new subparagraph “k” to Section 219-m all of the General Municipal Law as proposed. This resolution and compliance with same is temporary in nature and shall automatically terminate upon expiration/termination of the current state of emergency related to the Covid-19 pandemic by Executive Order.

Motion was seconded by Councilor Hall.

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

Certiorari – 4081 NYS 31, LLC:

Councilor Hall moved the adoption of a resolution approving the settlement of the New York State Supreme Court Tax Certiorari action (Index No.006068/2017 et. al.) entitled **4081 NYS 31, LLC v. Town of Clay** effecting Tax Map No. 028.-01-40.3 for property located at the Great Northern Mall property by reducing the assessment according to the attached matrix beginning in the 2017/2018 tax year to \$3,041,958.00 and proceeding downward on the attached scale to \$945,000.00 for the year 2020 until 2023. Town refunds will be paid according to the matrix attached in an amount not to exceed \$6,000.00 for all years with RPTL 727 applied in an accordance with the terms and conditions as stated and authorizing the Supervisor and Town Attorney to execute any and all documents necessary to complete this matter. Motion was seconded by Councilor Hess.

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

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

Councilor Meaker moved the adoption of a resolution calling a public hearing

August 17, 2020 commencing at **7:35 P.M.**, local time to consider the application of **Omni Navitas Holdings, LLC and George Young** for a **Special Permit to allow for a Solar Farm** on property located at **91077 Caughdenoy Road, Tax Map No. 043.-01-01.0**. Motion was seconded by Councilor Hess.

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

Adjournment:

The meeting was adjourned 7:50 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