

## APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 15<sup>th</sup> of July, 2019 at 7:30 P.M., there were:

### PRESENT:

Damian Ulatowski	Supervisor
Joseph 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
Neil Germain	Town Attorney
Ron DeTota	Town Engineer

### ABSENT:

None

### OTHERS PRESENT:

Russ Mitchell; Planning Board Chairman, Hal Henty and Jim Palumbo; Planning Board Members, Ed Wisnowski; ZBA Chairman, Vivian Mason; ZBA Secretary, Chuck Mangan; Former ZBA Chair, Karen Liebi and Louella Allgaier; ZBA Members, Barbara Laws; Information Aide and Dorothy Heller; 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 June 17<sup>th</sup>, 2019 meeting. Motion was seconded by Councilor Bick.

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

Supervisor Ulatowski said that at this time he would like to recognize Charles (Chuck) Mangan the retiring Zoning Board of Appeals Chairman with a Proclamation outlining his dedicated service to the Town of Clay. He asked that the following proclamation be placed in the minutes as a part of the permanent record. After the presentation of the proclamation the Town Board members thanked Chuck for his infinite knowledge and his service.

## **PROCLAMATION**

At the Regular Meeting of the Town Board of the Town of Clay, held on the 15<sup>th</sup> day of July 2019, the following resolution is duly adopted:

**WHEREAS**, the Town of Clay wishes to recognize **CHARLES V. MANGAN**, “Chuck” and express their appreciation and gratefully acknowledge the value of his service throughout the last 21 years. Chuck was appointed to the Zoning Board of Appeals “ZBA” in July 1998, promoted to Deputy Chairman in January 2006 and Chairman June 2010. Chuck has given generously of his time in a dignified, faithful and professional manner to serve the residents of the Town of Clay.

**WHEREAS**, during his tenure on the ZBA, Chuck was committed to encouraging commercial development while protecting the interests of the residents. An example of Chuck’s diligence to protect resident issues is his work on the Town Adult Use Ordinance that was developed with the Planning Department to limit those businesses to areas away from schools, churches and residences. During Chuck’s tenure, court contested decisions protecting the interests of residents involving such issues as: proximity to residential property, interpretations of land use, telephone towers and traffic studies were ruled in favor of the Clay Zoning Board of Appeals.

**WHEREAS**, in 2005, Chuck submitted information on revising zoning codes, and the Town of Clay received an award for excellence from the New York State Planning Federation. As Chairman Mangan, he continued to set a high standard for the ZBA requiring all Board Members to be well prepared for each meeting with thorough review of each case including an individual site visit before each meeting. The commercial development of the Town of Clay has thrived in the last twenty years under the guidance of a dedicated capable ZBA.

**WHEREAS**, Chuck’s leadership skills have resulted in productive working relationships with the ZBA, Planning Board, Town Board, Town Attorney and Town Supervisor. His seamless transitions from his predecessor Chairman Fenahahn to his successor Chairman Wisnowski, will be appreciated well into the future. Chuck submitted his resignation effective, June 30, 2019.

**NOW, THEREFORE, BE IT RESOLVED**, through the efforts of Charles V. Mangan, the Town of Clay continues to be a better place to live, work and raise a family. The Town Board on behalf of themselves and the community, wish to publicly acknowledge their heartfelt gratitude and appreciation for his many years of dedicated service to the Town of Clay and offer their best wishes and success in all his future endeavors.

***IN WITNESS WHEREOF***, I have hereunto set my hand and caused the ***Great Seal of the Town of Clay*** to be affixed at Town Hall this 15<sup>th</sup> day of **July**, in the year of our Lord, ***Two Thousand Nineteen***.

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Damian M. Ulatowski, Supervisor

**Cancellation and/or requested adjournments.**

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

**Correspondence:**

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

No one responded.

**REGULAR MEETING**

**Special Permit (PH/Adj)(D) – Town Board Case # 1140 – SEMPER FORTIS LLC, D/B/A DREAM DRIVE EXOTICS:**

A Public hearing to consider the application of **SEMPER FORTIS LLC, D/B/A DREAM DRIVE EXOTICS FOR A SPECIAL PERMIT** pursuant to **Section 230-16C. (2) (e) [11] & [12]** to allow for outdoor recreation in the former Sears parking lot at the Great Northern Mall, located at **4155 State Route 31, Tax Map No. 028.-01-40.4**. (Adjourned to this date and time from the June 17, 2019 Town Board Meeting) was opened by the Supervisor.

Supervisor Ulatowski asked if there was anyone present on behalf of the applicant; no one responded. The Supervisor said that the applicant has not shown for two public hearings and asked legal counsel if he could deny on that basis. Mr. Germain said that they could.

Councilor Hess made a motion to **deny** the Special Permit application for Semper Fortis LLC, D/B/A/ Dream Exotics on the basis of no show for two public hearings on June 17, 2019 and July 15, 2019 meetings; the applicant can re-apply for a Special Permit. Councilor Pleskach seconded the motion.

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

**Authorization (amendment) - ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING PLAN:**

Councilor Hess moved the adoption of a resolution authorizing amendment to the **ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING PLAN** for the Town of Clay to include Birchwood Dr., Walnut Place and Glenwood Drive for the year 2020. (Wood Glen Manor project). Motion was seconded by Councilor Hall.

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

**Authorization (amendment) - INFORMATION TECHNOLOGY SERVICES AND INFRASTRUCTURE UPDATE OF ALL NETWORKED DEVICES with NETMANAGEIT:**

Councilor Hall 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 two (2) additional one (1) year periods 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 Meaker.

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

**Project- sewer/ final order (A) – Fox Widewaters Sewer District:**

Councilor Bick moved the adoption of a resolution approving the Final Order Establishing the Fox Widewaters Sewer District, as follows. Motion was seconded by Councilor Hess.

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

**WHEREAS**, a Written petition, in due form and containing the required signatures, has been presented to and filed in the office of the Town Clerk of the Town of Clay, Onondaga County, New York, for the establishment of the Fox Widewaters Sewer District in the Town of Clay, Onondaga County, New York, (hereinafter, "the Sewer District"), with improvements consist of the construction of a gravity sewer collection system, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, all as more fully described in a map, plan and report on file in the Office of the Town Clerk, at a maximum estimated cost of \$600,000, pursuant to Article 12 of the Town Law; and

**WHEREAS**, an Order was duly adopted by this Town Board on the 18<sup>th</sup> day of June, 2018, reciting the filing of said petition, the fact that said petition was on file in the Town Clerk's office, the improvement proposed, the boundaries of the proposed Sewer District and the estimated expense thereof and specifying the 16<sup>th</sup> day of July, 2018, at 7:15 o'clock in the P.M., Prevailing Time, of that day at Town Hall, 4401 New York Route 31, in Clay, New York, in said Town, as the time and place where the Town Board would meet for the purpose of holding a public hearing to consider the petition and the question of establishing said proposed Sewer District, and to hear all persons interested in the subject thereof concerning the same; and

**WHEREAS**, notice of such hearing was duly posted and published in the manner and within the time prescribed by Section 194 of the Town Law and proof of said publication and posting has been presented to this Town Board; and

**WHEREAS**, said public hearing was duly held by this Town Board at the time and place set forth in the aforesaid order, and considerable discussion upon the matter having been had and all persons desiring to be heard were duly heard; and

**WHEREAS**, on July 16, 2018 the Town Board adopted a resolution finding in the affirmative all of the determinations required by Section 194 of the Town Law and approving the establishment of said Extension in accordance with the provisions of Section 194 of the Town Law; and

**WHEREAS**, an application for permission to establish said Extension was filed in the office of the State Department of Audit and Control at Albany, New York, in accordance with Section 194 of the Town Law for permission to establish such Extension which permission has now been granted by the State Comptroller; and

**WHEREAS**, it is now necessary to adopt a final order establishing the District;

**NOW, THEREFORE, IT IS HEREBY ORDERED**, by the Town Board of the Town of Clay, Onondaga County, New York, as follows:

Section 1. The establishment of the Fox Widewaters Sewer District in the Town of Clay and the construction of the improvements proposed therefor at a maximum estimated cost of \$600,000 are hereby approved. Said Sewer District shall be bounded and described as in Exhibit A attached hereto and hereby determined to be a part hereof. The method of financing the cost of said improvements shall be by the issuance of serial bonds of said Town maturing in annual installments over a period not exceeding forty years, such bonds to be payable from assessments levied upon and collected from the several lots and parcels of land deemed benefited from said improvements, so much upon and from each as shall be in just proportion to the amount of the benefit which the improvements shall confer upon the same, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same become due and payable.

Section 2. The Town Clerk is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Clerk of Onondaga County and filed in the office of the State Department of Audit and Control at Albany, New York, in the manner and within the time prescribed by Section 195(1) of the Town Law, being within ten days of adoption of this Order.

Section 3. This Order shall take effect immediately.

**A RESOLUTION AUTHORIZING THE ISSUANCE OF \$600,000 SERIAL BONDS OF THE TOWN OF CLAY, ONONDAGA COUNTY, NEW YORK, TO PAY THE COST OF THE ESTABLISHMENT OF THE FOX WIDEWATERS SEWER DISTRICT, IN SAID TOWN.**

Councilor Bick made a motion to approve the Serial Bond Resolution as follows. Motion was seconded by Councilor Pleskach.

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

**WHEREAS**, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 12 of the Town Law, the Town Board of the Town of Clay, Onondaga County, New York, has established the Fox Widewaters Sewer District in the Town of Clay (the “District”); and

**WHEREAS**, the improvements proposed for the establishment of said District consists of the construction of a gravity sewer collection system, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, all as more fully described in a map, plan and report on file in the Office of the Town Clerk; and

**WHEREAS**, the maximum amount proposed to be expended for said improvements is \$600,000; and

**WHEREAS**, said capital project has been determined to be a Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined, will not result in any significant adverse environmental effects; and

**WHEREAS**, all other conditions precedent to the financing of the capital project hereinafter described have been performed; and

**WHEREAS**, it is now desired to authorize the financing of the improvements for such District; NOW, THEREFORE, BE IT

**RESOLVED**, by the Town Board of the Town of Clay, Onondaga County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the improvements for the establishment of the Fox Widewaters Sewer District in the Town of Clay, consisting of the construction of a gravity sewer collection system, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$600,000 serial bonds of the Town of Clay, Onondaga County, New York pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is \$600,000, which specific object or purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof shall consist of the issuance of the \$600,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 40 years, pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Clay, Onondaga County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be annually assessed upon and collected from the several lots and parcels of land within said District determined to be especially benefitted thereby, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said Town shall be subject to the levy of ad valorem taxes without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Supervisor shall deem best for the interests of the Town, including, but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation, provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any

order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full a quittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Clay, Onondaga County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this Town Board.

Section 12. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 13. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 14. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Zone Change (CPH) – Town Board Case # 1141 – Wetzel Road Zone Change:**

Councilor Bick moved the adoption of a resolution calling a public hearing **August 19, 2019**, commencing at **7:35 P.M.**, local time, to consider a **Change of Zone** at the request of the Town of Clay from **I-1 Industrial District** to **R-40 One-Family Residential District** on properties located on **Wetzel Road**. The properties of which are the subject of this change of zone are as follows:

- 4521 Wetzel Road - Tax Map No. 082.-01-23.0
- 4529 Wetzel Road - Tax Map No. 082.-01-22.0
- 4555 Wetzel Road - Tax Map No. 082.-01-17.0
- 4561 Wetzel Road - Tax Map No. 082.-01-16.0
- 4567 Wetzel Road - Tax Map No. 082.-01-15.0
- 4577 Wetzel Road - Tax Map No. 082.-01-13.0

Motion was seconded by Councilor Hess.

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

**MEMORIALIZING THE INTENT OF THE TOWN BOARD OF THE TOWN OF CLAY, COUNTY OF ONONDAGA, REGARDING THE PROPOSED RECOMMENDATION IN THE UNAPPROVED PRELIMINARY DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR INTERSTATE 81 THROUGH SYRACUSE**

Councilor Meaker made a motion to pass the following resolution; seconded by Councilor Pleskach and unanimously passed.

***WHEREAS***, when interstate 81 was constructed, it directed traffic through our Central New York Community and as a result the Town was transformed into a commercial crossroads that grew in prosperity and economic development; and

***WHEREAS***, for the last 50 years, Interstate 81 has served as a vital backbone for the economy of the Town of Clay and Central New York, connecting commuters, businesses, tourists, visitors, inter-state commerce and through-travelers alike; and

***WHEREAS***, The Town of Clay has experienced substantial growth given its close proximity to the City of Syracuse acting as a transfer point between the New York State Thruway and Interstate 81, the town has a significant commercial presence consisting of hotels, gas stations, and restaurants geared in part toward travelers across these thoroughfares; and

***WHEREAS***, the proposed action expressed in the unapproved DEIS would result in potential loss of revenue in the Town along with the significant ancillary loss of business to other local vendors used by those businesses to service their customers; and

***WHEREAS***, if Interstate 81 traffic were diverted from these businesses the estimated loss of Sales Tax could be substantial as traffic would be directed around our community; and

***WHEREAS***, due to the proposed diversion of traffic from Interstate 81 to Route 481 within these corridors businesses and their employees will be negatively affected by loss of commerce. Furthermore, the resulting traffic congestion created by the proposed grid and resulting diversions will create an untenable negative impact upon the remainder of Onondaga County and Central New York; and

***WHEREAS***, the potential consequences to the Town of Clay and the surrounding towns in Central New York have not been adequately addressed in the DEIS; and

***WHEREAS***, there may be a variety of ways to deal with I-81's aging infrastructure. Eleven (11) public option polls and surveys have been conducted since 2013 showing that between 52% to 83% of respondents favor retaining Interstate 81's function and alignment throughout the city, clearly establishing that there is no consensus for the Community Grid option; and

**WHEREAS**, it is the sense of the Town of Clay Town Board that any decision reached by the NYS DOT should enhance mobility and project major economic functions in that portion of Central New York impacted by this project; now, therefore be it

**RESOLVED**, that the Town of Clay Town Board requests that the NYS DOT addresses all socioeconomic and environmental impacts in the DEIS that will affect our Central New York Community, including but not limited to, Environmental Justice and Local and Regional Economics for the corridors adjacent to the Interchanges therein; and

**RESOLVED**, that the Town of Clay Town Board memorializes its determination that the existing Interstate 81 alignment through Syracuse and Central New York must remain and its function and designation as an interstate highway must not be removed or impaired; and, be it further

**RESOLVED**, that the Town of Clay Town Board request that the NYS DOT and Governor Cuomo choose the consensus solution, so our entire community benefits from this important decision, and/or enhances the safety and performance of the existing Interstate 81; and

**RESOLVED**, that the Clerk of the Town of Clay is hereby directed to cause a copy of this resolution to be transmitted to the New York State Department of Transportation, to the members of Congress representing Central New York, the US FHWA, Members of the New York State Assembly and Senate representing the Town of Clay and to the Governor of State of New York.

In Witness thereof, I have hereunto set my hand and have hereunto affixed the seal of the Town of Clay this 15<sup>th</sup> day of **July, 2019**.

Damian M. Ulatowski, Supervisor  
Joseph A. Bick, Deputy Supervisor/Councilor  
Eugene B. Young, Councilor  
David J. Hess, Councilor  
Brian R. Hall, Councilor  
Kevin J. Meaker, Councilor  
Ryan A. Pleskach, Councilor

(SEAL)

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**JILL HAGEMAN-CLARK, TOWN CLERK OF THE TOWN  
OF CLAY, COUNTY OF ONONDAGA, STATE OF NEW YORK**

**Project (sewer) (CPH) – BEAR ROAD SEWER DISTRICT CONTRACT NO. 35 – LATERAL:**

Councilor Hess moved the adoption of a resolution calling a public hearing **August 19, 2019**, commencing at **7:38 P.M.**, local time, to consider a Petition for the extension of a public sewer main within the Town of Clay to be known as **“BEAR ROAD SEWER DISTRICT, CONTRACT NO. 35 – 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 8:12 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

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

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Jill Hageman-Clark RMC / Town Clerk