

## Unapproved

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 1<sup>st</sup> of October, 2018 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
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

### ABSENT:

None

### OTHERS PRESENT:

Russ Mitchell, Chairman of the Planning Board; Joe Grispino, Code Officer and Rob Bick, Town Assessor.

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 September 17<sup>th</sup>, 2018 meeting. Motion was seconded by Councilor Hall.

Ayes – 7 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.

Julie Hyne and Sharon Devaney, both of Orion Path were present to address the Town Board regarding the work on Orion Path.

Ms. Hyne gave an overview of the calls made to the Town offices and Highway department as well as the promised work on her street. She expressed her disappointment with the poor response that she received from her calls as well as the work that has not been completed as promised. She continued that the Highway Department did do some skim coating and patching but this is not the quality of work that was expected. Supervisor Ulatowski apologized, adding that he is not an engineer or a highway superintendent however he has spoken with the Highway Superintendent and it was determined that the job was more serious than previously thought. The Supervisor continued that the Highway Department will complete the job in the spring of 2019; he added that once they determined the scope of the work needed to be completed that they felt that a patch would be better than trying to get it done before the weather turned. Ms. Hyne said that she repeatedly asked for the highway paving schedule and never received it. Supervisor Ulatowski explained that the highway department is at the mercy of the weather and one cannot predict when the work will be completed. Councilor Bick suggested that perhaps they can be first on the 2019 list for paving. Supervisor Ulatowski agreed adding that the clerk is taking this down. Councilor Meaker added that the fact that no one responded to the calls made should be addressed and Supervisor Ulatowski agreed adding that he would do so.

Town Clerk presents the **2019 TOWN OF CLAY TENTATIVE BUDGET** to the Town Board Members pursuant to Town Law.

Supervisor Ulatowski read the following budget message:

**TOWN OF CLAY**  
**2019 BUDGET MESSAGE – draft 9/21/18**

The Tentative Budget for general and highway purposes totals \$15.6 million. This represents an increase of \$828,000, or 5.6% over the adopted budget for 2018. However, \$325,000 of the increase is for additional paving and the remainder of the increase, or \$504,000, is 3.4% over the current year.

As proposed, the Town tax rate for residents that live outside the Village of North Syracuse would be \$17.68 per thousand, an increase of 2.3%. For a home valued at \$100,000, this amounts to an increase of \$6.20 for the year. For a Town resident that lives within the Village, the rate would be \$12.44 per thousand, a decrease of 4.2% from 2018.

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 \$325,000 budgeted in 2019 brings the total

appropriation for paving to \$1,950,000 which is targeted to keep on schedule with road maintenance as determined by the Road Condition Survey.

Employee salaries, wages & benefits represent \$304,000 of the increase. Other increases are for the purchase of a dog control van for \$35,000, parking lot resurfacing for Clay Park Central, Town Hall and the Senior Center for \$75,000, new siding for the Senior Center and Highway Pole Barn for \$40,000, and \$50,000 for two small dump trucks.

The current price for salt at \$42.50 per ton and asphalt at \$62.46 per ton is expected to remain relatively the same next year.

The Town's Water Department is embarking on a major project to install radio read capability for every water meter in the Uniform Water District. Of the 5,219 5/8th inch meters in its system; 2,403 need to be replaced and 2,816 can be upgraded to radio read capability. There are 464 other meters with larger diameters that will also be converted. The estimated cost for the new equipment is \$876,000 all of which can be paid for with available funds of the Water District. Installation will be performed by Water Department employees.

When completed, staffing can be reduced by one employee and water billing should capture an additional 5% to 10% of consumption that older meters typically miss. This investment is expected to break even over 4 1/2 years.

The Town has also contracted with National Grid to convert 1,669 overhead lights in the Town to LEDs at a cost of \$252,000. This expense is planned to be funded with available monies within the lighting districts (\$214,000) and a portion applicable to the General Fund (\$38,000). When installed, the Town expects to realize energy savings of \$100,000 annually, producing a payback in just over 2 1/2 years.

The Town continually applies for grants-in-aid that will improve service delivery at a subsidized cost. Most recently the State awarded a \$75,000 grant towards constructing a new bathroom at Clay Park Central. Other grants under review by the State include \$75,000 for building three gazebos at Three Rivers and \$150,000 for constructing an Educational Center at the Town's Community Gardens.

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

**REGULAR MEETING:**

**ZONE CHANGE - (SEQR) Town Board Case # 1095 - GEORGIAN COURT ENTERPRISES, LLC and FERNANDO VONA:**

Councilor Meaker moved the adoption of a resolution that the application for **GEORGIAN COURT ENTERPRISES, LLC AND FERNANDO VONA FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **R-APT Residential Apartment** to allow for future construction of two apartment buildings on vacant

land located on **Belmont Drive, Tax Map No. 104.-03-11.0**; consisting of approximately 3.76± acres of land, 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 Hall.

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

**ZONE CHANGE - (A) Town Board Case # 1095 - GEORGIAN COURT ENTERPRISES, LLC and FERNANDO VONA:**

Councilor Meaker moved the adoption of a resolution **approving** the application of **GEORGIAN COURT ENTERPRISES, LLC AND FERNANDO VONA FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **R-APT Residential Apartment** to allow for future construction of two apartment buildings on vacant land located on **Belmont Drive, Tax Map No. 104.-03-11.0**; consisting of approximately 3.76± acres of land. Motion was seconded by Councilor Hall.

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

**ZONE CHANGE - (PH/Adj.) Town Board Case # 1135 – RED BARN COUNTRY LLC/ LANDS of TROMBLEY:**

A public hearing to consider the application of **RED BARN COUNTRY, LLC, KEITH W. FOX AS TRUSTEE OF THE LINDA TROMBLEY IRREVOCABLE TRUST AND LAND YACHTS, LLC FOR A ZONE CHANGE** from **R-10 One-Family Residential District** to **HC-1 Highway Commercial** on two (2) smaller parcels in order to combine with a larger project (Red Barn Acres), on land located at **110 Red Bard Circle and lands adjacent to Red Bard Acres, Tax Map No. 117.-01-11.0 & part of 8.1**, consisting of approximately 0.907± acres of land. (Adjourned to this date and time from the September 17, 2018 Town Board meeting).

Tim Coyer was present on behalf of the applicant. Mr. Coyer began by reporting that they received a favorable referral from the Planning Board. He continued that nothing has changed from the previous meeting and he gave a brief overview. Councilor Young asked what guarantee the Town of Clay had that nothing would be constructed on the parcels if the zone change was approved. Mr. Coyer explained that the parcels could not be built on but would be used to create a berm and to bring the proposed road further from Buckley Road to reduce stacking. Councilor Hess asked if the County DOT had requested that the drive be moved back and they had not.

Councilor Pleskach asked if the applicant still agrees to a covenant stating that no construction of building(s) on lot one. Councilor Young asked Mr. Germain if that

could be a condition of approval. Mr. Germain said that it could, since the applicant had offered it, if the covenant was written into the approving resolution and subject to all legal approvals.

The Supervisor asked if there were any additional questions or comments, there being none, he **closed** the public hearing.

**Ordinance 2018-03 (PH/Adj.) (amending) CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE, §211-29 entitled “Parking of certain motor vehicles and trailers prohibited in residential districts”:**

A public hearing to consider proposed **Ordinance 2018-03** amending **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **§211-29** entitled “**Parking of certain motor vehicles and trailers prohibited in residential districts**” by repealing subparagraphs A. through D. and replacing with new subparagraphs A. through F. of this section. (Adjourned to this date and time from the September 17, 2018 Town Board meeting) was opened by the Supervisor. Councilor Pleskach gave a summary of what has been gone over since the last hearing:

Section C-ii - Recreational vehicles shall not be parked or stored outdoors in the front yard in any residential district, except in an established driveway and perpendicular to the front building line (back yard is fine).

Section D-i the wording will be changed to: The recreational vehicle, ~~if applicable~~, is ~~properly~~ licensed, registered, inspected, and insured:

Section C-v, no recreational vehicle shall be used as living quarters, this has been agreed on.

Section C-i Only one recreational vehicle more than 22’ in length shall be parked on any lot simultaneously, this was agreed on.

C-iii b- Corner lots will be the front of the house.

There was a discussion about what the front of the house is. Councilor Young asked if it was the building line which would arc to include the side portion abutting the road. Councilor Pleskach explained that was not the intention of the Blue Ribbon Commission when discussing the description. The front yard for this purpose will pertain to the physical front of the house, not the driveway but the front door.

Councilor Hall thanked the Blue Ribbon Commission for the diligence that they have put into this and explained that it is difficult to please each resident in a town of 60,000 but felt that this group did an excellent job of considering all of the residents when making their recommendations.

Supervisor Ulatowski agreed thanking the members of the commission and commending the efforts to make the code enforceable and protecting both sides. He continued by applauding Councilor Pleskach for his effort and the excellent job put forth by all. He closed by stating that this has been a learning experience for all.

Nancy Kinnetz of Plum Hollow asked if the Town of Clay website could reflect some of the questions such as the front of the house on a FAQ portion to be added to the site.

Supervisor Ulatowski said that it seemed like a reasonable request and he would look into it.

The Supervisor asked if there were any additional questions or comments, there being none, he **closed** the public hearing.

**Appointment (A) – MOYERS CORNERS FIRE DEPARTMENT INC.:**

Councilor Young moved the adoption of a resolution approving the appointment of **Brianna Fedorich, Colin Smith and Christopher Perdue** as volunteer members of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 1; Kevin Cooper** as a volunteer member of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 3** and **Fadi Shuheibar** as a volunteer member of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 4**. Motion was seconded by Councilor Hess.

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

**Fire Hydrant(s) (A) - Farmstead, Section No. 4:**

Councilor Hall moved the adoption of a resolution approving the installation of three (3) fire hydrants in The Farmstead, Section No. 4, and authorizing the Supervisor to execute the OCWA fire hydrant application. **Fire Hydrant Nos. 14398, 14399 & 14400, OCWA Project No. 9003949.** (Maple Road Associates, Inc.). Motion was seconded by Councilor Meaker.

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

**LOCAL LAW NO. 1 OF THE YEAR 2018 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW SECTION 3-C (CPH):**

Councilor Hess moved the adoption of a resolution calling a public hearing **October 15, 2018**, commencing at **7:35 p.m.**, local time to consider adding a proposed Local Law to be entitled “**LOCAL LAW NO. 1 OF THE YEAR 2018 TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW**”

**SECTION 3-C**” to the code of the Town of Clay. Motion was seconded by Councilor Pleskach.

*Supervisor Ulatowski explained that this is a precaution taken each year however he is hopeful that as in the past, it will not be necessary.*

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

**Project (sewer) (CPH) - NORTH END COMMONS SEWER DISTRICT, CONTRACT NO. 1:**

Councilor Pleskach moved the adoption of a resolution calling a public hearing **October 15, 2018**, commencing at **7:38 P.M.**, local time to consider a Petition for the creation of a sewer district within the Town of Clay to be known as **“NORTH END COMMONS SEWER DISTRICT, CONTRACT NO. 1”** and for the construction of a sewer system therein to be designated and known as **“NORTH END COMMONS SEWER DISTRICT, CONTRACT NO. 1.”** (North End Commons). Motion was seconded by Councilor Hess.

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

**Project (drainage) (CPH) - NORTH END COMMONS DRAINAGE DISTRICT, CONTRACT NO. 1:**

Councilor Pleskach moved the adoption of a resolution calling a public hearing **October 15, 2018**, commencing at **7:41 P.M.**, local time to consider a Petition for the creation of a drainage district within the Town of Clay to be known as **“NORTH END COMMONS DRAINAGE DISTRICT, CONTRACT NO. 1”** and for the construction of a drainage system therein to be designated and known as **“NORTH END COMMONS DRAINAGE DISTRICT, CONTRACT NO. 1.”** (North End Commons). Motion was seconded by Councilor Hess.

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

**Project/ Securities (posting) (A) - RIVER GROVE SUBDIVISION:**

Councilor Meaker moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of sewer, drainage, and water facilities located within **RIVER GROVE SUBDIVISION**, (Gaskin Road Extension No. 1 Sewer District, Contract No. 21 – lateral; Vicksburg Drainage District, Contract No. 3 – lateral; River Grove Water Supply District) and the construction of said facilities having been completed in accordance with the Plans and Specifications thereof; the Town Engineers having certified that the facilities have been satisfactorily completed and that the developer post the following security as shown under correspondence by the Town Engineers’ under date of September 28, 2018: **Maintenance Guarantee - \$14,443** (\$8,333 Sewer; \$3,333

Drainage; \$2,777 Water); **Highway - \$17,192; Monument Deposit - \$900.00; Parkland Contributions - \$10,000.00; Future Engineering/Inspection Fees - \$2,000.00; \$500.00 for legal and \$500.00 for administrative fees**, and any other unpaid fees that may be owed by the Town of Clay for engineering, legal and/or administrative fees; and further contingent upon the developer having complied with all the requirements set forth in an Agreement between the Town of Clay and **VICKSBURG ESTATES, LLC**, that the Town accept title to such facilities. Motion was seconded by Councilor Young.

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

**Project/ Easements - RIVER GROVE SUBDIVISION:**

Councilor Young moved the adoption of a resolution accepting easements for sewer, drainage and water facilities located within **RIVER GROVE SUBDIVISION**, (Gaskin Road Extension No. 1 Sewer District, Contract No. 21 – lateral; Vicksburg Drainage District, Contract No. 3 – lateral; River Grove Water Supply District) all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated **February 2, 2015**. Motion was seconded by Councilor Bick.

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

**Project/ Warranty, Deed etc. - RIVER GROVE SUBDIVISION:**

Councilor Young moved the adoption of a resolution accepting a Warranty Deed, Dedication, Application and Release of damages for the roads located within **RIVER GROVE SUBDIVISION**; from **VICKSBURG ESTATES, LLC**, (Rachel Court having Permeable Shoulders). Motion was seconded by Councilor Pleskach.

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

**Adjournment:**

The meeting was adjourned at 8:20 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