

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 9th of September, 2020 at 7:30 P.M., there were:

PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/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:

David Hess	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 Bick made a motion to approve the minutes of the August 17, 2020 meeting. Motion was seconded by Councilor Meaker.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski explained that items 13 and 14 on the agenda will not be heard tonight.

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) – Town Board Case # 1151 - ROCKLYN COMMERCIAL, LLC AND WOODSIDE COMMERCIAL, LLC:

A public hearing to consider the application of **ROCKLYN COMMERCIAL, LLC AND WOODSIDE COMMERCIAL, LLC FOR A SPECIAL PERMIT** pursuant to **Section 230-18G.(2)(b)** to allow for the construction of a WellNOW Urgent Care (hospital/clinic) on vacant land located at **4938 West Taft Rd. and Wintersweet Dr., Tax Map No. 116.1-01-01.1.** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Steve Calocerinos explained that the applicant wishes to construct an “urgent care” facility in the existing PDD. The hours of operation will typically be from 8 AM to 8 PM although some facilities have hours extended from 7 AM to 11 PM. Mr. Calocerinos said that they are planning on 8 to 8 however that may change since the Urgent Care at North Medical Center closed and they can’t predict how busy they will be.

There are two access points proposed off Wintersweet Drive. One will be used primarily for ambulances and go to the loading dock and one will eventually connect to the parcel across the street. Several residents voiced concerns over the access that is located on the bend. Mr. Calocerinos said that they need two points of access. There was a discussion about relocating the driveway.

The building will feature a hip roof, it will not be peaked. There will be awnings. Parking will be in the front facing Taft Road and the loading dock will be in the rear. There are 30 parking spaces; only 18 are required.

Councilor Bick asked how many visits they are calculating per day. Mr. Calocerinos said between 50 and 100 based on location. The staff will consist of a Physician, Physician Assistants and Nurses. There was concern about how many ambulances will be going into the area. Patrick Donegan of Rocklyn Companies explained that WellNow is not typically served by ambulance as most patients drive in themselves. There was a lengthy discussion about there not being a physician on staff at all times. Mr. Donegan explained that the doctor basically owns the practice and sets his or her own hours. He added that this is not a hospital, it is triage and ambulances are typically used only to send a patient to the hospital.

A monument sign will be on the corner of the parcel facing Wintersweet where it intersects with Taft Road. They are also proposing three illuminated wall signs on the North, East and West sides of the building.

Councilor Bick asked if this company, formerly Five Star is privately owned. Mr. Donegan explained that it was purchased by a group that owns Aspen Dental.

Supervisor Ulatowski opened it up to the public. Dan Husted of Wintersweet Drive voiced his concerns about the driveway being located on the curve adding that it is an accident waiting to happen. He said that he is in favor of locating the driveway closer to Taft Road. Mr. Calocerinos said that they are receptive to change but was concerned with the issue of stacking near Taft Road.

Lisa Malorzo said that she has lived on the corner of the intersection for seven years and agrees with the concerns about the location of the driveways and hopes that they will look at an alternative for the driveway; she added that there is also a great deal of snow that drifts to the intersection. Other residents also voiced concerns with the current placement of the driveways. Supervisor Ulatowski said that he will have the Highway Superintendent weigh in on the driveway location. Councilor Meaker suggested that perhaps a driveway off Taft Road would be less invasive to the residents in the PDD. Onondaga County DOT will not approve a curb cut to Taft Road. Councilor Hall said that he is in favor of locating the driveway closer to Taft Road and further from the residents creating less traffic. Ann Marie Cavalaro asked for clarification on where it will be. She added that she is concerned that there will not be a physician on duty at all times.

All comments and questions having been heard, the Supervisor said the he would refer this to the Planning Board for recommendation.

Councilor Bick made a motion to **adjourn** the public hearing to **September 21, 2020 at 7:40 PM**. Motion was seconded by Councilor Hall.

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

Appointment – BOARD of ASSESSMENT REVIEW:

Councilor Hall moved the adoption of a resolution appointing **DINO PASCHETTO** to the **BOARD of ASSESMENT REVIEW** for a term of five years. Said term to expire September 30, 2025. Motion was seconded by Councilor Bick.

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

Agreement – CICERO-CLAY SNOW OWLS:

Councilor Meaker 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 Hall.

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

Hydrant (1) (A) FARMSTEAD SUBDIVISION:

Councilor Young moved the adoption of a resolution **approving** the installation of one (1) fire hydrant in the existing Clay Consolidated Water District as proposed on OCWA Map File No. 1842, sheet 04 for **The Farmstead Subdivision** and authorizing the Supervisor to execute the OCWA fire hydrant application (The Farmstead Subdivision, Section No.5). Fire Hydrant No. 14633, OCWA Project No. 9004028. Motion was seconded by Councilor Pleskach.

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

License Agreement (A) - Bell Atlantic Mobile Systems, LLC, d/b/a Verizon Wireless:

Councilor Pleskach moved the adoption of a resolution approving and authorizing the Supervisor to execute the **Small Cell Wireless Facility Right-of-Way License Agreement** between the **Town of Clay** and **Bell Atlantic Mobile Systems, LLC, d/b/a Verizon Wireless**, to construct, install and maintain such Small Cell Wireless Facilities and Poles within the public right of way, subject to the terms and conditions set forth in the agreement and approved as to form and content by the Town Attorney. Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 1. *Motion carried. Supervisor Ulatowski stated that he is strenuously opposed.*

Easement Abandonment (partial) (A) – 8059 Princess Path:

Councilor Hall moved the adoption of a resolution approving a portion of drainage easement abandonment on property located at **8059 Princess Path, Tax Map No. 081.-01-63.0 (Barbara Liberatore**, property owner) as shown on a map prepared by Ianuzi & Romans Land Surveying, P.C., dated July 10, 2020, (Castle Nova Subdivision, Section D, part of Lot No. 49), per Town Engineer letter dated September 4, 2020, 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.*

Appointment – MOYERS CORNERS FIRE DEPARTMENT, INC.:

Councilor Young moved the adoption of a resolution approving the appointment of **Dustin Holmes, Patricia Turo, Eli Lewis-Ram and Connor Reynolds-Ram** as volunteer members of the **MOYERS CORNERS FIRE DEPARTMENT, INC.** –

STATION 1, Sage Lucas as a volunteer member of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 3** and **Lynnsay Slocum, Nicolas Matthews, Benjamin Hogan** and **Pete Anderson** as volunteer members of the **MOYERS CORNERS FIRE DEPARTMENT, INC. – STATION 4.** Motion was seconded by Councilor Pleskach.

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

Bid Award (A) FOX WIDEWATERS SEWER DISTRICT:

No Action.

Agreement – FOX WIDEWATERS SEWER DISTRICT:

No Action.

Resolution (CPH) Local Law – Real Property Tax Law (RPTL) – Section 487:

Whereas, pursuant to New York State Real Property Tax Law (Section 102(12)(b)) a solar or wind energy system is considered “real property” for the purpose of taxation once it is affixed to real property or a structure, and,

Whereas, Section 487 of the New York State Real Property Tax Law (RPTL) currently allows owners of real property to apply for and obtain a 15-year exemption from additional property taxation related to improvements installed or affixed to the property for qualifying solar or wind energy systems, and,

Whereas, the RPTL allows local taxing jurisdictions to “opt out” and disallow the taxation exemption for solar and wind energy systems pursuant to Section 487 by adopting a Local Law specifically doing so, it is now hereby **RESOLVED**,

Councilor Meaker moved the adoption of a resolution calling a public hearing **September 21, 2020**, commencing at **7:35 P.M.**, local time, to consider the adoption of a **Local Law** pursuant to **Section 487 of the Real Property Tax Law (RPTL)** to “opt out” of allowing real property tax exemptions pursuant to Section 487 of the PRTL and declare improvements related to solar and wind energy systems fully taxable in the Town of Clay. Motion was seconded by Councilor Young.

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

Sanitary Sewer Connection(A) – Jared Z. Ramsey:

Councilor Bick Moved the adoption of a resolution authorizing a sanitary sewer connection, pursuant to the written request of Jared Z. Ramsey, (the property owner), Tax Map No. 075-01-12.0, to the existing public sewer located within an existing utility easement in Lot No. 1 of the Arborcrest Subdivision. The associated

construction will be at no cost to the Town of Clay. The property owner will have to post the required funds to reimburse the Town contractor, J.J. Lane, Inc. to install the portion of the lateral located within the utility easement.

The property is not located within an existing sewer district. The property owner agrees to willingly join one when and if one is formed nearby. The property agrees to pay all costs (Town and private) associated with the sanitary sewer lateral connection as well as the Town of Clay Operation and Maintenance charges annually assessed for one unit (residential use) and the County Sanitary District charges. The property owner further agrees to pay all annual Town and County charges thereafter. Motion was seconded by Councilor Meaker.

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

Adjournment:

The meeting was adjourned at 8:28 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