

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 3<sup>rd</sup> of February, 2020 at 7:30 P.M., there were:

PRESENT:

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:

Damian Ulatowski	Supervisor
------------------	------------

OTHERS PRESENT:

Russ Mitchell; Planning Board Chairman and Hal Henty; Planning Board Member and many members of the Moyers Corners Fire Department.

The meeting was called to order by Deputy Supervisor Bick 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 January 22, 2020 meeting. Motion was seconded by Councilor Hall.

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

**Cancellation and/or requested adjournments.**

Deputy Supervisor Bick said that item number 12 would not be heard tonight.

**Correspondence:**

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

No one responded.

**REGULAR MEETING:**

Deputy Supervisor Bick said that he would move the adoption of a resolution with the following proclamation recognizing and thanking David Ferguson of the Moyers Corners Fire Department for 50 years of selfless service and dedication to the Town of Clay adding that he is an excellent example to the community.

### PROCLAMATION

At the Regular Meeting of the Town Board of the Town of Clay, held on the 3<sup>rd</sup> day of February 2020, the following resolution was duly adopted:

**WHEREAS**, The Clay Town Board wishes to acknowledge the dedication and service to the Moyers Corners Fire Department by **David Ferguson**, over the last fifty years. He began as a volunteer firefighter on December 18, 1969. David “Fergie” Ferguson has continuously given generously of his time in a dignified, faithful and professional manner to serve the community and the residents of the Town of Clay.

**WHEREAS**, in 1974, he was voted into the position of Lieutenant; and in 1975 elected Vice President on the Board of Directors. From 1976 to 2000 he served as Officers for Moyers Corners including Lieutenant, Captain, and Fire Police Lieutenant.

**WHEREAS**, in 2019, David was the recipient of the “Ken Brand Sr.” award. Ken Brand was the founder of the Moyers Corners Fire Department. This award honors individuals that represent the character, drive and longstanding service to the department and the community. During his career, David answered thousands of fire calls; last year alone he was involved in the response of 500 calls. His advice for those considering joining the department and becoming a volunteer firefighter is, “Learn all you can and practice, practice, practice.”

**WHEREAS**, David’s commitment to the Fire Department has always been above and beyond his firefighting duties. Early in his career, he was a regular on the Moyers Corners Ambulance, when it was part of the Fire Department. He continues to coordinate with families who have lost firefighters to provide funeral honor services; each year he places markers on graves of recently deceased volunteers and places American flags every Memorial Day in cemeteries throughout the area to commemorate passed firefighters.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Clay Board on behalf of themselves and the community, duly recognize and acknowledge the dedicated service, hard work and continuous achievement of David Ferguson, who has volunteered his time and expertise on the Moyers Corners Fire Department for the residents of the Town of Clay for the past fifty years.

**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 **3<sup>rd</sup>** day of **February**, in the year of our Lord, **Two Thousand Twenty**.

---

Damian M. Ulatowski, Supervisor

Motion was seconded by Councilor Young.

Ayes – 6 and Noes – 0. *Motion carried.*  
*Several people thanked Mr. Ferguson for his service.*

**Special Permit (PH/Adj.) – Town Board Case # 1148 - CHICK-FIL-A, INC. AND RAYMOUR & FLANNIGAN FURNITURE, LLC:**

A public hearing to consider the application of **CHICK-FIL-A, INC. AND RAYMOUR & FLANNIGAN FURNITURE, LLC** for a **SPECIAL PERMIT** pursuant to **Section 230-16C. (2) (e) [2]** to allow for a drive-in service located at **4000 State Route 31, Tax Map No. 055.-01-03.1.** (Adjourned to this date and time from the January 22, 2020 Town Board Meeting) was opened by the Deputy Supervisor.

Tim Freitag with Bohler Engineering gave a brief overview of the project highlighting the revisions made to the plan incorporating the comments made by both the Planning and the Town Boards. The drive thru will not impact the pedestrians entering the restaurant. In addition the trash enclosure will be relocated to the rear of the building and there will be more green space and more room for snow removal. They will not need to obtain a variance for the front yard setback and have increased the stacking for the drive thru. Mr. Freitag explained that they will bring in a team of 20-40 seasoned employees to transition the new employees and create a smooth opening. They are assembled to assist with grand opening and will direct traffic, help with orders etc. and keep any traffic backups off Route 31.

Several members of the Board thanked Mr. Freitag and said that this plan is a great improvement over the original one. There being no additional questions or comments Deputy Supervisor Bick **closed** the public hearing.

**Special Permit (PH/Adj.) – Town Board Case # 1149 - BARRETT PAVING MATERIALS, INC.:**

A public hearing to consider the application of **BARRETT PAVING MATERIALS, INC.** for a **SPECIAL PERMIT** pursuant to **Section 230-17 E. (2) (a) [4]** to allow for the expansion of their facility to accommodate recycling, handling, and recovery of concrete, brick, rock, asphalt pavement, and asphalt millings at **4530 Wetzel**

**Road, Tax Map No. 087.-01-04.2.** (Adjourned to this date and time from the January 22, 2020 Town Board Meeting) was opened by the Deputy Supervisor.

Peter Loyola, Scott Owens and Fred Myers were present; they have met with the Army Corp of Engineers and the DEC regarding the wetlands. They have moved the portable crusher to the center of the site to reduce the noise impact on the surrounding parcels. Mr. Loyola explained that if the Town Board approved the application they will return to the Planning Board for Site Plan. Deputy Supervisor Bick asked about the decibels of the crusher (70) and they are as loud as a vacuum cleaner. He then asked if there were any additional questions or comments, hearing none he **closed** the public hearing.

**Agreement (Intermunicipal) – Dog Control Services:**

Councilor Young moved the adoption of a resolution approving the changes to the existing Intermunicipal Agreement for Dog Control Services with the Town of Cicero and authorizing the Supervisor to execute the document therefore. Motion was seconded by Councilor Hess.

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

**Project (acquire public facilities) – THE FARMSTEAD SUBDIVISION SECTION No. 4:**

Councilor Hall moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of sewer, drainage water supply and lighting facilities located within **THE FARMSTEAD SUBDIVISION SECTION NO. 4**, (The Farmstead Sewer District, Contract No. 1, The Farmstead Drainage District, Contract No. 1, The Farmstead Lighting District, Contract No.1) 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 January 31, 2020: **Maintenance Guarantee - \$16,873** (\$10,676 Sewer and \$6,197 Drainage); **Overland Drainage - \$25,000; Highway - \$37,628; Monument Deposit - \$900; Parkland Contributions - \$9,000;** 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

**MAPLE ROAD ASSOCIATES, INC.**, that the Town accept title to such facilities.  
Motion was seconded by Councilor Young.

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

**Project (easements) – THE FARMSTEAD SUBDIVISION SECTION No. 4:**

Councilor Hall moved the adoption of a resolution accepting easements for sewer and drainage facilities located within **THE FARMSTEAD SUBDIVISION SECTION NO. 4**, (The Farmstead Sewer District, Contract No. 1 and The Farmstead Drainage District, Contract No. 1) all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated **September 7, 2018**. Motion was seconded by Councilor Young.

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

**Project Warranty, Deed etc. – THE FARMSTEAD SUBDIVISION SECTION No. 4:**

Councilor Hall moved the adoption of a resolution accepting a Warranty Deed, Dedication, Application and Release of damages for the roads in Section Four (4) located within **THE FARMSTEAD SUBDIVISION SECTION NO. 4**; from **MAPLE ROAD ASSOCIATES, INC.**, (Weller Hall Place and Alice’s Kitchen Place all having Permeable Shoulders). Motion was seconded by Councilor Young.

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

**Zone Change – (CPH) - Town Board Case # 1150 - MVAH HOLDING, LLC:**

**No Action**

**ADDITIONAL AGENDA(s):**

**Special Permit (SEQR) – Town Board Case # 1144 – BORREGO SOLAR SYSTEMS INC. & DONALD J. GABOR:**

Deputy Supervisor Bick moved the adoption of a resolution that the application of **BORREGO SOLAR SYSTEMS INC. and DONALD J. GABOR** for a **Special Permit** for a **UTILITY SUBSTATION (Solar Development)** located at 8150 Morgan Road, Tax Map No. 070.-01-07.1 is an unlisted action with a completed EAF and involves no other permit granting agency outside the Town. The proposed

action will not have a negative effect on the environment, and therefore does not require the preparation of an EIS. Motion was seconded by Councilor Young.

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

**Special Permit (A) – Town Board Case # 1144 – BORREGO SOLAR SYSTEMS INC. & DONALD J. GABOR:**

Deputy Supervisor Bick moved the adoption of a resolution **approving** a Special Permit for a **UTILITY SUBSTATION (Solar Development)** for the applicants **BORREGO SOLAR SYSTEMS INC. and DONALD J. GABOR** pursuant to Section 230-27 I. [2] [E] to allow for a solar development located at 8150 Morgan Road, Tax Map No. 070.-01-07.1. Motion was seconded by Councilor Young.

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

**Misc. 3928 Bufflehead Lane (judgement):**

Councilor Pleskach moved the adoption of a resolution as follows:

Whereas, the Town of Clay obtained a judgement against the former owners (Kohut) of property located at 3928 Bufflehead Lane, Liverpool New York for property maintenance in the original amount of \$2,410.00 plus legal fees incurred after the property was vacant due to foreclosure, and,

Whereas, the property was purchased by This Cue Hmun and Ngun Par pursuant to arm's length transaction by referee deed recorded 12/10/2019, and,

Whereas the owners did not receive proper notice prior to purchasing the property due to the timing and addition of the bill on the new tax bill, it is hereby:

Resolved, that the judgement in favor of the town is hereby reduced and compromised in full effective immediately. The Supervisor and Town Attorney are authorized to execute any and all necessary documents to facilitate thus action. Motion was seconded by Councilor Hall.

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

**Adjournment:**

The meeting was adjourned at 7:57 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

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