

APPROVED

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 15th of April, 2019 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
Jill Hageman-Clark	Town Clerk
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

ABSENT:

Mark V. Territo	Commissioner of Planning and Development
Ryan Pleskach	Councilor
Kevin Meaker	Councilor

OTHERS PRESENT:

Russ Mitchell; Planning Board Chairman, Hal Henty; Planning Board member and Jim Rowley; Onondaga County Legislator.

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 April 1st, 2019 meeting. Motion was seconded by Councilor Hall.

Ayes – 5 and Noes – 0. *Motion carried.*

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that items numbered 13, 15, 16 and the additional agenda will not be heard and some items will need to be re-advertised.

Correspondence:

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

Mike LaPoint asked about use of the Historical Park. Supervisor Ulatowski said that it has been given back to the Historical Association and is not available for use by residents for anything other than Historical purposes. He continued that it will

be open to the public on May 5, 2019 for viewing historical artifacts and such. The Supervisor continued that there are other buildings in the Town of Clay that can be used for meetings and such. Mr. LaPoint stated there was a budget line for the Historical Park on the annual budget and wants to know when monies will be transferred. The Supervisor said that he will look into it.

Nancy Kinnertz asked about the process for a Zone Change in the Town of Clay. Supervisor Ulatowski said that if this was in reference to the Farone Funeral Home and stated that he understands that it may be in litigation and cannot discuss it. She said she was just curious regarding the criteria and the process. The Supervisor gave a brief overview of the process explaining that the applicant submits a formal request to the Town, a public hearing is advertised, called; a hearing happens and the applicant discusses what they want to do. The Board members will ask questions, the public asks questions and makes comments. Once all questions and comments have been made. The public hearing is closed and a decision is made by the Town Board relating to information gathered, the Town Code and other specifics pertaining to the request.

Supervisor Ulatowski explained that item 13 will be re-advertised due to a change in the wording.

Jim Rowley was present to discuss and answer questions regarding what is happening at the County level. He highlighted the appointment of a new Medical Examiner and a Deputy ME adding that he did not support the salary allocated for the Deputy. He explained that they had corrected a sewer billing problem and this business will now be paying what they should. He touched on the plastic bag ban and the legalization of marijuana.

Mike LaPoint asked why Mr. Rowley voted in favor of the budget when he stated previously that he was opposed. Mr. Rowley explained that there will not be an increase, they will extend the current sales tax contract with the County; however they will take over the sewer costs as it shows now.

REGULAR MEETING

TRAFFIC & VEHICLES (No Parking)(SEQR) – Amor Drive:

Councilor Hall moved the adoption of a resolution that the proposed amendment of **CHAPTER 211**, entitled “**TRAFFIC AND VEHICLES ORDINANCE**” of the Code of the Town of Clay, **SECTION 211-18 ‘PARKING PROHIBITED AT ALL TIMES,’** described in **SCHEDULE XIV (§211-47)** of the Town of Clay Municipal Code to designate and provide for “**No Parking**” signs to be installed on **Amor Drive** where it intersects with **Amor Drive** to where it dead ends to the east, and on both sides of the road; and the installation of the necessary signs therefore, 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 Hess.

Ayes – 5 and Noes – 0. *Motion carried.*

TRAFFIC & VEHICLES (No Parking)(A) – Amor Drive:

Councilor Hall moved the adoption of a resolution **approving** the proposed amendment of **CHAPTER 211**, entitled “**TRAFFIC AND VEHICLES ORDINANCE**” of the Code of the Town of Clay, **SECTION 211-18 ‘PARKING PROHIBITED AT ALL TIMES,’** described in **SCHEDULE XIV (§211-47)** of the Town of Clay Municipal Code to designate and provide for “**No Parking**” signs to be installed on **Amor Drive** where it intersects with **Amor Drive** to where it dead ends to the east, and on both sides of the road; and the installation of the necessary signs therefore. Motion was seconded by Councilor Hess.

Ayes – 5 and Noes – 0. *Motion carried.*

LOCAL LAW No. 1 OF 2019 (SEQR) – Chapter 230 – Zoning:

Councilor Bick moved the adoption of a resolution that the proposed **LOCAL LAW NO. 1 OF THE YEAR 2019** to amend **CHAPTER 230** entitled “**ZONING**” by amending **Section 230-22C. (1) (c) [1] [a] [i]** adding the words “and Religious Institutions” after Emergency Vehicle Stations to said section of the Code of the Town of Clay, 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 Hess.

Ayes – 5 and Noes – 0. *Motion carried.*

LOCAL LAW No. 1 OF 2019 (A) – Chapter 230 – Zoning:

Councilor Bick moved the adoption of a resolution **approving** the proposed **LOCAL LAW NO. 1 OF THE YEAR 2019** to amend **CHAPTER 230** entitled “**ZONING**” by amending **Section 230-22C. (1) (c) [1] [a] [i]** adding the words “and Religious Institutions” after Emergency Vehicle Stations to said section of the Code of the Town of Clay. Motion was seconded by Councilor Hess.

Ayes – 5 and Noes – 0. *Motion carried.*

Special Permit(SEQR) – Town Board Case # 1139 - ABUNDANT SOLAR POWER (CL1) LLC:

Councilor Hess moved the adoption of a resolution that the application for **ABUNDANT SOLAR POWER (CL1) LLC** for a **SPECIAL PERMIT** pursuant to

Section 230-27 I. (2) (e) to allow for a Utility Substation for the development of a Solar Energy Generation facility on Town owned land located at **3473 Maider Rd., Tax Map No. 017.-03-11.0 & 12.0**, consisting of approximately 45± 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 – 5 and Noes – 0. *Motion carried.*

Special Permit(A) – Town Board Case # 1139 - ABUNDANT SOLAR POWER (CL1) LLC:

Councilor Hess moved the adoption of a resolution **approving** the application for **ABUNDANT SOLAR POWER (CL1) LLC** for a **SPECIAL PERMIT** pursuant to **Section 230-27 I. (2) (e)** to allow for a Utility Substation for the development of a Solar Energy Generation facility on Town owned land located at **3473 Maider Rd., Tax Map No. 017.-03-11.0 & 12.0**, consisting of approximately 45± acres of land. Motion was seconded by Councilor Hall.

Ayes – 5 and Noes – 0. *Motion carried.*

Project (Sewer) (PH) – BEAR ROAD SEWER DISTRICT:

A public hearing to consider a Petition for the extension of a public sanitary sewer main within the Town of Clay to be known as “**BEAR ROAD SEWER DISTRICT, CONTRACT NO. 34 – LATERAL,**” and for the construction and acquisition of said sewer system therein, was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Bill Morse of William Morse Engineering spoke on behalf of the application. He began by explaining that this sewer district will serve the new Brooklyn Pickle by extending the lateral connection. Ron DeTota said that this is a good plan. Councilor Hess asked if this is what is holding up the completion of construction of the Brooklyn Pickle. Councilor Bick asked when it will open.

There being no more questions, Supervisor Ulatowski **closed** the public hearing.

TRAFFIC & VEHICLES (Stop Signs)(CPH) – Turtle Cove Road and Stepping Stone Lane:

Councilor Bick made a motion to **call a public hearing** (to readvertise) on **May 6, 2019 at 7:35 PM.** to consider the proposed amendment of **CHAPTER 211**, entitled “**TRAFFIC AND VEHICLES ORDINANCE**” of the Code of the Town of Clay, **SECTION 211-12 ‘STOP INTERSECTIONS,’** described in **SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to designate and provide for **three (3) stop**

signs to be installed on the corner of **Turtle Cove Road** to create a two-way stop, stopping traffic on both **Turtle Cove Road** and **Stepping Stone Lane**; and provide for the installation of the necessary sign therefore. Motion was seconded by Councilor Hess.

Ayes – 5 and Noes – 0. *Motion carried.*

LOCAL LAW No. 2 OF 2019 (PH) – Chapter 230-11-C –Zoning:

A public hearing to consider proposed **LOCAL LAW NO. 2 OF THE YEAR 2019** to amend the Town of Clay Code **Sections 230-11C. SENIOR ASSISTED LIVING FACILITY, SENIOR CITIZEN FACILITY, SENIOR HOUSING DEVELOPMENT AND SENIOR INDEPENDENT LIVING FACILITY**, by lowering the minimum age from 62 and older to 55 years of age and older in all R-SR senior residence districts including the “Intent” language. (Adjourned to this date and time from the April 1, 2019 Town Board Meeting).

Supervisor Ulatowski explained that this Local Law will serve to amend the Code to change the age restriction from 62 to 55 for Senior Assisted and Senior Housing. He said that this should serve to keep the residents within the Town of Clay as they age and downsize their residences. He added that most other communities have similar age restrictions. Nancy Kinnertz asked if this would affect current Senior Living or if they would be “grandfathered in”. Councilor Hall suggested that ultimately the facility could use their discretion.

Supervisor Ulatowski said that he would like input from the Planning Department. Councilor Bick made a motion to **adjourn** the public hearing to **May 6, 2019 at 7:38 P.M.** Motion was seconded by Councilor Hess.

Ayes – 5 and Noes – 0. *Motion carried.*

LOCAL LAW No. 2 OF 2019 (SEQR) – Chapter 230-11-C –Zoning:

No Action.

LOCAL LAW No. 2 OF 2019 (A/D) – Chapter 230-11-C –Zoning:

No Action.

Project (Sewer) (A) – BEAR ROAD SEWER DISTRICT:

Councilor Hall moved the adoption of a resolution **approving** the extension of a public sanitary sewer main within the Town of Clay to be designated and known as **“BEAR ROAD SEWER DISTRICT, CONTRACT NO. 34.”** Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried.*

Project (Sewer) (acquire public facilities) – BEAR ROAD SEWER DISTRICT:

Councilor Hall moved the adoption of a resolution that it **is** in the public interest that the Town of Clay approve the construction and acquire the public facilities located within “**BEAR ROAD SEWER DISTRICT**” (Bear Road Sewer District, Contract No. 34) and in accordance with the terms and conditions of a certain Agreement to be entered into between the Town of Clay and **ANVIL & SONS, LLC**, for the construction of “**BEAR ROAD SEWER DISTRICT, CONTRACT NO. 34.**” Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried.*

Brooklyn Pickle (A)- Final Plans:

Councilor Bick moved the adoption of a resolution **approving** the **Final Plans** for the **Brooklyn Pickle** (Bear Road Sewer District, Contract No. 34 Lateral) and authorizing the Supervisor to execute the necessary forms therefore. (Contract documents). Motion was seconded by Councilor Hess.

Ayes – 5 and Noes – 0. *Motion carried.*

Hydrants (2)(A) - Widewaters Commons:

Councilor Hess moved the adoption of a resolution **approving** the installation of two (2) fire hydrants in **Widewaters Commons** to the north of State Route 31 at the east and west entrance intersection. The Developer, Widewaters, will install the hydrants in conjunction with the 8” water main extension. **Fire Hydrant Nos. 14513 & 14514**, OCWA Project No. 9003960, and authorizing the Supervisor to execute the OCWA fire hydrant application. (Widewaters Commons Phase 1). Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried.*

Street Lights – Clay Central Park (Wetzel Road):

Councilor Bick moved the adoption of a resolution authorizing the installation of a 48w LED fixture installed on pole 7 to help illuminate the driveway entrance to Clay Central Park along Wetzel Road. The estimated annual cost for the overhead lighting fixture is \$110.87. Motion was seconded by Councilor Hall.

Ayes – 4 and Noes – 0 and 1 - Abstaining. *Motion carried. Councilor Hess abstaining due to employment.*

Personnel (A) Director of Recreation:

Councilor Young moved the adoption of a resolution **approving** a new position, **Director of Recreation** for the Recreation Department at Town of Clay. Motion was seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried.*

LEASE AGREEMENT - LIVERPOOL CENTRAL SCHOOL DISTRICT:

Councilor Bick moved the adoption of a resolution authorizing the Supervisor to execute a **LEASE AGREEMENT** between the **LIVERPOOL CENTRAL SCHOOL DISTRICT** and the **TOWN OF CLAY** with regards to the use of the school’s facilities for the Town’s Athletic Sports Programs for the current year which shall extend from **June 24, 2019 to August 29, 2019**, at a cost of approximately **\$2,681.25**. Motion was seconded by Councilor Hess.

Ayes – 5 and Noes – 0. *Motion carried.*

Intermunicipal Agreement (A) - Onondaga County (SWMP):

Councilor Bick moved the adoption of a resolution approving and authorizing the Supervisor to execute an **Intermunicipal Agreement** with **Onondaga County** to provide services to assist the Town in complying with its obligations to develop and implement a Stormwater Waste Management Program (“SWMP”) pursuant to the Municipal Separate Storm Sewer System (“MS4”) Town general permit (“MS4 Permit”), and further authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Hess.

Ayes – 5 and Noes – 0. *Motion carried.*

Remediation of the Maider Road Waterfront Site (Grant):

Councilor Hess moved the adoption of a resolution appropriating \$2,990,000 for the remediation of the **Maider Road Waterfront Site**, an environmental restoration site, to be funded with 90% grants-in-aid and \$299,000 local share hereby authorized to be transferred from the Capital Reserve Fund of the Town. Motion was seconded by Councilor Bick.

Supervisor Ulatowski briefly explained that this grant will be used remediate the former Cibro site which is the last brownfield in the Town of Clay.

Ayes – 5 and Noes – 0. *Motion carried.*

Agreement/ Quitclaim Deed (A) – 3775 State Route 31:

Councilor Young moved the adoption of a resolution **approving** a transfer of property rights from the Town of Clay to Pathfinder Bank by **Quit Claim Deed** and the simultaneous approval and acceptance of sanitary sewer and drainage easements from Pathfinder Bank to the Town of Clay for property located at **3775 State Route 31 (Tax Map 20.-01-15.1)**. These actions are being taken to cure an erroneous transfer from 1990 when the property was developed. Pathfinder Bank is the successor in interest to Key Bank as the owner of the fee estate intended to be burdened by the Drainage Easement. The property to be conveyed was originally and erroneously deeded to the Town for the purpose of establishing easements and therefore is without significant municipal value.

Whereas, in 1990, Key Bank of Central New York, N.A. (“Key Bank”) intended to convey to Clay a perpetual, non-exclusive drainage easement (the “Drainage Easement”) over, under, on, across and through that certain parcel of land located at 3775 State Route 31, described on Exhibit A, and as depicted on Exhibit A-1, pursuant to that certain Bargain and Sale Deed recorded on September 11, 1990 in Book 3646 of Deeds at Page 30, Onondaga County Clerk’s Office (the “Drainage Easement Deed”), and,

Whereas, similarly, Key Bank intended to convey to Clay a perpetual, non-exclusive sanitary sewer easement (the “Sanitary Sewer Easement”, and together with the Drainage Easement, the “Easements”) over, under, on, across and through that certain parcel of land described on Exhibit B, and as depicted on Exhibit B-1, pursuant to that certain Bargain and Sale Deed recorded on September 11, 1990 in Book 3646 of Deeds at Page 32, Onondaga County

Clerk’s Office (the “Sanitary Sewer Easement Deed” and together with the Drainage Easement Deed, the “Deeds”), and,

Whereas, Pathfinder Bank is the successor in interest to Key Bank as the owner of the fee estate intended to be burdened by the Drainage and Sanitary Sewer Easement, and,

Whereas, the Deeds appear to convey fee title to the Town of Clay rather than conveying just the intended Easements causing a potential title issue for Pathfinder Bank and title should be amended accordingly,

It is hereby resolved, for the purpose of clarifying the intent of the Deeds was to convey for the benefit of Town of Clay the Easements as opposed to a fee interest, Clay approves the execution of a Quitclaim Deed package wherein Clay conveys back to Pathfinder Bank any and all right, title, estate or interest it acquired in the Property (defined below) pursuant to the Deeds, and (ii) simultaneous with the conveyance hereof, Clay also accepts executed Grant of Easement for Sanitary Sewer and Drainage easements from Pathfinder Bank to the Town of Clay. This resolution also authorizes the Supervisor to execute any and all documents necessary to complete this transaction. Motion was seconded by Councilor Hess.

Ayes – 5 and Noes – 0. *Motion carried.*

ADDITIONAL AGENDA:

TRAFFIC & VEHICLES (Stop Signs)(SEQR) – Turtle Cove Road and Stepping Stone Lane:

No Action

TRAFFIC & VEHICLES (Stop Signs)(A/D) – Turtle Cove Road and Stepping Stone Lane:

No Action

Adjournment:

The meeting was adjourned at 8:20 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

Ayes – 5 and Noes – 0. *Motion carried.*

Jill Hageman-Clark RMC / Town Clerk