

**APPROVED**

At the REGULAR MEETING of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 19<sup>th</sup> of August, 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
Krissy Alpuerto	Deputy Town Clerk
Mark V. Territo	Commissioner of Planning and Development
John Marzocchi	Town Attorney
Ron DeTota	Town Engineer

**ABSENT:**

Kevin Meaker	Councilor
Robert Germain	Town Attorney
Jill Hageman-Clark	Town Clerk

**OTHERS PRESENT:**

Hal Henty; Planning Board Member and Dorothy Heller; Clay 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 Bick made a motion to approve the minutes of the July 15, 2019 Regular Meeting. Motion was seconded by Councilor Hess.

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

Councilor Bick made a motion to approve the minutes of the July 22, 2019 Special Meeting. Motion was seconded by Councilor Hess.

Ayes – 4 and Noes – 0. *Councilor Hall & Councilor Pleskach – Abstained due to their absence from that meeting.*  
*Motion carried.*

**Cancellation and/or requested adjournments.**

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

**Correspondence:**

Supervisor Ulatowski wished to address the severe rainstorm on Saturday, August 17<sup>th</sup> and asked Councilor Bick to discuss the impact in and around his neighborhood on Allen Road in the Town of Clay. Councilor Bick explained that he believes that a microburst occurred downing five mature trees from Ruth Road to Josephine Drive. Throughout the neighborhood, there were an additional five trees down. He advised that Onondaga County Emergency Management and the Town of Clay Highway Department will work in cooperation to clean up the downed trees and our highway department will haul the trees away. The trees will be brought to our composting site where they will be mulched for future use by town residents.

Supervisor Ulatowski mentioned that Legislator Rowley was unable to make the meeting and said that if anyone had any questions for Mr. Rowley that they would be forwarded to him. No one had any questions for him.

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

Ron Verwig of 4929 Peppermill Lane stated that milling had been done on his street last Wednesday however, nothing had been done since and he asked when the paving would take place. Supervisor Ulatowski stated that it was all-dependent on the weather but stated that weather permitting he thought it would probably be done sometime by the end of the week.

Terrence Knapp of 4209 Ursa Course reported that all of the mailboxes on his street had been turned and they were all hopeful that the street would finally be paved however, they were then told by the highway department that work will not be done this year. Mr. Knapp also stated that the concrete was heaved in the front of his house and that because of the raised surface; it is very unsafe especially when he goes out to get his mail. He is afraid that the problem will not be fixed. He provided pictures and a description of the problem to the Deputy Town Clerk and Supervisor Ulatowski said that he would connect with the Highway Superintendent to investigate the issue.

Mike LaPoint of 8218 Perrugia Lane inquired about the Special Town Meeting on July 22, 2019 regarding the Brownfield Opportunity Grant Application. He asked if it had been published and if it had been posted on the Town's website because he could not find it. He also inquired about the Resolution regarding the proposed recommendation for I-81 corridor through Syracuse from the July 15, 2019 meeting and stated that it is not on the Town website. Supervisor Ulatowski stated that he would look into it and find out if his inquiries had been published and/or posted.

Mr. LaPoint also asked about the Cicero/N. Syracuse and Salina school taxes decreasing and said that the Clay's school taxes had not decreased and he asked why they had not. Supervisor Ulatowski stated that information is typically

determined by the County and school board votes and that he could not comment without having any specific information in front of him.

Michael Andrusyszyn of 4212 Mill Run Road reported that his road had been skipped when paving was done and he wondered when it was going to be paved. He sent a letter to the Town Clerk and wanted it on record that there had been a resolution and that the highway department had come to see the problem and assured him that it would be taken care of.

Carol Voci of 4212 Ursa Course stated that she was told in 2017 by Joe in the highway department that Forest Hills development would be paved in 2019. She and her neighbors were very excited when their mailboxes were turned this summer, they thought that the paving was finally going to be done only to be told that they will not be doing any more roads this year and that they don't have time to get them done. Mrs. Voci stated that she left messages for Joe Nicoletti and for Damian Ulatowski and that no one ever called her back regarding her concerns. She is also concerned with the creek in her backyard and the storm sewer between Ursa and Gemini. She explained that it used to be taken care of and she is wondering where the "big dredger" is that cleans up the ditch. She stated that all the highway department does now is rip up all the grass because they mow when the ground is too wet and they get stuck. Supervisor Ulatowski said again that he would get in touch with Highway Superintendent Nicoletti to investigate the problems and get back to her & Mr. Knapp.

Mike LaPoint inquired about the Cornell Plan Study and asked if the Town was still using it in regards to Fortuna Parkway specifically. Supervisor Ulatowski explained that they had high hopes for the study and that we are 50-60% on course however, we are looking at new technology. Unfortunately, most studies were done before we had an increase in rain levels for the past 10 years. The Town wants to make sure the correct procedures are done to replace the roadways.

Ute Wood of 8530 McNamara Drive in Orange Commons has questions and concerns about the pump station and whether or not the residents are responsible for paying for maintenance. She is confused. Ron DeTota, the Town Engineer, explained that there is a call into Mr. Bick the Town Assessor to see if the open land has been turned over to the HOA- no word as of yet. Mr. DeTota also explained that he and Supervisor Ulatowski had done a walk through meeting and that it had been very productive but because the builder had been absent it was difficult to get answers. Supervisor Ulatowski explained that the builder needs to address the issues and that the Town was holding securities to make sure the issues will be addressed. The builder needs to step up to the plate to accept responsibilities and the Town is looking out for the residents to make sure that the promises that were made are kept.

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

A public hearing to consider a **Change of Zone** at the request of the Town of Clay from **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

Jeff Fisher of 4684 Wetzel Road, purchased this house and tried to obtain a permit to renovate and make modifications to make it inhabitable. Commissioner Territo explained that the structure is non-conforming and has to meet current zoning. As it stands right now, the footprint can't be expanded. Councilor Bick stated that it is currently zoned I-1 Industrial and Commissioner Territo explained that this is less intense than I-2 Industrial. Councilor Young asked if it was a good idea to support residential in an industrial zone. He stated that he doesn't think it's a good idea. The Town made the application for the zone change. Councilor Young asked Mr. Territo who had signed the application for the zone change and he responded that he had signed as the preparer and Supervisor Ulatowski signed as the Town Supervisor. Commissioner Territo said that a letter of interest had been mailed out to the six residential houses affected by the zone change. One person was in favor of the change, one person was against it and there was no response from the other four residents. Councilor Hess asked about how the two churches were zoned on Wetzel Road and it was explained that one of them had gone through the Zoning Board of Appeals and one had applied for a Special Permit. Commissioner Territo also explained that all of the six residential houses in question predated zoning codes, which is why all of the parcels surrounding them are zoned industrial. Supervisor Ulatowski referred this case to the Town of Clay Planning Board for further review and recommendation.

Councilor Hess made a motion to **adjourn** this public hearing to September 16<sup>th</sup> 2019 at 7:35 pm. Motion was seconded by Councilor Pleskach.

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

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

A public hearing 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. (Farone & Son Funeral Home). Steve Calocerinos was present to represent the applicant and present the petition. He explained that last summer they were granted site plan approval and that the sewer was proposed to be extended at that time. He said that they would construct at their cost of \$7250 and that sum would be paid by the applicant.

Supervisor Ulatowski inquired about the sanitary sewer and asked what kinds of things can be put in the sewer from a chemical standpoint. Mr. Calocerinos explained that anything going into this sewer would be strictly normal wastewater and sewage. There will only be one bathroom in the facility. Any medical waste or chemicals are disposed of separately. Councilor Bick asked if the flow of the sewer would head towards West Taft Rd. or to Bear Road and the answer was it would flow to Bear Road.

Supervisor Ulatowski asked if anyone had any questions or comments; hearing none he **closed** the public hearing.

*Although the public hearing had just been closed, Mr. LaPoint asked if the residents were notified about the sewer district. Supervisor Ulatowski stated that the public hearing was advertised in the newspaper with a public notice. Letters were not sent and Councilor Hall explained that sending letters goes above and beyond what is required by law. The courtesy letters are only sent to residents who live within 200 feet of a zone change.*

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

Councilor Bick 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. 35 Lateral.**” Motion was seconded by Councilor Hess.

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

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

Councilor Bick 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 facility located within “**BEAR ROAD SEWER DISTRICT**” (Bear Road Sewer District, Contract No. 35) and in accordance with the terms and conditions of a certain Agreement to be entered into between the Town of Clay and **FARONE & SON, INC.**, for the construction of “**BEAR ROAD SEWER DISTRICT, CONTRACT NO. 35 Lateral.**” Motion was seconded by Councilor Hess.

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

**Project – (approving final plans) (A) – FARONE FUNERAL HOME:**

Councilor Bick moved the adoption of a resolution approving the **Final Plans** for the **FARONE FUNERAL HOME** (Bear Road Sewer District, Contract No. 35 Lateral) and authorizing the Supervisor to execute the necessary forms therefore. (Contract documents). Motion was seconded by Councilor Hess.

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

**Grant – (authorization) (A) – JUSTICE COURT ASSISTANCE PROGRAM (JCAP):**

Councilor Hess moved the adoption of a resolution authorizing **Judge Gosch** and **Judge Lauri** to make the necessary applications for a grant from New York State for the **JUSTICE COURT ASSISTANCE PROGRAM (JCAP)** on behalf of the Town of Clay in the 2019-2020 Grant Cycle up to \$30,000; and the execution therefore. Motion was seconded by Councilor Pleskach.

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

**Lighting (7) (A) – Country Meadow Subdivision:**

Councilor Hall moved the adoption of a resolution authorizing the installation of seven (7) 100w high pressure fixtures to be installed on 14’ fiberglass embedded poles using 100w fixtures to help illuminate **Section H** in the **Country Meadow Subdivision**. The estimated annual cost for the underground lighting fixtures is **\$2,448.18**. Motion was seconded by Councilor Young.

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

**Agreement (A) – Barrett Paving Materials (7737 Oswego Road):**

Councilor Young moved the adoption of a resolution approving a release agreement between the Town of Clay and Barrett Paving Materials to allow the temporary use of a parking area owned by the New York State Department of Environmental Conservation located at **7737 Oswego Road** in the Town to help facilitate a DOT project. The anticipated end of the project term is December 31<sup>st</sup>, 2019. The property will be used for the storage of materials in connection with the project. Motion was seconded by Councilor Hall.

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

**Special Permit (CPH) – Town Board Case # 1142 – DG NEW YORK CS, LLC:**

Councilor Pleskach moved the adoption of a resolution calling a public hearing **September 4, 2019**, commencing at **7:35 P.M.**, local time to consider the application of **DG NEW YORK CS, LLC** for a **UTILITY SUBSTATION SPECIAL PERMIT** pursuant to Section 230-27 I. (2) (e) to allow for a solar energy storage facility located at **4363 Ver Plank Road, Tax Map Nos. 030.-01-05.1 & 030.-01-03.0**. Motion was seconded by Councilor Hess.

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

**Sanitary Sewer District Agreement- (amendment) (A)—Town of Clay, Nelson Assoc., James Donegan and Widewaters Farrell Rd. Company:**

Councilor Bick moved the adoption of a resolution that the Town of Clay amend terms of a Sanitary Sewer District Agreement dated 6/18/18 between the **Town of Clay, Nelson Associates, LLC, James M. Donegan and Widewaters Farrell Road Company, LLC**, and to also amend the terms of the first amendment to the Sanitary Sewer District Agreement dated 2/1/19 to change the date for completion of the Sanitary Sewer District construction to take place no later 5/31/2020, and authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Hess.

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

**Adjournment:**

The meeting was adjourned at 08:31P.M. upon motion by Councilor Young and seconded by Councilor Bick.

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

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Kristine Alpuerto / Deputy Town Clerk