

Approved

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 20 of August, 2018 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
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OTHERS PRESENT:

Russ Mitchell; Planning Board Chairman, Hal Henty; Planning Board Member.

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 **July 16<sup>th</sup>, 2018** Town Board Meeting and the **July 30<sup>th</sup>, 2018** Special Meeting. Motion was seconded by Councilor Pleskach.

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

**Cancellation and/or requested adjournments.**

Deputy Supervisor Bick said that he knew of no adjournments.

**Correspondence:**

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

Dillon Roger of Underbrush Trail explained that the LED lights from the new hotel shine into the house and it is bothersome. Deputy Supervisor Bick said that he would have the Code Department research this.

Several residents from Orange Commons were present to discuss the poor drainage in their neighborhood. Ron DeTota explained that the Developer is scheduled to come in from Albany for a meeting and the drainage will be discussed. He added that the meeting will be tomorrow (8/21/2018) and encouraged the residents to visit. There was a lengthy discussion about the drainage and the possibility of holding the securities until the issues are remediated.

**Special Permit – (SEQR) Town Board Case # 1133 - J.P.B. FIRE SERVICES, INC. AND RAILROAD, LLC:**

Councilor Hall moved the adoption of a resolution that the application for **J.P.B. FIRE SERVICES, INC. AND RAILROAD, LLC FOR A SPECIAL PERMIT** pursuant to **Sections 230-17 C. (2) (e) [1] & 230-17 C. (2) (e) [6]** to allow for a trucking terminal and motor vehicle sales (limited) at the existing warehouse to be used for logistical assembly, servicing, temporary storage and limited sales of fire apparatus on land located at **4675 Burr Drive, Tax Map No. 115.-01-24.2**, consisting of approximately 1.41± 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 Meaker.

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

**Special Permit – (A) Town Board Case # 1133 - J.P.B. FIRE SERVICES, INC. AND RAILROAD, LLC:**

Councilor Hall moved the adoption of a resolution **approving** the application of **J.P.B. FIRE SERVICES, INC. AND RAILROAD, LLC FOR A SPECIAL PERMIT** pursuant to **Sections 230-17 C. (2) (e) [1] & 230-17 C. (2) (e) [6]** to allow for a trucking terminal and motor vehicle sales (limited) at the existing warehouse to be used for logistical assembly, servicing, temporary storage and limited sales of fire apparatus on land located at **4675 Burr Drive, Tax Map No. 115.-01-24.2**, consisting of approximately 1.41± acres of land. Motion was seconded by Councilor Meaker.

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

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

A public hearing 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) was opened by the Deputy Supervisor; proof of publication and posting was furnished by the Town Clerk.

Deputy Supervisor Bick asked if anyone was present on behalf of the applicant; at that time Ron DeTota; Town Engineer, said that Ms. Vincitore said that the applicant would not be present for either hearing.

Councilor Hess made a motion to **adjourn** the public hearing to **September 5, 2018 at 7:38 P.M.** Motion was seconded by Councilor Pleskach.

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

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

A public hearing 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) was opened by the Deputy Supervisor; proof of publication and posting was furnished by the Town Clerk.

Councilor Pleskach made a motion to **adjourn** the public hearing to **September 5, 2018 at 7:41 P.M.** Motion was seconded by Councilor Hess.

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

**TERMINATION of COVENANTS & RESTRICTIONS (PH) - GEORGIAN  
COURT ENTERPRISES, LLC and the TOWN OF CLAY:**

A public hearing to consider the proposed Termination of Covenants and Restrictions Agreement by and between **GEORGIAN COURT ENTERPRISES, LLC** and the **TOWN OF CLAY** on part of land located at **4376-4412 Georgian Court, Tax Map No. 104.-03-12.0** was opened by the Deputy Supervisor; proof of publication and posting was furnished by the Town Clerk.

Mr. Germain said that the applicant is not ready and wishes to adjourn.

Councilor Hess made a motion to **adjourn** the public hearing to **September 5, 2018** at **7:44 P.M.** Motion was seconded by Councilor Pleskach.

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

**ZONE CHANGE – (PH/Adj.) Town Board Case # 1132 ALBERICI GENERAL CONTRACTORS/ RAVADA HILL APTS – Phase 3:**

A public hearing to consider the application of **ALBERICI GENERAL CONTRACTORS FOR A ZONE CHANGE FROM RC-1 Regional Commercial District to R-APT Apartment** to allow for the construction of residential apartments with associated site improvements on vacant land located at **4850 Buckley Road, Tax Map No. 096.-11-04.0**, consisting of approximately 8.68± acres of land. (Adjourned to this date and time from the July 16, 2018 Town Board Meeting) was opened by the Deputy Supervisor.

Alex Wisnewski; Site Engineer for the project began with a brief overview from the previous meeting. He continued that the Planning Board gave a favorable recommendation. In addition, OCPB suggested that it will have no significant impact.

Overall the applicant is proposing an expansion of the Ravada Hill Apartment Community. Mr. Wisnewski continued that they are proposing an additional 60 apartments, perhaps a little more upscale than the previous units. They would like to add a community room and/or lounge. Each unit will have a garage. The existing structures will be removed or relocated.

There was a discussion about buffering to the adjacent neighborhood to the south and east. One neighbor asked about fencing. Mr. Wisnewski said that it may be a possibility, but the garages will reduce noise and lights.

Another resident explained that he has always had privacy in his back yard and is concerned with the possibility of decreased property values. Deputy Supervisor Bick advised that the question of property values comes up regularly. He continued that the Assessor for the Town has addressed this concern at previous meetings.

Other residents voiced concerns regarding drainage. Mr. Wisnewski explained that this project will address drainage issues by redirecting runoff and reducing hard surfaces. Deputy Supervisor Bick suggested leaving as much vegetation and trees as possible.

Deputy Supervisor Bick asked if there were any additional questions or comments; hearing none, he **closed** the public hearing.

**ZONE CHANGE – (PH/Adj.) Town Board Case # 1134 THOMAS POTTER (SONBYRNE SALES, INC.) AND CHRISTIAN BRUNELLE:**

A public hearing to consider the application of **THOMAS POTTER (SONBYRNE SALES, INC.) AND CHRISTIAN BRUNELLE FOR A ZONE CHANGE FROM HC-1 Highway Commercial District to LUC-1 Limited Use for Gasoline Services** to allow for the construction of a Byrne Dairy retail store, fueling facility and car wash on vacant land located at **4739 Buckley Road, Tax Map No. 088.-01-17.2**, consisting of approximately 6.76 ± acres of land. (Adjourned to this date and time from the July 16, 2018 Town Board Meeting) was opened by the Deputy Supervisor.

Christian Brunelle spoke on behalf of this application. Mr. Brunelle began by explaining that the Planning Board was not in favor of the proposed carwash therefore they have amended the map to reflect that the carwash is no longer part of the proposal. Mr. Brunelle continued that removing the carwash also reduces the impact on the Oak Orchard sanitary sewer. He explained that they are only seeking the Zone Change to LUC-1 on a portion of this parcel, the rest will remain HC-1.

Councilor Pleskach said that he is in favor of the Byrne Dairy Store without the gas station. A resident spoke up and explained that she was not in favor of the gas station portion of the application. Deputy Supervisor Bick explained that this is an application for a land use and does not dictate the owners use. Councilor Young concurred adding that gas station placement is a limited use.

Ruth Koch explained that she is very pleased with the application adding that she has been a patron of Byrne Dairy and feels that the placement in our town is important.

Deputy Supervisor Bick asked if there were any additional questions or comments; hearing none, he **closed** the public hearing.

**Purchase – Highway (A) 2018 WESTERN STAR 4700SF TANDEM AXLE PLOW/DUMP TRUCK:**

Councilor Hess moved the adoption of a resolution approving the purchase of **ONE (1) 2018 WESTERN STAR 4700SF TANDEM AXLE PLOW/DUMP TRUCK FOR USE BY THE HIGHWAY DEPARTMENT** for a sum not to exceed Two Hundred Thirty-Three Thousand Twenty-Two and 00/100 (**\$233,022.00**) Dollars, under **ONONDAGA COUNTY TRUCK BID #7823**. Motion was seconded by Councilor Pleskach.

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

**Purchase – Highway (A) 2018 NEW HOLLAND ST6.110 TRACTOR 4WD:**

Councilor Hess moved the adoption of a resolution approving the purchase of **ONE (1) 2018 NEW HOLLAND ST6.110 TRACTOR 4WD FOR USE BY THE HIGHWAY DEPARTMENT** for a sum not to exceed One Hundred Forty-Six Thousand Eight Hundred Fifty-Three and 00/100 (**\$146,853.00**) Dollars, under **NYSOGS AH AWARD NO. PGB22792/PC66577**. (Contractor - Tracey Road Equipment). Motion was seconded by Councilor Pleskach.

Ayes – 6 and Noes – 0. *Motion carried. Deputy Supervisor Bick explained that the Town has budgeted for the routine replacement of the highway equipment to maintain the highest level of productivity for the welfare of the residents of the Town of Clay.*

**Purchase – Highway (A) 2017 NEW HOLLAND E60C EXCAVATOR W/CAB:**

Councilor Young moved the adoption of a resolution approving the purchase of **ONE (1) 2017 NEW HOLLAND E60C EXCAVATOR W/CAB FOR USE BY THE HIGHWAY DEPARTMENT** for a sum not to exceed Seventy-Nine Thousand Two Hundred Fifty-Seven and 00/100 (**\$79,257.00**) Dollars, under **NYSOGS AH AWARD NO. PGB22792/PC67265**. (Contractor - Tracey Road Equipment). Motion was seconded by Councilor Hess.

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

**Purchase – Planning Department (A) – 2019 Nissan Leaf:**

Councilor Pleskach moved the adoption of a resolution authorizing the issuance of bonds in the amount of **\$26,000.00** for the purchase of a **2019 Nissan Leaf** vehicle for use by the Planning Department. Deputy Supervisor interjected that the Town of Clay has received Grant Monies in the amount of \$150,000.00 for Environmental Efficiencies and the cost of the vehicle will be paid off in 2019 when the funds are granted.

Motion was seconded by Councilor Hess.

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

**Authorization - State and Municipal Facilities Program (SAM):**

Councilor Meaker moved the adoption of a resolution approving the application for the **State and Municipal Facilities Program (SAM)** for the creation of a

Memorial Park and Walkway to be located at 4401 State Route 31, Clay, New York.  
Motion was seconded by Councilor Young.

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

**Lighting (1) – Bear Road:**

Councilor Meaker moved the adoption of a resolution authorizing the installation of one (1) 48w LED fixture to be installed on pole 63-B to provide for a gap in the existing lighting along Bear Road and to help illuminate a stretch of roadway as shown on a sketch plan provided by National Grid. The estimated annual cost for the overhead lighting fixture is **\$110.87**. Motion was seconded by Councilor Hall.

Ayes – 5 and Noes – 0. *Motion carried. Councilor Hess abstaining due to employment.*

**Lighting (14) – Orange Commons:**

Councilor Hall moved the adoption of a resolution authorizing the installation of fourteen (14) 100w high pressure fixtures to be installed on 14' fiberglass embedded poles using 100w fixtures as shown on a sketch plan provided by National Grid for the unlit portion of the Orange Commons development. The estimated annual cost for these underground lighting fixtures is **\$4,896.36**. Motion was seconded by Councilor Meaker.

Ayes – 5 and Noes – 0. *Motion carried. Councilor Hess abstaining due to employment.*

**Fire Hydrant – Mud Mill Road:**

Councilor Hess moved the adoption of a resolution approving the installation of a fire hydrant to provide for a 12" water main extension on Mud Mill Road approximately ±3,300' from the Caughdenoy Road intersection, and authorizing the Supervisor to execute the OCWA fire hydrant application. Fire Hydrant No. 14390, OCWA Project No. 4180091 & 9003941. Motion was seconded by Councilor Hall.

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

**Easement (drainage) (abandonment) – Daniel Cammarata – 8565 Long Leaf Trail:**

Councilor Meaker moved the adoption of a resolution approving an abandonment of a portion of the existing rear yard drainage easement located on property known as

8565 Long Leaf Trail in the Town of Clay, to the owner, Daniel Cammarata, pursuant to Town Board approval as shown on map as “Exhibit A,” and authorizing the Supervisor to execute the necessary instrument therefore. Contingent upon receipt and approval of a legal description for said release of easement by the Town Engineers and as to form and content by the Town Attorney. Motion was seconded by Councilor Pleskach.

Ayes – 5 and Noes – 1. *Motion carried. Councilor Meaker opposed.*

**Authorization – (A) LINK COMPUTER CORPORATION (MUNI- LINK) – Water Department:**

Councilor Pleskach moved the adoption of a resolution approving a Service Agreement with **LINK COMPUTER COPRPORATION (MUNI-LINK)** to provide for a cloud-based software system for use by the Water Department and authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Meaker.

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

Deputy Supervisor Bick asked if this would allow the option to pay online and it will.

**Authorization – (A) RECDESK – Parks and Rec:**

Councilor Pleskach moved the adoption of a resolution authorizing the Parks and Recreation Department to enter into an annual online subscription with RecDesk to provide for a software system for online registrations and program tracking. Motion was seconded by Councilor Hall.

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

Deputy Supervisor Bick explained this would allow the option to register and pay online.

**Additional Agenda:**

**BOND – Highway (A) 2018 WESTERN STAR 4700SF TANDEM AXLE PLOW/DUMP TRUCK:**

Councilor Young moved the adoption of a resolution authorizing the issuance of bonds in the amount of \$233,022.00 to pay for the purchase of **ONE (1) 2018 WESTERN STAR 4700SF TANDEM AXLE PLOW/DUMP TRUCK FOR USE BY THE HIGHWAY DEPARTMENT.**

**BOND – Highway (A) 2018 NEW HOLLAND ST6.110 TRACTOR 4WD:**

Councilor Hess moved the adoption of a resolution authorizing the issuance of bonds in the amount of \$146,853.00 to pay for the purchase of **ONE (1) 2018 NEW HOLLAND ST6.110 TRACTOR 4WD FOR USE BY THE HIGHWAY DEPARTMENT.**

**BOND – Highway (A) 2017 NEW HOLLAND E60C EXCAVATOR W/CAB:**

Councilor Hess moved the adoption of a resolution authorizing the issuance of bonds in the amount of \$79,257.00 to pay for the purchase of **ONE (1) 2017 NEW HOLLAND E60C EXCAVATOR W/CAB FOR USE BY THE HIGHWAY DEPARTMENT.**

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

Councilor Pleskach moved the adoption of a resolution calling a public hearing **September 5, 2018**, commencing at **7:35 P.M.**, local time 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. Councilor Pleskach added that the “Blue Ribbon Council” established to research this controversial ordinance has drafted some slight changes to the ordinance. Deputy Supervisor Bick added, any additional requested changes should be brought to the attention of this Council before the public hearing on September 5<sup>th</sup>. Motion was seconded by Councilor Hess.

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

**Adjournment:**

The meeting was adjourned at 8:29 P.M. upon motion by Councilor Young and seconded by Councilor Hess.

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

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Jill Hageman-Clark RMC / Town Clerk