

## 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 December, 2016 at 7:30 P.M., there were:

### PRESENT:

Damian Ulatowski	Supervisor
Joseph A. Bick	Deputy Supervisor/Councilor
William C. Weaver	Councilor
Jim Rowley	Councilor
Eugene Young	Councilor
David Hess	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

### ABSENT:

Naomi R. Bray	Councilor
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### OTHERS PRESENT:

Hal Henty; Member of the Planning Board & Dorothy Heller; Town 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 December 5<sup>th</sup>, 2016 meeting. Motion was seconded by Councilor Hess.

Ayes – 4 and Noes – 0. *Motion carried. Supervisor Ulatowski and Councilor Rowley abstained due to their absences at that meeting.*

### **Cancellation and/or requested adjournments.**

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

### **Correspondence:**

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

**REGULAR MEETING**

*Supervisor Ulatowski said that he would like to begin the meeting with item numbered 13 on the agenda as there was a large crowd and this was a surprise to Councilor Weaver.*

**R-16-217 Dedication of the Highway Garage to William Weaver:**

Supervisor Ulatowski moved the adoption of a resolution that in recognition of his years of excellent dedicated service to the Town of Clay, and especially the Clay Highway Department, the Town Highway Department Garage shall from this day forth be named and known as the William Weaver Highway Garage. Mr. Weaver served as Town Highway Department Superintendent from 1970 to 2004 and upon his election to the Town Board continued his dedication to the Department by serving as Town Board liaison. The Town of Clay greatly appreciates Mr. Weaver's tireless service. This resolution also authorizes the Supervisor to order proper signage for the building reflecting the spirit and intent of this resolution.

Supervisor Ulatowski explained that Councilor Weaver was instrumental in many improvements to the Town of Clay in the past 40 plus years. He explained that his accomplishments included improving the fleet in the highway garage, drainage advancements, and overseeing 28-30 parks within the Town. The Supervisor concluded by explaining that Councilor Bray echoes these sentiments.

Councilor Bick explained that Councilor Weaver is a good friend who is generous, direct and intelligent. Councilor Rowley explained that he is grateful for working with Councilor Weaver since the 90's and joked that he is glad that he is available to correct the Town Engineering. Councilor Young said that it is great sitting next to Councilor Weaver and he hopes to sit next to him for many years to come. Councilor Hess agreed with the previous statements adding that it's been a pleasure working with him and learning from him since 1993 and thanked him.

Councilor Weaver gave his heartfelt thanks.

**Special Permit (PH) Town Board Case # 1104 - SYRACUSE BRICK HOUSE, INC. D/B/A SYRACUSE BEHAVIORAL HEALTHCARE:**

A public hearing to consider the application of SYRACUSE BRICK HOUSE, INC. D/B/A SYRACUSE BEHAVIORAL HEALTHCARE FOR A SPECIAL PERMIT to allow for a hospital/clinic, pursuant to Section 203-17 C.(2)(e)[8] of the Town of Clay Zoning Code, located at **4567 Crossroads Park Drive, Tax Map No. 115.-01-19.1.** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Tim Coyer of Ianuzi and Romans was present on behalf of the applicant. Mr. Coyer began by explaining that the applicant wishes to renovate the existing building on that 5.7 acre parcel in the industrial zone. The parking will be reduced to allow for recreational facilities including basketball and volleyball courts. They are proposing two entrances from Crossroads Park Drive. The building will not be expanded but will undergo extensive renovations. Jeremy Colanski of Syracuse Behavioral Health Care explained that the 74 bed residential care facility will operate in three stages; the first being stabilization, the second being rehabilitation and the third being reintegration. The facility will focus on alcohol and substance abuse and will have 24 hour staff. The lower floors will consist of apartments for the reintegration portion of the treatment. The first phase of treatment will usually last about 2 ½ to 5 ½ days. They may leave the program of their own free will but may not return. Phase two generally lasts from 14 ½ to 22 days and the trend for phase three is generally 3-5 months with the resident being allowed to roam the property more freely.

Councilor Rowley asked if the facility would serve this population or if the residents would come from other places. Mr. Colanski explained that the majority of the population would come from Onondaga County and that the County would oversee this. Councilor Rowley asked how they are being served now. Mr. Colanski said that they are not; they are on lists for treatment, relapsing, in jail or dying .

Councilor Bick asked about the success rate of the proposed treatment. Mr. Colanski explained that the completion of the program is measured by the clinician but the success rate is generally 80-90% will complete phase one, 70-90% will complete phase two (rehab phase) and 30-60% will complete phase three (the reintegration phase) where they need you less. Councilor Bick asked if they anticipate court ordered treatment and they do.

There was a great deal of discussion regarding the need for this type of treatment and the lack of it in this area. Several residents also spoke out in favor of this including a medical professional at North Med who stated that there is a need and a student that explained that his brother is a recovering alcoholic and he is in favor of local treatment for him.

Supervisor Ulatowski said that he would refer this to the Planning Board for review and recommendation. Councilor Bick made a motion to adjourn the public hearing to **January 18, 2017 at 7:35 PM**. Motion was seconded by Councilor Hess.

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

**Zone Change (PH) Town Board Case # 1105 – 8302 OSWEGO ROAD, LLC (ROBERT ALUZZO):**

A public hearing to consider the application of **8302 OSWEGO ROAD, LLC (ROBERT ALUZZO) FOR A ZONE CHANGE FROM RA-100 Residential Agricultural to O-1 Neighborhood Office** to allow for a proposed office building located at **8302 Oswego Road, Tax Map No. 054.-01-03.1** consisting of approximately .42± acres of land was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Tim Coyer was present with the applicant, Robert Aluzzo. Mr. Coyer began by explaining where the .42 acre parcel is located. He continued that the parcel is currently zoned RA-100 and is requesting a Zone Change to O-1 office for a proposed small medical office, adding that variances will be necessary due to the highway overlay district. There was a discussion about the 12 parking spots and if there is or is not a curb cut.

Councilor Hess asked if O-1 is the smallest available zoning for this parcel and it is. Councilor Young asked about the abandoned road. Mr. Aluzzo said that part of it is owned by the Town of Clay. Councilor Young suggested that the Town of Clay sell its portion to Mr. Aluzzo. Mr. DeTota said that he believes that the Town of Clay uses the land for an access road to the Willowstream dam. There was a great deal of discussion about the abandoned road and ownership. Someone said that they thought that it had been deeded to the Town of Clay in 1932 or 1937. Mr. Aluzzo owns a portion that he bought at tax auction. Mr. Germain asked if Mr. Aluzzo had the abstract and a brief discussion followed regarding ownership of the abandoned road. Supervisor Ulatowski said that he would like to send this to the Planning Board for review and recommendation. Councilor Bick made a motion to **adjourn to January 18<sup>th</sup>, 2017 at 7:38 PM.**

**Traffic & Vehicles – (Stop Signs) (PH)- New Hope and New Hope North:**

A public hearing to consider the amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-12 “STOP INTERSECTIONS,” SCHEDULE IX (§211-42)**, of the Town of Clay Municipal Code to designate and provide for **THREE (3) STOP SIGNS** to be installed at the intersection of New Hope and New Hope North to make a three-way stop; and the installation of the necessary signs therefore was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski asked if anyone was present for the STOP sign request. Julie Lombardi of New Hope North was present. Ms. Lombardi explained that there is a great deal of foot traffic in that neighborhood between young children and the running group from the YMCA across Wetzel Road, and the lack of STOP signs makes this dangerous. The Supervisor explained that the Town Constable and the

Highway Superintendent had both recommended that one (1) STOP sign be placed at the intersection of New Hope and New Hope North not the three that were requested. Ms. Lombardi said that one is better than none and thanked the Board for hearing their request. Supervisor Ulatowski said that he would **close** the public hearing.

**LOCAL LAW NO. 1 OF THE YEAR 2017 (amending) CHAPTER 230  
“ZONING” (PH) :**

A public hearing to consider proposed **LOCAL LAW NO. 1 OF THE YEAR 2017** amending **CHAPTER 230 “ZONING”** of the Town Code to amend **§230-22 Signs** by amending **§230-22C.(1) (c) [1] [a] [1]** adding “Or uses” after ‘Permitted zones’ and adding at the end of the paragraph “for use by *Emergency Vehicle Stations* as defined in the Zoning Code,” and to be included in the Town of Clay Municipal Code was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski said that this amendment to the Local Law is just to remedy an oversight regarding the Electronic Rader Board signs. He continued that when the signs were added to the allowed use, Emergency Services stations such as fire or ambulance stations were accidentally disregarded. He concluded that this should be added because the Emergency Services are community partners that proactively alert the residents to emergency situations and deserve our complete support. The Supervisor asked if there were any questions or comments; hearing none he **closed** the public hearing.

**R-16-218 Contract - Town of Clay and Thurston, Casale & Ryan, LLC:**

Councilor Hess moved the adoption of a resolution approving a contract for professional services between the **Town of Clay and Thurston, Casale & Ryan, LLC** for real property appraisal services pursuant to a written proposal supplied to the Town dated November 30<sup>th</sup>, 2016. The proposed scope is divided into two stages and necessary for the defense of a commercial tax certiorari case pending against the Town. The anticipated cost of services will be equally split with the Liverpool Central School District. Motion was seconded by Councilor Bick.

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

**R-16-219 Contract – Lease Agreement - 4717 Wetzel Road:**

Councilor Rowley moved the adoption of a resolution approving a proposed Lease Agreement between Pat Rat Storage, Inc. and the Town of Clay for a portion of a parking lot located at **4717 Wetzel Road (part of Tax Map No. 044.-01-14.0)**

pursuant to the terms and condition of the Lease Agreement provided to the Board. Annual rent shall be \$1.00 per year. Motion was seconded by Councilor Hess.

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

**R-16-220 Budget Transfer of Appropriations:**

Councilor Rowley moved the adoption of a resolution authorizing transfer of appropriations and amending the **2016 Town of Clay Budget** in various funds to provide monies for **2016** expenditures. Motion was seconded by Councilor Hess.

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

**R-16-221 Resolution supporting Town of Dewitt Resolution Opposing The Re-routing of I-81 onto State Route 481:**

Councilor Young moved the adoption of a resolution in support of the Town of DeWitt Board resolution made August 22<sup>nd</sup>, 2016 expressing the opposition of the DeWitt Board to any State Department Transportation plan to re-route additional traffic onto State Route 481 through DeWitt during or after the completion of the State Route 81 reconstruction project. The Town of DeWitt's opposition to the proposed plan is based upon potential negative impacts to the environment of DeWitt caused by additional traffic flow on Route 481 though DeWitt including but not limited to increased safety and concerns, noise, dirt and pollution near the homes and businesses in DeWitt. The Town of Clay supports the DeWitt request that the State embrace a balanced comprehensive approach calling for more ways to avoid traffic congestion including mass transit options, use of alternative fuels, electric vehicles and a light rail system. Clay, like DeWitt resolves support for the current alignment of Route 81 through the City of Syracuse and we request the highway not be removed or impaired in configuration or function. Motion was seconded by Councilor Bick.

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

**R-16-222 SANITARY SEWER LATERAL CONNECTION - Bryan Scott Gillespie:**

Councilor Bick moved the adoption of a resolution authorizing a **SANITARY SEWER LATERAL CONNECTION**, pursuant to the written request of **Bryan Scott Gillespie**, (the property owner), to a **TOWN OF CLAY SANITARY SEWER MANHOLE** in the Town of Clay. The subject property is located at **4594 Buckley Road, having Tax Map No. 095.-02-08.0**. The cost of construction will be at no cost to the Town of Clay. The property owner agrees to pay all costs (Town and private) associated with the sanitary sewer connection as well as the Town of Clay Operation and Maintenance charges as annually assessed, and the County Sanitary District charges. The property owner further agrees to pay all annual Town and

County charges thereafter. This resolution is contingent upon receipt of \$700.00 for engineering, legal and administrative fees from Mr. Gillespie. Motion was seconded by Councilor Hess.

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

**R-16-223 Appointment – CLAY VOLUNTEER FIRE DEPARTMENT, INC:**

Councilor Young moved the adoption of a resolution approving the appointment of **Andrew Flynn** as a volunteer member of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Hess.

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

**R-16-224 License Renewal - CASUAL ESTATES, LLC D/B/A MADISON VILLAGE MOBILE HOME COURT:**

Councilor Hess moved the adoption of a resolution calling a public hearing **January 4, 2017**, commencing at **7:35 P.M.**, local time, to consider the application of **CASUAL ESTATES, LLC D/B/A MADISON VILLAGE MOBILE HOME COURT**, for the renewal of its license for the year **2017**. Motion was seconded by Councilor Bick.

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

**R-16-225 Assessment/Certiorari - M.S. Kennedy, Corp. v. Town of Clay:**

Councilor Bick moved Supreme Court Tax Certiorari action (Index No. 2015-EF3096 and 2016-EF3016) entitled **M.S. Kennedy, Corp. v. Town of Clay** Tax Map No. 095.-02-17.0 on property located at 4707 Dey Road in the Town, reducing the Assessment **from \$75,000 to \$38,790** for tax year 2016 and to **\$38,430** for tax year 2017 with total refund liability to the Respondent Town not to exceed \$3,200 subject to final audit and a full waiver of statutory interest by the Petitioner for all years with RPTL 727 applied in accordance with the terms and conditions as stated in the proposed memorandum attached and authorizing the Supervisor and Town Attorney to execute any and all documents necessary to compete this matter. Motion was seconded by Councilor Hess.

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

**Adjournment:**

The meeting was adjourned at 8:36 P.M. upon motion by Councilor Young and seconded by Councilor Bick.

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

*Councilor Weaver thanked the Town Board for the honor that was bestowed on him tonight and wished all a Merry Christmas.*

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Jill Hageman-Clark RMC / Town Clerk