

**Approved**

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 7th of September, 2016 at 7:30 P.M., there were:

**PRESENT:**

Damian Ulatowski	Supervisor
Naomi R. Bray	Councilor
Jim Rowley	Councilor
Eugene Young	Councilor
David Hess	Councilor
Vivian Mason	Recording Secretary
Mark V. Territo	Commissioner of Planning and Development
Robert Germain	Town Attorney
Ron DeTota	Town Engineer

**ABSENT:**

Joseph A. Bick	Deputy Supervisor/Councilor
William C. Weaver	Councilor
Jill Hageman-Clark	Town Clerk

**OTHERS PRESENT:**

Russ Mitchell and Hal Henty members 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 Bray made a motion to approve the minutes of the August 15<sup>th</sup>, 2016 meeting. Motion was seconded by Councilor Rowley.

Ayes – 3 and Noes – 0, Abstentions – 2 (Supervisor Ulatowski and Mr. Hess abstaining as they were absent at that meeting.) *Motion carried.*

**Cancellation and/or requested adjournments.**

Supervisor Ulatowski said that there were no adjournments or cancellations, however, Items 10 and 11 regarding **GEORGIAN COURT ENTERPRISES, LLC AND FERNANDO VONA FOR A ZONE CHANGE**, for the SEQR and the decision, will not be acted on at this meeting, as the Board needs further time to review these actions.

**Correspondence/Other Business:**

No one wished to speak.

**REGULAR MEETING:**

**R-16-144 SPECIAL PERMIT (SEQR) - NICHOLS, LD, LLC:**

Councilor Bray moved the adoption of a resolution that the application for **NICHOLS, LD, LLC FOR A SPECIAL PERMIT** pursuant to **Section 230-16 B. (2)(E)[13]** for an outdoor stage for recreation and special events on land located at **7240 Oswego Road, Tax Map No. 114.-01-32.0**; consisting of approximately 1.8± 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. The motion was seconded by Councilor Rowley.

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

**R-16-145 SPECIAL PERMIT - NICHOLS, LD, LLC:**

Councilor Bray moved the adoption of a resolution approving the application of **NICHOLS, LD, LLC FOR A SPECIAL PERMIT** pursuant to **Section 230-16 B. (2)(e)[13]** for an outdoor stage for recreation and special events on land located at **7240 Oswego Road, Tax Map No. 114.-01-32.0**; consisting of approximately 1.8± acres of land. The motion was seconded by Councilor Hess.

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

**R-16-146 TRAFFIC AND VEHICLES ORDINANCE (SEQR) – Stop Sign – (corners of Forestbrook Drive and Deerfield Road):**

Councilor Hess moved the adoption of a resolution that 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 **ONE (1) ADDITIONAL STOP SIGN** to be installed at the northeast corner of **Forestbrook Drive and Deerfield Road** to make a three-way stop 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. The motion was seconded by Councilor Rowley.

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

**R-16-147 TRAFFIC AND VEHICLES ORDINANCE – Stop Sign – (corners of Forestbrook Drive and Deerfield Road):**

Councilor Hess moved the adoption of a resolution approving the application of 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 **ONE (1) ADDITIONAL STOP SIGN** to be installed at the northeast corner of **Forestbrook Drive** and **Deerfield Road** to make a three-way stop; and the installation of the necessary signs therefore. The motion was seconded by Councilor Rowley.

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

**ZONE CHANGE (SEQR) - GEORGIAN COURT ENTERPRISES, LLC AND FERNANDO VONA:**

No action.

**ZONE CHANGE (decision) - GEORGIAN COURT ENTERPRISES, LLC AND FERNANDO VONA :**

No action.

**R-16-148 ZONE CHANGE (SEQR) - ABC ESTATES, LLC :**

Councilor Young moved the adoption of a resolution that the application for **ABC ESTATES, LLC FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **R-APT Residential Apartment** to allow for the construction of two (2) apartment buildings plus required infrastructure and garages, not to exceed the allowable density for this acreage, located at **7374 & 7368 Henry Clay Blvd., Tax Map No. 106.-04-13.0 & 106.-04-14.0**; consisting of approximately 1.54± 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. The motion was seconded by Councilor Bray.

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

**R-16-149 ZONE CHANGE (A) - ABC ESTATES, LLC:**

Councilor Young moved the adoption of a resolution approving the application of **ABC ESTATES, LLC FOR A ZONE CHANGE** from **RA-100 Residential Agricultural** to **R-APT Residential Apartment** to allow for the construction of two (2) apartment buildings plus required infrastructure and garages, not to exceed the allowable density for this acreage, located at **7374 & 7368 Henry Clay Blvd., Tax Map No. 106.-04-13.0 & 106.-04-14.0**; consisting of approximately 1.54± acres of land. The motion was seconded by Councilor Bray.

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

**R-16-150 Local Law No. 5 of the Year 2016 (A) – Zoning - “HOSPITAL/CLINIC”:**

Councilor Hess moved the adoption of a resolution approving proposed **Local Law No. 5 of the Year 2016**, amending **Chapter 230**, entitled ‘**ZONING**,’ amending **Section 230-17C.(2)(e)** to

add new item [8] “**HOSPITAL/CLINIC**” with a Town Board Special Permit to said section of the Code of the Town of Clay. The motion was seconded by Councilor Rowley.

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

**Local Law No. 6 of the Year 2016 – (PH) – Zoning - 'FLOOD DAMAGE PREVENTION':**

A public hearing to consider proposed **Local Law No. 6 of the Year 2016**, repealing the present **CHAPTER 112**, entitled '**FLOOD DAMAGE PREVENTION**' and adding new **CHAPTER 112** entitled '**FLOOD DAMAGE PREVENTION**' to comply with the Department of Environmental Conservation floodplain management requirements of the National Flood Insurance Program to the Town Code of the Town of Clay.

Supervisor Ulatowski asked the Commissioner and Town Attorney for comments regarding this resolution.

Commissioner Territo explained that the FEMA floodplain maps are outdated and need to be replaced with new ones.

Attorney Germain added that the Department of Environmental Conservation is in charge of the regulations and they are requesting the towns to adopt this Local Law so funding can be obtained.

Supervisor Ulatowski asked if there were any questions, and there were none.

Supervisor Ulatowski closed the hearing,

**Local Law No. 7 of the Year 2016 – Zoning - (PH) - “ANIMAL CARE/TRAINING FACILITY”:**

A public hearing to consider proposed **Local Law No. 7 of the Year 2016, amending Chapter 230**, entitled '**ZONING,**' amending **Section 230-17 C.(2)(e)** to add new item [9] “**ANIMAL CARE/TRAINING FACILITY**” with a Town Board Special Permit to said section of the Code of the Town of Clay was opened by the Supervisor.

Supervisor Ulatowski asked the Town Attorney for comments regarding this resolution.

Attorney Germain explained that people have shown interest in having a dog training facility in the Town of Clay, however, the Zoning Code does not provide this use in the Industrial District. This resolution will make it permissible. The Town feels the best zoning district for this facility would be an Industrial District.

Supervisor Ulatowski asked if there were any questions, and there were none.

Supervisor Ulatowski closed the hearing.

**R-16-151 Contract - JANITORIAL/CLEANING SERVICES IN THE CLAY TOWN HALL:**

Councilor Rowley moved the adoption of a resolution authorizing the Supervisor to execute an Amendment to the existing Agreement with **OSWEGO INDUSTRIES** for **JANITORIAL/CLEANING SERVICES IN THE CLAY TOWN HALL** for an additional one (1) year period and shall commence October 1, 2016 and terminate September 30, 2017; and further authorizing the Supervisor to execute the necessary documents therefore. The Amendment shall be approved as to form and content by the Town Attorney. The motion was seconded by Councilor Hess.

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

**R-16-152 Agreement Amendment - DISCLOSURE OF CONFLICTS OF INTEREST:**

Councilor Rowley moved the adoption of a resolution authorizing the Supervisor to execute an Amendment to the existing Agreement between the **Town of Clay** and **Fiscal Advisors & Marketing, Inc.** to include **APPENDIX A - DISCLOSURE OF CONFLICTS OF INTEREST** to the Financial Advisory Services Agreement. This resolution and Amendment have been approved by the Town Attorney as to form and content and further authorizes the Supervisor to execute the necessary documents therefore. The motion was seconded by Councilor Hess.

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

**R-16-153 Securities Release (Highway Construction Guarantee) - SOUTHWEST BUCKLEY PROPERTIES, LLC for RED BARN ACRES SUBDIVISION:**

Councilor Young moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **100%** of the original amount posted for Highway Construction Guarantee by **SOUTHWEST BUCKLEY PROPERTIES, LLC** for **RED BARN ACRES SUBDIVISION (Red Barn Circle, 1524 lf; Mann Drive, 284 lf & “Future Street” 165 lf)**. The roads have been completed in accordance with Town Highway Specifications. The motion was seconded by Councilor Hess.

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

**R-16-154 Securities Release (Highway Construction Guarantee) - WOODSIDE RUNNE, LLC for INVERNESS GARDENS SUBDIVISION, SECTION NO. 2:**

Councilor Young moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **100%** of the original amount posted for Highway Construction Guarantee by **WOODSIDE RUNNE, LLC** for **INVERNESS GARDENS SUBDIVISION, SECTION NO. 2 (528, lf)**. The roads have been completed in accordance with Town Highway Specifications. The motion was seconded by Councilor Hess.

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

**R-16-155 Securities Release (Highway Construction Guarantee) - GROUP ONE DEVELOPMENT, LLC for NEWBURY WOODS SUBDIVISION:**

Councilor Rowley moved the adoption of a resolution, pursuant to the written recommendation of the Superintendent of Highway, authorizing the release of **100%** of the original amount posted for Highway Construction Guarantee by **GROUP ONE DEVELOPMENT, LLC for NEWBURY WOODS SUBDIVISION (Newbury Place 2603, If & Bedford Lane 454, If)**. The roads have been completed in accordance with Town Highway Specifications. The motion was seconded by Councilor Bray.

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

**R-16-156 ZONE CHANGE (CPH) - JAMES DONEGAN (NYS Route 31):**

Councilor Rowley moved the adoption of a resolution calling a public hearing **September 19, 2016**, commencing at **7:35 P.M.**, local time to consider the application of **JAMES DONEGAN FOR A ZONE CHANGE from RA-100 Residential Agricultural to NC-1 Neighborhood Commercial** to allow for neighborhood commercial use located on **State Route 31, Tax Map No. 020.-01-05.4**; consisting of approximately 1.07± acres of land. The motion was seconded by Councilor Bray.

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

**R-16-157 ZONE CHANGE (CPH) - JAMES DONEGAN (NYS Route 31):**

Councilor Rowley moved the adoption of a resolution calling a public hearing **September 19, 2016**, commencing at **7:38 P.M.**, local time to consider the application of **JAMES DONEGAN FOR A ZONE CHANGE from RA-100 Residential Agricultural to NC-1 Neighborhood Commercial** to allow for neighborhood commercial use located on **State Route 31, Tax Map No. 020.-01-14.5**. The motion was seconded by Councilor Bray.

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

**R-16-158 Bonds - Purchase – Highway – (Correcting Resolution) - TWO (2) 2017 WESTERN STAR 4900SB TANDEM AXLE PLOW/DUMP TRUCKS:**

Councilor Young moved the adoption of a resolution authorizing the issuance of bonds in the amount of \$530,043.00 to pay for the purchase of **TWO (2) 2017 WESTERN STAR 4900SB TANDEM AXLE PLOW/DUMP TRUCKS and ONE (1) 2016 NEW HOLLAND C238 TRACK STEER LOADER FOR USE BY THE HIGHWAY DEPARTMENT**. The motion was seconded by Councilor Bray.

Supervisor Ulatowski explained that this resolution is correcting an error in the amount of a previous resolution. The previous amount was \$30,000.00 short. Purchases of these trucks helps maintain the fleet year to year.

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

**R-16-159 Contract (A) - Memorial Park:**

Councilor Bray moved the adoption of a resolution awarding a contract to the **Elite Concrete Company** for construction services of a **Memorial Park** at the Town of Clay Town Hall for the low bid of \$62,942.00. The motion was seconded by Councilor Hess.

Supervisor Ulatowski explained that the Memorial Park will be on the east side of the property and will consist of concrete sidewalks and fountain. This will be a memorial to remember those who made a difference to the Town and their community. This bid consists of three components lumped together in one amount.

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

**R-16-160 Local Law No. 7 of the Year 2016 - Zoning (SEQR) - “ANIMAL CARE/TRAINING FACILITY”:**

Councilor Bray moved the adoption of a resolution of proposed **Local Law No. 7 of the Year 2016, amending Chapter 230**, entitled ‘**ZONING,**’ amending **Section 230-17 C.(2)(e)** to add new item [9] “**ANIMAL CARE/TRAINING FACILITY**” with a Town Board Special Permit 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. The motion was seconded by Councilor Hess.

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

**R-16-161 Local Law No. 7 of the Year 2016 – Zoning (A) - “ANIMAL CARE/TRAINING FACILITY”:**

Councilor Rowley moved the adoption of a resolution approving proposed **Local Law No. 7 of the Year 2016, amending Chapter 230**, entitled ‘**ZONING,**’ amending **Section 230-17 C.(2)(e)** to add new item [9] “**ANIMAL CARE/TRAINING FACILITY**” with a Town Board Special Permit to said section of the Code of the Town of Clay. The motion was seconded by Councilor Hess.

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

**Adjournment:**

The meeting was adjourned at 7:55 P.M. upon motion by Councilor Bray and seconded by Councilor Rowley.

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