

Approved

At the Regular Meeting of the Town Board, **Town of Clay, Onondaga County**, held at the Town Hall, 4401 State Route 31, Clay, New York on the 3rd of March, 2014 at 7:30 P.M., there were:

PRESENT:

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

ABSENT:

None

OTHERS PRESENT:

Rob Bick	Assessor
Hal Henty	Planning Board Member
John Perkins	Chief of Moyers Corners Fire Department

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 moved to **Approve** the Minutes of the February 3rd, 2014 Town Board Meeting. Motion was seconded by Councilor Rowley.

Ayes-7 and Noes-0. *Unanimously carried.*

Cancellation and/or requested adjournments.

Supervisor Ulatowski said that Michael Bell is withdrawing his application however Mr. Bell is present and wishes to address the board at his designated time.

Correspondence:

Supervisor Ulatowski stated that the Liverpool Central School District wished to address the Town Board and the public regarding the upcoming budget vote and the proposed improvements to the buildings and security system. Present were Neil Fitzpatrick, D. Becker and J. Sardella to explain the *5 Year Capital Improvement Plan* further explaining that we are entering into Phase 2 of this Plan. Phase 2 is made up

of four elements and will be decided by a single yes or no vote. There will be no break down.

The four elements are comprised of Security Enhancements to allow for a uniform system in all fourteen schools including upgrades to the Fire Alarm System as well as upgrades to the Public Address Systems in twelve of the fourteen buildings.

Other improvements will include a new roof to the Liverpool High School building and improvements to the Chestnut Hill Elementary School and Chestnut Hill Middle School Buildings. The renovations will be extensive.

The breakdown on the 37.9 million dollars go as follows:

Security 2.5 Million

LHS Roof 6.6 Million

CHE Repairs 12.1 Million

CHM Repairs 16.5 Million

They explained further that \$900,000.00 will be funded by the Capital Reserve Fund with the remainder funded by bonds. The tax increase will result in 2.285% or approximately \$59.39 per \$100,000.00.

They encouraged the residents to vote on March 20, 2014 adding that there will be other meetings to attend to gain more information.

Supervisor Ulatowski thanked them and expressed his gratitude for the concise overview, explaining that he knew how difficult it was to pack it all into a ten minute dissertation.

ONONDAGA COUNTY COMMUNITY DEVELOPMENT FUNDS – 2014 (PH):

A public hearing to solicit from Town of Clay residents their comments and input regarding the use of funds by the Town of Clay with respect to the applications for funding filed with the **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2014** was opened by the Supervisor; proof of publication and posting was furnished by the Town Clerk.

Supervisor Ulatowski opened the public hearing explaining that Community Development Funds are used to fund improvements in lower income neighborhoods. He continued that the Town Board's intentions are to use the money for paving the streets within the Town of Clay. He added that with the increase in cost for products and fuel along with the harsh winter weather this should help the Town to stay on top of the paving.

Joyce Cirrito said that she was speaking on June Baycura's behalf. She continued that June would like to request that provisions for safe walking be put into place in Bayberry. She continued that the sidewalks are in disrepair or non-existent. She added that perhaps a walking path can be constructed once Stewarts opens on the corner of Buckley and Morgan Roads. Ms. Cirrito ended by saying that there are also

problems with the drainage of stormwater pooling from 48 Bayberry Circle down and the road between 1-36 Bayberry Circle is rough.

Hearing no more comments, Supervisor Ulatowski **closed** the public hearing.

Special Permit (PH) – Town Board Case # 1053 - MICHAEL BELL:

Supervisor Ulatowski said that Mr. Bell has withdrawn his application but would like to address the Town Board.

Mr. Bell began by thanking the Board for their patience and understanding. He explained that there are a great deal of hurdles and a steep expense with this project. He continued that after meeting with Hal Romans he has decided that he will resubmit his application in the future on a smaller scale and construct in phases. Mr. Bell said that he can better test the market if he begins with a one acre area, adding that he can utilize a dumping station at this size increasing to full septic if this project goes into a second phase.

Supervisor Ulatowski applauded Mr. Bell adding that he is on the right track working on a smaller scale. Mr. Bell thanked the board again.

ZONE CHANGE (CPH) – Town Board Case # 1057 - 3910 BREWERTON ROAD, L.P.:

A public hearing to consider the application of **3910 BREWERTON ROAD, L.P. FOR A ZONE CHANGE** from **LuC-1** Limited Use for Gasoline Services to **NC-1** Neighborhood Commercial **to allow for Retail use in an existing plaza at 3910 Brewerton Rd, Tax Map No. 118.-01-06.1** was opened by the Supervisor; proof of publication and posting was provided by the Town Clerk.

Robert Rotundo began by explaining that this parcel is a partnership owned by family members. Previously, *Video King* rented a portion of the building that Bath Fitters now wishes to use as a showroom.

Bath Fitters applied for a Building Permit but were denied based on the fact that the current zoning would not allow this use; and for those reasons they are applying for a change of zone.

Mr. Rotundo explained that Bath Fitters will be a good use for this parcel as they will not attract many customers to the showroom.

There was a discussion about how the retail use was established in a Gasoline Service Station use. Commissioner Territo explained that gasoline is no longer a use on this parcel and this zone change will make for a more cohesive plan.

Supervisor Ulatowski asked if there were any questions from the public. Hearing none he referred it to the Planning Board for review and recommendation.

Special Permit (PH) – Town Board Case #1056 PLUS REAL ESTATE, LLC:

A public hearing to consider the application of **PLUS REAL ESTATE, LLC** for a **SPECIAL PERMIT TO ALLOW A MEDICAL OFFICE** in part of a building owned by Avon Office Park, LLC., located at **7445 Morgan Road, (being part of Tax Map No. 104.-03-15.6, consisting of a 2,208 sq. ft. Non-medical office)**, and zoned O-2 office district. (Adjourned to this date and time from the February 3, 2014 Town Board Meeting).

Robert Ventre, Attorney for the applicant presented on behalf of the applicant. Mr. Ventre began by reminding that he had been before the Town Board last year to convert a portion from General Office use to Medical Office use and he is back to apply for a Special Permit to allow for the remainder to be used as Office space. Mr. Ventre explained that they have provided more than the required number of parking spaces to meet code adding that there will be alternate parking on the third piece of land for overflow. Councilor Young asked Commissioner Territo if he was satisfied with the parking. The Commissioner said that the tenant has only a one year lease and it could be renewed if the parking is adequate.

Rob Bick, Assessor for the Town of Clay, asked if the contractor had pulled a permit and he had.

Joyce Cerrito asked where exactly on Morgan Road this is. Mr. Ventre explained that it is south of Golds Gym.

Mr. Ventre added that the property owner stated that one of the tenants is only there on the weekends.

Supervisor Ulatowski said that he will refer this to Planning Board for review and recommendation.

Licenses and Permits (PH/adj) - CASUAL ESTATES (MOBILE HOME COURT) LLC, d/b/a MADISON VILLAGE:

A public hearing to consider the application of **CASUAL ESTATES (MOBILE HOME COURT) LLC, d/b/a MADISON VILLAGE** for the renewal of its license for the year **2014**. (Adjourned to this date from the February 3, 2014 Town Board Meeting) was opened by the Supervisor.

Rebekah Zajac, Onsite Manager for the applicant was present. Ms. Zajac stated that in the previous meeting the Town Board stated that they would like to see the burned out unit cleaned up and they have leveled it and cleaned some of the debris. She said that the remaining debris will be removed the following day.

Ms. Zajac continued that the park has contracted with a Landscaping Company for work in the spring. The Supervisor thanked Ms. Zajac for coming and letting the board know about the improvements adding that they should keep the Supervisors

office up to date on the progress. Noting that there were no further questions or comments, Supervisor Ulatowski **closed** the public hearing.

R-14-61 ONONDAGA COUNTY COMMUNITY DEVELOPMENT for the year 2014(A):

Councilor Young moved the adoption of a resolution authorizing the application to **ONONDAGA COUNTY COMMUNITY DEVELOPMENT** for the year **2014**. Motion was seconded by Councilor Edick.

Ayes- 7 and Noes- 0. *Unanimously carried.*

R-14-62 ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING PLAN(A):

Councilor Young moved the adoption of a resolution authorizing amendment to the **ONONDAGA COUNTY COMMUNITY DEVELOPMENT 5 YEAR PAVING PLAN** for the **TOWN OF CLAY**. Motion was seconded by Councilor Weaver.

Ayes- 7 and Noes- 0. *Unanimously carried.*

R-14-63 Hydrants – (A) Farmstead Water Supply District:

Councilor Edick moved the adoption of a resolution authorizing **(3) fire hydrants** in the **Farmstead Water Supply District** and authorizing the Supervisor to execute the OCWA fire hydrant application (Farmstead). Motion was seconded by Councilor Bick.

Ayes- 7 and Noes- 0. *Unanimously carried.*

R-14-64 Appointment - CLAY VOLUNTEER FIRE DEPARTMENT, INC.:

Councilor Edick moved the adoption of a resolution approving the appointment of **Joshuah Meeker** as a volunteer member into the R.A.M. (Restrictive Active Member) Program of the **CLAY VOLUNTEER FIRE DEPARTMENT, INC.** Motion was seconded by Councilor Bick.

Ayes- 7 and Noes- 0. *Unanimously carried.*

R-14-65 Easement/ Abandonment – Soule Road:

Councilor Weaver moved the adoption of a resolution authorizing the Supervisor to execute an easement from the **Town** to **National Grid** on property identified as **Tax Map No. 055.00-01-02.1** to allow for the reconstruction and partial relocation of an electrical distribution line on town property located on Soule Road, behind **Raymour & Flanigan** pursuant to a map and plan dated **November 21, 2003** to improve area electric service. Motion was seconded by Councilor Bray.

Ayes- 7 and Noes- 0. *Unanimously carried.*

R-14-66 Agreement (A) - New York State Department of Transportation:

Councilor Weaver moved the adoption of a resolution approving a Highway Work Permit between the **Town of Clay** and the **New York State Department of Transportation**, whereas said Permit is issued and used by the **Town of Clay** in connection with work affecting the Right-of-Way of a State Highway; pursuant to Article 3, Section 52 of State Highway Law and Section 1220-c of the Vehicle and Traffic Law; and further authorizing the Supervisor to execute the necessary documents therefore. Motion was seconded by Councilor Bray.

Ayes- 7 and Noes- 0. *Unanimously carried.*

MUNICIPAL COOPERATIVE INVESTMENT:

NO ACTION

R-14-67 Project/ Securities – RED BARN ACRES SUBDIVISION:

Councilor Young moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of sewer and drainage facilities located within **RED BARN ACRES SUBDIVISION**, (Bear Road Sewer District, Contract No. 33 – Lateral, and Red Barn Acres Drainage District, Contract No. 1) and the construction of said facilities having been completed in accordance with the Plans and Specifications thereof; The Town Engineers having certified that the facilities have been satisfactorily completed and that the developer post the following security as shown under correspondence by the Town Engineers' under date of February 26, 2014: **Overland Drainage Facilities Guarantee - \$30,000.00; Maintenance Guarantee - \$26,663.00** (\$13,463.00 Sewer and \$13,200.00 Drainage); **Highway - \$55,244.00; Monument Deposit - \$2,250.00; Parkland Contributions - \$17,500.00; Future Engineering/Inspection Fees - \$7,000.00; \$1,000.00 for legal and \$500.00 for administrative fees**, and any other unpaid fees that may be owed by the Town of Clay for engineering, legal and/or administrative fees; and further contingent upon the developer having complied with all the requirements set forth in an Agreement between the Town of Clay and **SOUTHWEST BUCKLEY PROPERTIES, LLC**, that the Town accept title to such facilities. Motion was seconded by Councilor Edick.

Ayes- 7 and Noes- 0. *Unanimously carried.*

R-14-68 Project/Sewer/Drainage (A) - RED BARN ACRES SUBDIVISION:

Councilor Rowley moved the adoption of a resolution accepting easements for sewer and drainage facilities located within **RED BARN ACRES SUBDIVISION**, (Bear Road Sewer District, Contract No. 33 - Lateral, and Red Barn Acres Drainage District,

Contract No. 1) all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated **January 25, 2013, last revised February 26, 2014.** Motion was seconded by Councilor Bick.

Ayes- 7 and Noes- 0. *Unanimously carried.*

R-14-69 Project/Warranty, Deed etc. - RED BARN ACRES SUBDIVISION:

Councilor Bray moved the adoption of a resolution accepting a Warranty Deed, Dedication, Application and Release of damages for the roads located within **RED BARN ACRES SUBDIVISION;** from **SOUTHWEST BUCKLEY PROPERTIES, INC.,** (Red Barn Circle, Mann Drive and “Future Street” all having Permeable Shoulders). Motion was seconded by Councilor Weaver.

Ayes- 7 and Noes- 0. *Unanimously carried.*

R-14-70 TRAFFIC AND VEHICLES ORDINANCE-SECTION 211-30, 211-30B, 211-47, 2011-31 & 211-32 (SEQR):

Councilor Bick moved the adoption of a resolution that the proposed amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-30 “AUTHORITY TO IMPOUND VEHICLES,”** by deleting the words “under the direction of the Commissioner of Public Safety,” and replacing with “under the direction of the Commissioner of Planning and Development or the Town Constable,” and further adding to **SECTION 211-30B** “where said vehicle constitutes an obstruction to traffic” to include “or obstructs a fire hydrant, driveway or residential mailbox” to the Town Code of the Town of Clay; and amend **SECTION 211-47, SCHEDULE XIV “Parking Prohibited at All Times”** to change the location of the no-parking signs on Trastevere Road to allow parking from Fortuna Parkway to South Weblank Way, from addresses 5496 to 5526 Trastevere Rd. and from 5534 to 5550 Trastevere Road (to include the intersection of Weblank Way North) and 8097 to 8113 Weblank Way. This Ordinance will also amend **SECTION 211-31 “STORAGE AND CHARGES”** and **SECTION 211-32 “NOTICE OF REMOVAL,”** by deleting “Department of Public Safety” and replacing with “Department of Planning and Development” to the Town of Clay Municipal Code; and to designate and provide for the installation of necessary **“Tow-Away”** signs therefore within 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 Rowley.

Ayes- 7 and Noes- 0. *Unanimously carried.*

R-14-71 TRAFFIC AND VEHICLES ORDINANCE-SECTION 211-30, 211-30B, 211-47, 2011-31 & 211-32 (A):

Councilor Bick moved the adoption of a resolution approving the proposed amendment of **CHAPTER 211, TRAFFIC AND VEHICLES ORDINANCE** of the Code of the Town of Clay, **SECTION 211-30 “AUTHORITY TO IMPOUND VEHICLES,”** by deleting the words “under the direction of the Commissioner of Public Safety,” and replacing with “under the direction of the Commissioner of Planning and Development or the Town Constable,” and further adding to **SECTION 211-30B** “where said vehicle constitutes an obstruction to traffic” to include “or obstructs a fire hydrant, driveway or residential mailbox” to the Town Code of the Town of Clay; and amend **SECTION 211-47, SCHEDULE XIV “Parking Prohibited at All Times”** to change the location of the no-parking signs on Trastevere Road to allow parking from Fortuna Parkway to South Weblank Way, from addresses 5496 to 5526 Trastevere Rd. and from 5534 to 5550 Trastevere Road (to include the intersection of North Weblank Way) and 8097 to 8113 Weblank Way. This Ordinance will also amend **SECTION 211-31 “STORAGE AND CHARGES”** and **SECTION 211-32 “NOTICE OF REMOVAL,”** by deleting “Department of Public Safety” and replacing with “Department of Planning and Development” to the Town of Clay Municipal Code; and to designate and provide for the installation of necessary “**Tow-Away**” signs within the Town of Clay. Motion was seconded by Councilor Edick.

Ayes- 7 and Noes- 0. *Unanimously carried.*

R-14-72 Bid (award) PHONE SYSTEM SERVICES IN THE TOWN OF CLAY TOWN HALL:

Supervisor Ulatowski moved the adoption of a resolution awarding a contract for **PHONE SYSTEM SERVICES IN THE TOWN OF CLAY TOWN HALL to GRACE COMMUNICATIONS** for the low bid of \$39,715.00; said amount being the lowest responsible bid, and further authorizing the Supervisor to execute any and all documents therefore. Motion was seconded by Councilor Bick.

Ayes- 7 and Noes- 0. *Unanimously carried.*

Supervisor Ulatowski began by explaining that a vast amount of research has gone into the award of this bid. Three proposals were solicited as required utilizing New York State’s Contract number 77018 “2014 Telephone Equipment” bid. FrontRunner Network Systems submitted a bid for Avaya IP equipment for \$36,053.00, however, this did not include labor or installation; grand total bid was \$40,103.00. A second bid was received by Northland Communications for Avaya IP equipment in the amount of \$36,155.00 (labor and installation included) and a third bid received by Grace Communications for NEC equipment in the amount of \$39,715.00 (labor and installation included). Upon an intensive investigation, Grace Communications was selected because the bid price includes: the hybrid technology of NEC equipment which supports the current infrastructure between the Town of Clay and Highway Department offices; administrative features that can be individually customized to support the various departments; specific features and ease of use of the equipment; and individualized trainings and customer support during and after the installation

process. In addition, references received were considered in the decision. Factoring the hybrid equipment/technology, inclusive training, customer support and references, this was unquestionably the best fit and the most responsible bid for the Town of Clay.

Ayes- 7 and Noes- 0. *Motion carried.*

Adjournment:

The meeting was adjourned at 8:47 P.M. upon motion by Councilor Bray and seconded by Councilor Bick.

Ayes-7 and Noes-0. *Motion carried.*

Jill Hageman-Clark RMC, Town Clerk