

At the Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 19th of March, 2012 at 7:30 P.M., there were:

PRESENT:

Joseph A. Bick	Councilor/Acting Chairman
Naomi R. Bray	Councilor
Bruce N. Johnson	Councilor
Eugene Young	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
Robert L. Edick	Deputy Supervisor/Councilor
William C. Weaver	Councilor

The meeting was called to order by Chairman Bick at 7:30 P.M. All present joined in the Pledge of Allegiance.

Approval of Minutes:

Councilor Johnson moved the adoption of a resolution to **Approve** the Minutes of the March 5th, 2012 Town Board Meeting. Motion was seconded by Councilor Young.

Ayes-4 and Noes-0. *Motion carried.*

Cancellation and/or requested adjournments.

Chairman Bick stated that the Public Hearing for Eaglewood will be adjourned to the next meeting.

Correspondence:

Chairman Bick asked if anyone wished to address the Board on any items not on the agenda.

REGULAR MEETING:

Project (IH) Onondaga County Water Board:

An informational hearing by the Onondaga County Metropolitan Water Board regarding the Terminal Reservoir Project to be constructed on property owned by the Water Board located on Water Board Road at the intersection of NYS Route 31

was opened by the Chairman. In order to comply with new EPA Water Treatment Rules the Water Board proposes to construct two 15 MG closed water tanks.

Michelle Baines of O'Brien and Gere began by explaining that two new water storage tanks will be erected. In addition they will upgrade the pump for the existing 30 million gallon water reservoir. The 15 million gallon tanks that will replace the existing tank will be constructed to the specifications of the regulatory commission. The new tanks will reduce the possibility of contamination by improving water security.

Ms. Baines continued by explaining that construction will begin immediately and it will take approximately 2 years until completion. The crews will typically work from 7:00 A.M. until 6:00 P.M. with the exception of the concrete work that will need to be done at night due to the curing process. This process will be environmentally friendly and some of the materials will be reused. The existing 6' chain link fence will be replaced by an 8' chain link fence adding to the security measures, and portions of the vegetation will remain.

Ruth Voltion of Huntingcreek Drive voiced her concerns about the mosquitoes with the clearing of brush. Ms. Baines explained that the contractor will control the water during this project. She added that the finished drain will be an improvement with the exception of the wetlands.

Maureen Salka of Partridge Way asked what protection there will be for the residents if the tanks were to leak or break. Ms. Baines stated that the property will drain to the south west corner and the likelihood of a break is improbable.

Russ Mitchell asked if this will be before the Planning Board. Chairman Bick stated that this is an Informational Hearing and that the Town Board has no say in this matter. He then asked if there were anymore questions or comments. Hearing none he closed the hearing.

Zone Change - (PH) Town Board Case # 1032 - EAGLEWOOD ASSOCIATES, INC. and THE ESTATE OF DOROTHY LEPINSKE, DAVID LEPINSKE, EXECUTOR:

The applicant requested an adjournment. Councilor Johnson made a motion to **adjourn** the public hearing to April 2, 2012 at 7:44 P.M. Motion was seconded by Councilor Young.

Ayes-4 and Noes-0. *Motion carried.*

Zone Change - (PH) Town Board Case # 1020 - COR VERPLANK ROAD COMPANY, LLC:

A public hearing to consider the application of **COR VERPLANK ROAD COMPANY, LLC**, for a change of zone from **RA-100 RESIDENTIAL AGRICULTURAL DISTRICT** to **RESIDENTIAL R-15 DISTRICT**, on part of **Tax Map No. 021.-01-2.3** consisting of **77.19± acres of land**, located on **VerPlank Road** and being part of **Tax Map No. 021.-01-03.4** being land located at **3950 VerPlank Road** and from **R-APT APARTMENT DISTRICT** to **RESIDENTIAL R-15 DISTRICT** on part of **Tax Map No. 021.-01-2.3** consisting of **10.88± acres of land located on VerPlank Road** was opened by the Chairman, proof of publication and posting was furnished by the town clerk. (Adjourned to this date and time at the March 5th, 2012 Town Board Meeting).

Hal Romans spoke on behalf of the applicant and began by giving a brief overview of the application. He continued that the Town Engineer stated that the sewer capacity is fine.

Councilor Young asked if the green space would be maintained by COR Management Services and Kate Johnson of COR stated that it will. Councilor Johnson asked what would happen in the future if COR no longer owned the property adjacent. Ms. Johnson stated that if the Board preferred a simple Home Owners Association could be drafted. Chairman Bick asked if COR would offer to file restrictive covenants.

There was discussion about the stormwater and Ron DeTota said that he would like to discuss this with Councilor Weaver before making a decision. Councilor Bray agreed.

Chairman Bick said that he would leave the public hearing open. Councilor Bray made a motion to **adjourn** to **April 2, 2012 at 7:47 P.M.** Motion was seconded by Councilor Young.

Ayes-4 and Noes-0. *Motion carried.*

Correction/Appointment - Board of Assessment Review:

Councilor Young moved the adoption of a resolution approving the correction of Mary Lou Des Rosiers' expiration date as a member of the Board of Assessment Review from December 30th, 2014 to September 30th, 2014. Motion was seconded by Councilor Bray.

Ayes-4 and Noes-0. *Motion carried.*

**Agreement/Amendment - Cooperative Liquid Asset Securities System
Municipal Cooperation Agreement:**

Councilor Johnson moved the adoption of a resolution approving an amendment dated as of April 23rd, 2012 to the Cooperative Liquid Asset Securities System Municipal Cooperation Agreement, as amended and restated as of October 20th, 1999. Said Agreement reflects that the Municipal Cooperation Agreement referenced above is hereby amended so that it shall now be by and between the Village of Potsdam and the participants thereto, as well as the definitions for Investment Advisor, Lead Participant, and Service Agreement; and authorizing the Supervisor to execute same. This resolution is a result of a change in the lead participant for the program from Westchester BOCES to the Village of Potsdam. Motion was seconded by Councilor Bray.

Ayes-4 and Noes-0. *Motion carried.*

Bank Designation:

Chairman Bick moved the adoption of a resolution designating Pathfinder Bank as one of the official depository of the Town of Clay. Motion was seconded by Councilor Johnson.

Ayes-4 and Noes-0. *Motion carried.*

**Street Lights - RIVERWALK SUBDIVISION and GUY YOUNG ROAD and
BENJAMIN WRIGHT WAY:**

Councilor Johnson moved the adoption of a resolution authorizing the installation of five (5) 100 watt high pressure fixtures be installed on 14' fiberglass embedded poles using 100w fixtures to illuminate the developed portion of **RIVERWALK SUBDIVISION**. The estimated annual cost for the underground lighting fixtures is **\$1,475.00**. It is also recommended to install a **150w HPS** light on **Guy Young Road, Pole 39-1**, to help illuminate the intersection of **GUY YOUNG ROAD** and **BENJAMIN WRIGHT WAY**, as shown on map provided by National Grid. The estimated annual cost for this intersection light is **\$161.90**. Motion was seconded by Councilor Bray.

Ayes-4 and Noes-0. *Motion carried.*

Street Lights - INVERNESS GARDENS, SECTION NO. 2 SUBDIVISION:

Councilor Bray moved the adoption of a resolution authorizing the installation of three (3) 100 watt high pressure fixtures be installed on 14' fiberglass embedded poles using 100w fixtures to illuminate the developed portion of **INVERNESS GARDENS, SECTION NO. 2 SUBDIVISION**, as shown on map provided by

National Grid. The estimated annual cost for the underground lighting fixtures is **\$795.45**. Motion was seconded by Councilor Young.

Ayes-4 and Noes-0. *Motion carried.*

Appointment - Board of Ethics:

Councilor Bick moved the adoption of a resolution appointing **DIANE BROWNING** to the Board of Ethics for a term of five years, said term to expire December 31, 2016. Motion was seconded by Councilor Bray.

Ayes-4 and Noes-0. *Motion carried.*

Agreement - Town of Clay Local Waterfront Revitalization Program:

Councilor Bray moved the adoption to pass the following resolution. Motion was seconded by Councilor Young.

Ayes-4 and Noes-0. *Motion carried.*

WHEREAS, the Town of Clay initiated preparation of a Local Waterfront Revitalization Program in cooperation with the New York State Department of State, pursuant to Article 42 of the Executive Law; and

WHEREAS, a Draft Local Waterfront Revitalization Program Amendment was accepted by the Department of State and circulated to potentially affected State, Federal, and Local agencies in accordance with the requirements of Executive Law, Article 42;and

WHEREAS, the Town Board of the Town of Clay, as lead agency, issued a Negative Declaration - Notice of Determination of Non-Significance on September 15, 2008, for preparation of the Local Waterfront Revitalization Program, pursuant to Article 8 of the Environmental Conservation Law (State Environmental Quality Review Act);

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clay Local Waterfront Revitalization Program is hereby adopted, and that the Supervisor is authorized to submit the Local Waterfront Revitalization Program Amendment to the New York State Secretary of State for approval, pursuant to the Waterfront Revitalization of Coastal Areas and Inland Waterways Act.

Special Permit (CPH) - Town Board Case # 1036 of SJLS, LLC and 8220 OSWEGO ROAD DEVELOPMENT:

Councilor Young moved the adoption of a resolution calling a public hearing **April 16th, 2012**, commencing at **7:35 P.M.**, local time, to consider the application of **SJLS, LLC and 8220 OSWEGO ROAD DEVELOPMENT** for a **SPECIAL PERMIT TO ALLOW FOR A MEDICAL OFFICE** on property located at **8302 Provo Drive, Tax Map No. 067.-11-01.2**. Motion was seconded by Councilor Bray.

Ayes-4 and Noes-0. *Motion carried.*

Project/ Securities - RIVERWALK, SECTION NO. 1 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 **RIVERWALK, SECTION NO. 1 SUBDIVISION**, (Riverwalk Sewer District, Contract No. 1 and Riverwalk 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 March 16, 2012: **Overland Drainage Facilities Guarantee - \$65,000.00 ; Maintenance Guarantee \$13,800.00** (\$7,430.00 Sewer and \$6,370.00); - **\$34,500.00 Highway for Section No. 1 only** and **\$107,000.00 to ensure construction of future roads for remaining sections of Riverwalk; Monument Deposit - \$900,00, Parkland Contributions -\$9,500.00; Future Engineering/Inspection Fees - \$4,00.00; \$1,500.00 - legal and \$650.00 for administrative fees, and any other unpaid fees that may be owed by the Town of Clay** for engineering, legal, and 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 **RIVERWALK ASSOCIATES, INC.**, that the Town accept title to such facilities. Motion was seconded by Councilor Bray.

Ayes-4 and Noes-0. *Motion carried.*

Project/ Sewers (A) - RIVERWALK, SECTION NO. 1 SUBDIVISION:

Councilor Johnson moved the adoption of a resolution accepting an easement for sewer and drainage facilities located within **RIVERWALK, SECTION NO. 1 SUBDIVISION**, (Riverwalk Sewer District, Contract No. 1 and Riverwalk Drainage District, Contract No. 1) all as shown on a Final Plan prepared by Ianuzi & Romans Land Surveying, P.C., dated **December 1st, 2011**, last revised

February 2nd, 2012, from RIVERWALK ASSOCIATES, INC. Motion was seconded by Councilor Young.

Ayes-4 and Noes-0. *Motion carried.*

Reduction in Insurance Requirements (OCP):

Councilor Bray moved the adoption of a resolution approving the reduction of the OCP Insurance requirements required from developers, contractors and other vendors from Each Occurrence \$1,000,000.00/ \$3,000,000.00 Aggregate to \$1,000,000.00 Each Occurrence to \$2,000,000.00 Aggregate, due to failure to find admitted carriers to do business in the State of New York , pursuant to the recommendation. Motion was seconded by Councilor Young.

Ayes-4 and Noes-0. *Motion carried.*

Securities (release) LAWTON VALLEY HUNT, SECTION NO. 16 SUBDIVISION:

Councilor Johnson moved the adoption of a resolution, pursuant to the written recommendation of the Town Engineers, authorizing the release of the **\$3,365.00** security posted representing 1 year Repair and Maintenance Guarantee security for the drainage and sewer facilities located within **LAWTON VALLEY HUNT, SECTION NO. 16 SUBDIVISION** to the developer **KELLY-TOBIN DEVELOPMENT CORPORATION**. Motion was seconded by Councilor Bray.

Ayes-4 and Noes-0. *Motion carried.*

Adjournment:

The meeting was adjourned at 8:30 P.M. upon motion by Councilor Bray and seconded by Councilor Young.

Ayes-4 and Noes-0. *Motion carried.*