

At the Organizational and Regular Meeting of the Town Board, Town of Clay, Onondaga County, held at the Town Hall, Clay, New York on the 3rd of January, 2011 at 7:00 P.M., there were:

PRESENT:

Damian M. Ulatowski	Supervisor
Robert L. Edick	Deputy Supervisor/Councilor
Clarence A. Rycraft	Councilor
Naomi R. Bray	Councilor
William C. Weaver	Councilor
Joseph A. Bick	Councilor
Bruce N. Johnson	Councilor
Jill Hageman-Clark	Town Clerk
Mark V. Territo	Commissioner of Planning and Development
Robert M. Germain	Town Attorney
Ron DeTota	Town Engineer

The meeting was called to order by Supervisor Ulatowski at 7:00 P.M. All present joined in the Pledge of Allegiance.

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ORGANIZATIONAL MEETING: 7:00 P.M.

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Official Rules of Procedure - Roberts Rules of Order:

Supervisor Ulatowski moved the adoption of a resolution that Roberts Rules of Order be the official rules of procedures at Town Board Meetings, subject to the Rules provided by the Town Law and like Statutes which shall prevail (except that there shall be no second reading of resolutions at Town Board Meetings unless the same is requested, and that there shall be no votes taken when the question of a pending resolution is called unless an objection is stated to voting upon such resolution forthwith). Motion was seconded by Councilor Edick.

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

Town Board Meeting Schedule:

Supervisor Ulatowski moved the adoption of a resolution establishing the **first and third Mondays** of each month as the meeting nights for **Town Board at 7:30 P.M.**, local time, as the hour of commencement. Motion was seconded by Councilor Weaver.

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

Supervisor Ulatowski moved the adoption of a Resolution that the Town Hall will be closed on the following holidays in 2011: New Year's Day 2011- Friday December 31st, 2010; Martin Luther King, Jr., Day - Monday January 17th Town Board Meeting cancelled and rescheduled for Wednesday January 19th, 2011; Presidents' Day - Monday February 21st and cancelling the Town Board Meeting; Good Friday - April 22nd Town Hall closes at 12:15 PM, Highway at 11:00 AM; Memorial Day Weekend – Friday May 27th and Monday May 30th; Independence Day - Monday July 4th; Labor Day – Monday September 5th, canceling Town Board Meeting and rescheduling same for Wednesday–September 7th; Election Day – Tuesday November 8th; Veteran's Day – Friday November 11th; Thanksgiving -Thursday November 24th and Friday November 25th and Christmas Eve – Friday December 23rd and Christmas – Monday December 26th for 12/25/11. Motion was seconded by Councilor Weaver.

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

Supervisor Ulatowski moved the adoption of a resolution canceling the Town Board Meeting July 4th and August 1st, 2011 Town Board Meeting. NOTE: The Town Board will meet on July 18th and August 17th, 2011 during July and August. Motion was seconded by Councilor Bray.

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

GENERAL COMMITTEE appointment by the Supervisor:

Special Districts	Councilor Rycraft
Finance	Councilor(s) Rycraft and Johnson
Parks, Recreation & Human Resources	Councilor Bick
Public safety	Councilor Edick
Highway & Public Works	Councilor Weaver
Planning & Development	Councilor(s) Johnson and Bray
Zoning Board of Appeals	Councilor Johnson
Personnel	Supervisor Ulatowski
Industrial Development	Supervisor Ulatowski /Councilor Edick
Building	Councilor(s) Edick and Weaver
Recreation Facilities & Grants Special Committee	Councilor Bick
Liaison North Syracuse School District	Councilor(s) Edick and Bick
Liaison Liverpool School District	Supervisor Ulatowski/Councilor Johnson

Councilor Bick moved the adoption of a resolution that the annual salaries for the **Town Personnel** for **2011** be established as follows:

Supervisor.....	\$ 47,294.00
Deputy Supervisor.....	\$ 12,182.00
Councilors.....	\$ 11,009.00
Judges.....	\$ 35,440.00
Comm. of Parks, Recreation & Human Resources.....	\$ 54,513.00
Commissioner of Finance.....	\$ 27,385.00
Commissioner of Planning & Development.....	\$ 62,733.00
Town Clerk.....	\$ 47,406.00
Receiver of Taxes.....	\$ 47,406.00
Assessor.....	\$ 65,073.00
Highway Superintendent.....	\$ 73,841.00
Water Superintendent.....	\$ 56,243.00

Motion was seconded by Councilor Johnson.

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

Appointments:

Supervisor Ulatowski appointed Councilor Edick as **Deputy Supervisor**. Motion was seconded by Councilor Bray.

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

Supervisor Ulatowski said that he would not be appointing a delegate or an alternate delegate to the Association of Town as the town will again not be attending in effort to keep spending low.

*Move the adoption of a resolution appointing Councilor **delegate** to the **Association of Towns**.*

No action

*Move the adoption of a resolution appointing Councilor **alternate delegate** to the **Association of Towns**.*

No action

Authorization - Check Signing:

Councilor Bray moved the adoption of a resolution authorizing the **Deputy Supervisor** to sign checks drawn on Town funds in the absence of the Supervisor. Motion was seconded by Councilor Rycraft.

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

Town Engineers:

Councilor Johnson moved the adoption of a resolution that **C & S Engineers, Inc.**, be retained by the Town to perform such Special District services as the Town may require and authorizing the Supervisor to enter into an annual contract with said firm. Motion was seconded by Councilor Bray.

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

Councilor Johnson moved the adoption of a resolution authorizing the **Town Engineers** to update the "**Town of Clay Zoning Map**" annually, with payment for same to be authorized from the General Fund of the Town of Clay. Motion was seconded by Councilor Weaver.

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

*Move the adoption of a resolution authorizing **C & S Engineers, Inc.**, to maintain and host the Town of Clay internet based GIS website for a fee of \$ per month for the year **2011**.*

Supervisor Ulatowski said that no action would be taken at this time on this item.

Town Attorneys:

Councilor Bray moved the adoption of a resolution retaining Germain & Germain as attorney(s) for the Zoning Board of Appeals, to receive \$16,000.00 for the Zoning Board of Appeals work for the year **2011**. Motion was seconded by Councilor Rycraft.

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

Bank Designation:

Councilor Edick moved the adoption of a resolution designating the following as the official **2011** depository banks for the Town of Clay: **M & T Bank; JP Morgan Chase Bank; KeyBank National Association; Bank of America Bank; Alliance Bank, N.A.; Solvay Bank, RBS Citizens Bank, First Niagara Bank, and Westchester BOCES-MBIA** - pooled cash investment program (class), or successor. Motion was seconded by Councilor Weaver.

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

Newspaper Designation:

Councilor Weaver moved the adoption of a resolution designating the **Syracuse Post Standard** as the official Town's newspaper for **2011** and designating the **Star News** and the **Liverpool Review** as alternate newspapers for the publication of legal notices. Motion was seconded by Councilor Bray.

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

Appointments - Town Officers:

Councilor Edick moved the adoption of a resolution appointing **Mike Ploski** and **Jim Bowles** as **Dog/Animal Control Officers** for the year **2011**. Motion was seconded by Councilor Weaver.

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

Councilor Bray moved the adoption of a resolution appointing **Dino Paschetto**, to the **Board of Assessment Review** for a term of five years. Said term to expire **September 30th, 2015**. Motion was seconded by Councilor Weaver.

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

Councilor Johnson moved the adoption of a resolution appointing **Walter Lepkowski**, as **Chairman of the Planning Board** for the year **2011**. Motion was seconded by Councilor Edick.

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

Councilor Johnson moved the adoption of a resolution appointing **David Hess** to the **Planning Board** for a term of seven years. Said term to expire **December 31st, 2017**. Motion was seconded by Councilor Bray.

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

Councilor Johnson moved the adoption of a resolution appointing **Charles Mangan**, as **Chairman of the Zoning Board of Appeals** for the year **2011**. Motion was seconded by Councilor Weaver.

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

Councilor Johnson moved the adoption of a resolution appointing **Charles Mangan**, to the **Zoning Board of Appeals**. Said term to expire **December 31st, 2015**.

Motion was seconded by Councilor Bray.

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

Councilor Bick moved the adoption of a resolution appointing **Dorothy Heller** and **Harold Baker**, as **Town Historians** for the year **2011**. Motion was seconded by Councilor Edick.

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

Councilor Bray moved the adoption of a resolution, pursuant to **Local Law Chapter 104, "ETHICS LAW", Article IV, "BOARD OF ETHICS"**, appointing **Jill Hageman-Clark**, for a term of five years as a member of the **Board of Ethics**. Said term to expire **December 31st, 2015**. Motion was seconded by Councilor Weaver.

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

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REGULAR AGENDA
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Approval of Minutes:

Councilor Edick moved the adoption of a resolution to Approve the Minutes of December 20th, 2010 Regular Town Board Meeting. Motion was seconded by Councilor Bick.

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

Cancellation and/or requested adjournments.

Supervisor Ulatowski explained that the Board would begin with the items on the agenda other than the Public Hearings and come back to them after the posted time.

Correspondence:

David Weigel approached the Board regarding the sewer issues that he brought up at the December 20th meeting. He thanked Supervisor Ulatowski for addressing this. He added that Mrs. Bocyck was very grateful and that it was handled quickly and her sewer is now in good working order.

Ron DeTota explained that the problem was with the drain and resetting the breaker, adding that the pump was in good working order. Ron explained that there is one service person for this at this time.

Mr. Weigel asked about a back up person.

The Supervisor stated that at this time there is no back up person. There is a firm in Rochester that can handle this type of problem but they charge for the full travel time as well as service at a hefty rate.

Councilor Weaver said that he would discuss this further with the Board and the Highway Department to see if a solution could be found.

Mr. Weigel stated that he had another question regarding the termination of three employees of the town. He continued by stating that he understood two of the three but not the employee with 30+ years. He asked if she was offered a retirement option.

Supervisor Ulatowski stated that the employees were not 'terminated', that the positions had been eliminated due to budget constraints.

Mr. Weigel continued, inquiring as to if the employee has an option to extend health benefits.

The Supervisor stated that she will be able to extend her benefits either by contract or by those offered by the Town.

Zone Change (PH/adj) Town Board Case # 1020 - COR VER PLANK ROAD COMPANY, LLC.:

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 Ver Plank Road and part of Tax Map No. 021.-01-03.4 being land located at 3950 Ver Plank 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 Ver Plank Road. (Adjourned to this date and time at the December 6th, 2010 Town Board Meeting.)

Supervisor Ulatowski stated that the applicant has requested an adjournment.

Councilor Edick moved the adoption of a resolution adjourning this Public Hearing to January 19th, 2011 at 7:44 P.M.

Motion was seconded by Councilor Bray.

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

Zone Change (PH/ adj) Town Board Case # 1022 - THE SALVATION ARMY and G. DAVID BURDICK:

Public hearing to consider the application of **THE SALVATION ARMY and G. DAVID BURDICK** for a change of zone from **LuC-1 Limited Use District for Gasoline Services** to **HC-1 Highway Commercial** on property located at **3906 Brewerton Road, Tax Map No. 118.-01-07.1** and from **LuC-1 Limited Use District for Gasoline Services** and **RC-1 Regional Commercial District** to **HC-1 Highway Commercial**, on property located at **3818 Brewerton Road, Tax Map No. 118.-01-08.1**. (Adjourned to this date and time at the December 6th, 2010 Town Board Meeting.)

Supervisor Ulatowski asked if anyone was present for the applicant and there was not. Supervisor Ulatowski asked if there were any further comments or questions and there were none. All persons wishing to be heard having been heard the hearing was closed.

Project (sewer) - NEWBURY WOODS SEWER DISTRICT:

Councilor Weaver moved the adoption of a resolution approving the creation of a sewer district within the Town of Clay to be designated and known as "**NEWBURY WOODS SEWER DISTRICT.**" (Newbury Woods Subdivision) Motion was seconded by Councilor Edick.

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

Project (drainage) - NEWBURY WOODS DRAINAGE DISTRICT:

Councilor Weaver moved the adoption of a resolution approving the creation of a drainage district within the Town of Clay to be designated and known as "**NEWBURY WOODS DRAINAGE DISTRICT.**" (Newbury Woods Subdivision) Motion was seconded by Councilor Bick.

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

Project (lighting) - NEWBURY WOODS LIGHTING DISTRICT:

Councilor Weaver moved the adoption of a resolution approving the creation of a lighting district within the Town of Clay to be designated and known as "**NEWBURY WOODS LIGHTING DISTRICT.**" (Newbury Woods Subdivision) Motion was seconded by Councilor Rycraft.

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

Project (water supply) - NEWBURY WOODS WATER SUPPLY DISTRICT:

Councilor Weaver moved the adoption of a resolution approving the creation of a water supply district within the Town of Clay to be designated and known as **"NEWBURY WOODS WATER SUPPLY DISTRICT."** (Newbury Woods Subdivision) Motion was seconded by Councilor Rycraft.

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

Project (acquire public facilities) - NEWBURY WOODS:

Councilor Weaver moved the adoption of a resolution that it is in the public interest that the Town of Clay approve the construction and acquire the public facilities located within **NEWBURY WOODS SUBDIVISION** (Newbury Woods Sewer District, Contract No. 1, Newbury Woods Drainage District, Contract No. 1, Newbury Woods Lighting District and Newbury Woods Water Supply District) in accordance with the terms and conditions of a certain Agreement entered into between the Town of Clay and **GROUP ONE DEVELOPMENT, LLC.** Motion was seconded by Councilor Bray.

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

Project/Securities (posting) - WATERHOUSE LANDING SUBDIVISION, SECTION NO. 2:

Councilor Weaver moved the adoption of a resolution that the Town of Clay having conducted public hearings to consider the construction and acquisition of drainage and sewer facilities located within **WATERHOUSE LANDING SUBDIVISION, SECTION NO. 2** (Waterhouse Landing Sewer District, Contract No. 1 and Waterhouse Landing 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 fees and security **\$10,862.00 Maintenance Guarantee; \$35,672.00 Highway Construction Guarantee; \$1,350.00 Monument Deposit; \$10,500.00 Parkland Contribution; \$14,000.00 for Engineering and Future Engineering Inspection Fees;** and further contingent upon the developer having complied with all the requirements set forth in an Agreement between the Town of Clay and **COMBAT CONSTRUCTION, LLC.**, that the Town accept title to such facilities. Subject to approval by the Town Attorney and Town Engineers and posting of the necessary securities and Engineering fees. Motion was seconded by Councilor Bick.

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

Project/Easement - WATERHOUSE LANDING SUBDIVISION, SECTION NO. 2:

Councilor Edick moved the adoption of a resolution accepting Right-of-Way and Easements for drainage and sewer facilities located within **WATERHOUSE LANDING SUBDIVISION, SECTION NO. 2** from **COMBAT CONSTRUCTION, LLC** all as shown on a Map prepared by **SEGUIN LAND SURVEYING, P.L.L.C.** of Chittenango, New York dated 08/20/2010 and last revised 12/23/2010. Motion was seconded by Councilor Weaver.

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

Project/Warrenty Deed etc. - WATERHOUSE LANDING SUBDIVISION, SECTION NO. 2:

Councilor Edick moved the adoption of a resolution accepting a **Warranty Deed, Dedication, Application and Release of damages** for Town Highways located within **WATERHOUSE LANDING SUBDIVISION, SECTION NO. 2** from **COMBAT CONSTRUCTION, LLC**, (Millstream Drive, 1,274' - width 22' – with 2.5' Gutter each side.) Motion was seconded by Councilor Bray.

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

Licenses and Permits (CPH) - CASUAL ESTATES MOBILE HOME COURT:

Councilor Bick moved the adoption of a resolution calling a public hearing **February 7th, 2011**, commencing at **7:35 P.M.**, local time, to consider the application of **CASUAL ESTATES MOBILE HOME COURT** for the renewal of its license for the year **2011**. Motion was seconded by Councilor Weaver.

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

Adjournment:

The meeting was adjourned at 7:40 P.M. upon motion by Councilor Bray and seconded by Councilor Edick.

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